



Donald C. Hellman Task Force Program

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# Countering the Illiberal Drift in Europe

Mobilizing Civil Society  
and Governments to  
Defend Liberal Democracy

# Countering the Illiberal Drift in Europe

*Mobilizing Civil Society and Governments to Defend Liberal Democracy*

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## Key Abbreviations

### General Terms

ALMA	Aim, Learn, Master, Achieve (European Social Fund Plus program)
CC	Constitutional Court (Spain)
CCIF	Collectif contre l'islamophobie en France (Collective Against Islamophobia in France) (NGO)
CEE	Central and Eastern Europe
CÖKA	Civil Összefogás Közhasznú Alapítvány (Civil Union Benefit Foundation) (Hungary)
ECJ	European Court of Justice
ECPMF	European Centre for Press Media and Freedom
EDMO	European Digital Media Observatory
EFTA	European Free Trade Association
ESF+	European Social Fund Plus
EMU	European Monetary Fund
EU	European Union
GCJ	Consejo General del Poder Judicial (General Council of the Judiciary) (Spain)
GDP	Gross Domestic Product
ICC	Intercultural Cities programme (Council of Europe and the European Commission)
LGBTQ	Lesbian, Gay, Bisexual, Transgender, and Queer
MENA	Menor Extranjero no Acompañado (Unaccompanied Foreign Minors) (Spain)
MEP	Member of the European Parliament
NCRTV	National Council for Radio and Television (Greece)
NCSF	Norwegian Civil Support Fund
NGO	Non-governmental organization
NHMM	Hungary's Media Authority

OECD	Organisation for Economic Co-operation and Development
OSCE	Organization for Security and Cooperation in Europe
PAN	Polska Akademia Nauk (Polish Academy of Sciences)
POSTA	Magyar Posta (Hungarian Post) (Hungary)
RIAC	Regional Integration Accelerators program
TEU	Treaty of European Union
UN	United Nations

### National Political Parties

AfD	Alternativ für Deutschland, Alternative for Germany
CDU	Christlich Demokratische Union Deutschlands, Christian Democratic Union of Germany
FDI	Fratelli d'Italia, Brothers of Italy
FPÖ	Freiheitliche Partei Österreichs, Freedom Party of Austria
PiS	Prawo i Sprawiedliwość, Law and Justice (Poland)
PP	Partido Popular, People's Party (Spain)
PSD	Partidul Social Democrat, Social Democrats Party (Romania)
PVV	Partij voor de Vrijheid, Party for Freedom (Netherlands)
RN	Rassemblement National, National Rally (France)
SD	Sverigedemokraterna, Sweden Democrats

### European Parliament Political Groups

ECR	European Conservatives and Reformists Group
EPP	European People's Party
ID	Identity and Democracy
S&D	Progressive Alliance of Socialists and Democrats



# Executive Summary

European democracy is at a crossroads. Right-wing populist parties have surged into the political mainstream—bringing illiberal views, including xenophobic, anti-feminist, and anti-immigrant perspectives, to the forefront of debate. Many of these parties have openly rejected the liberal worldview that underpins the European Union. And in power, illiberal leaders in countries like Poland and Hungary have dismantled liberal and democratic institutions, attacking independent political institutions and civil society (Heller, 2017). The retreat of democracy on the continent contrasts with the hopeful vision liberal democrats expressed in previous decades, when the seeming success of democratic reforms in Central and Eastern Europe led some to foresee the “end of history” (Fukuyama, 1992).

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In this Task Force, we identify the main drivers of this illiberal drift. We highlight the political strategies that illiberal forces employ to undermine liberal democracy, and offer policy solutions on how to counter these strategies. Our policy report addresses three thematic areas: first, the **Politics of Exclusion**: covering the cultural arguments that illiberal actors have built around race, migration, gender, and “collective victimhood.” Second, we investigate the **Politics of Sovereignty**: the backlash against European integration and globalization that have strained Europe’s liberal consensus. Finally, we examine the **Politics of Democratic Institutions**, interrogating how illiberal parties and states have mobilized against civil society, traditional media, independent political and judicial institutions, and the rule of law.

We find that illiberal parties and movements have built support through a hybrid cultural and economic argument. First, illiberal actors cultivate the idea that their supporters are an “in-group” that need to be defended from ostensibly “outside” influences, like multiculturalism and feminism. Second, they target their message towards citizens in economically distressed regions that have been hurt by globalization and integration, building a cohesive argument that foreign imports and competition from immigrants cause their pain. Painting the European Union as the champion of these cultural and economic influences, illiberal movements build support for a narrow nationalism opposed to the foundational ideals of European integration.

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To strengthen liberal democracy in the face of these challenges, we recommend a **comprehensive policy agenda for defending liberal democracy.**

We recommend that European Union institutions:

1. **Invite NGOs across the EU to submit anti-discrimination campaigns for a competition hosted by the European Network Against Racism.**
2. **Attach a minimum spending requirement of the European Social Fund Plus (ESF+) budget on building childcare capacity for working families.**
3. **Enhance Europe Day as an EU wide national holiday under its current slogan, ‘United in Diversity’.**
4. **Increase citizen participation and interest in the European Parliament elections through frequent debates between the Spitzenkandidaten.**
5. **Create an online EU platform that lists jobs sponsored by the European Green Deal.**
6. **Create a European statute for associations and NGOs.**
7. **Maintain or expand funding for the European Digital Media Observatory (EDMO) to grow existing fact-checking efforts.**
8. **Establish an EU-level/transnational commission tasked with reporting annually on Rule of Law and judicial independence violations.**

In support of these initiatives, we recommend that civil society organizations and public-private partnerships:

- 9. Create cultural heritage projects aimed at illiberal state-backed narratives, funded by Creative Europe, that presents history for public audiences in the form of a traveling museum exhibit.**
- 10. Develop a civil society campaign that emphasizes the benefits of immigrants in national workforces.**

These steps will build support for European values, combat illiberal narratives, and foster more sustainable social and economic integration. More broadly, they are steps to renew citizens' faith in liberalism's promise.

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Liberalism has faced far longer odds in Europe before. The political scientist Shlomo Avineri once wrote that "any intelligent observer of Europe in the 1930s would have been hard-pressed not to feel that its future belonged to either communism or fascism" (Avinieri, 2012). Europe's future still belongs to liberal democracy—but only if we rise to the challenge.



# Introduction

## Europe's Illiberal Resurgence and Institutional Responses

***Phillip Meng***

Article 2 of the Treaty on European Union (TEU, commonly known as the Maastricht Treaty) declares that the European Union (EU) is “founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities” (Treaty on European Union). Its signing in 1992 was a high-water mark for the advancement of liberal democracy in Europe. Against the backdrop of the Cold War’s conclusion, German reunification, and the development of constitutional democracies in former Warsaw Pact states, the Maastricht Treaty advanced a vision for Europe built around freedom and liberalism—with the normative power of the European Union at its core (Cavazza, 1994).

Although movement towards liberal democracy was the driving trend of the 1990s and 2000s, this vision was not without its dissenters. Animated by a wide range of grievances—cultural, economic, and political—a number of parties and movements have contested the Treaty’s ideals. From the 2000s and 2010s onward, that momentum has been led by right-wing populist parties, many of which have also articulated illiberal attitudes (Grindheim, 2019). While these actors have idiosyncratic characteristics, most have drawn upon opposition to mass migration, European integration, and social change to advocate for a nationalist, Euroskeptical, anti-feminist, and anti-immigrant worldview.

These movements’ growing success has reshaped political debate and governing norms across the continent. More broadly, their antagonism with the European

Union's basic values—which oppose the nationalism and narrow majoritarianism that right-wing populists espouse—present a defining challenge for the European Union in the decade ahead.

## LIBERAL DEMOCRACY IN EUROPE

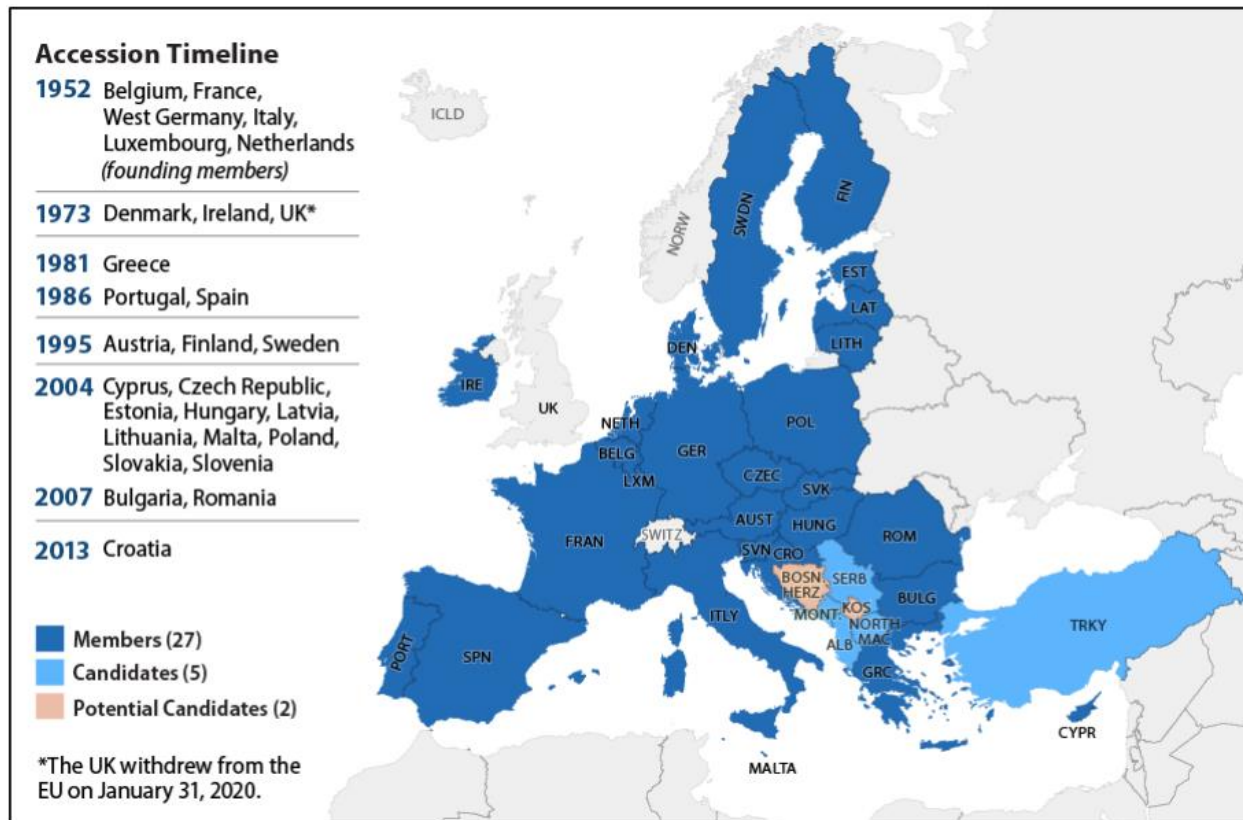
The development of liberal democracy in Europe accelerated significantly in the twentieth century (Ziblatt, 2006). At the beginning of the century, most regimes on the continent were monarchies, autocracies, or mixed regimes (Buchanan & Conway, 2002). Two waves of democratization reshaped governing norms on the continent. The first immediately followed the Second World War: liberal multiparty democracies in Germany, France, and most other Western European states developed from the late 1940s to the early 1960s (with the notable exception of Spain and Portugal, which did not undergo transitions to democracy until the 1970s). The second wave began in the late 1980s, as the Soviet Union neared collapse, and led to the rapid expansion of constitutional democracies in Central and Eastern Europe.

### *European Institutions and Democratic Expansion*

In the first postwar wave, democratic expansion was strongly supported by the United States and a growing set of European institutions. As early as 1941, the United States outlined “essential human freedoms” as tenets of the postwar order it sought in Europe (National Archives, n.d.). Upon the Second World War's conclusion, the U.S. backed institution-building, election administration, the development of independent judiciaries as part of its recovery program (Buchanan & Conway, 2002). Although not all of these democracies were immediately and indisputably liberal in the modern sense—constitutionalism, interest-group pluralism, and the assimilation of opposition parties into mainstream politics developed gradually in the postwar settlement—the European institutions that emerged out of them were (Eley, 1996). The Schuman Declaration, an early appeal to European liberalism,

explicitly rejected nationalism in its argument for economic and political integration (European Council, 2020). Its call for concrete steps toward European unity was answered by the creation of the European Coal and Steel Community, and later the European Economic Community, precursors to the modern European Union.

**Figure 1** | Expansion of the European Economic Community and European Union



Source: Archick & Garding, 2021

As the European Economic Community and its sister institutions expanded, they played an increasingly prominent role in democratization on the continent. By the second wave of democratization, the now-European Union was actively fostering political reform in neighboring states. At the Copenhagen summit in 1993, the European Council explicitly tied candidacy for European Union membership to “the stability of institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities, the existence of a functioning market economy” (European Council, 1993). The candidacy and membership bids of many Eastern European states encouraged convergence with these criteria, and by the

early 2000s, countries like Poland, Czechia, and Hungary had veritable electoral democracies and press freedoms unimaginable just a decade prior (Kramer, 2003).

At the same time, consolidated democracies in Western and Northern Europe also set global norms for liberalism: defining modern liberal states as those that protect independent political institutions and emphasize freedom, equality, the rights of minorities, and the rule of law. Throughout the 1990s, their success (and imitators) led many to believe that liberal democracy would soon become a permanent fixture of European governance (Fukuyama, 1992).

## **RIGHT-WING POPULISM AND CHALLENGES TO LIBERAL DEMOCRACY**

### ***Illiberalism in Right-Wing Populist Movements***

In the decades since, it has become clear that liberal democracy's ascendance in Europe is not preordained. In particular, right-wing populist movements (or far-right movements) centered around ethnonationalism and cultural protectionism (Galston, 2018) have presented the deepest challenge to liberalism. Its proponents argue that malicious outside forces threaten the integrity of countries' national identity, and in turning to a narrow, highly majoritarian nationalism, many of these right-wing populist parties have adopted illiberal attitudes. Their leaders often project "the image of a strong leader" whose role is "to uniquely represent...the lost authentic community" to justify seeking unrestrained political power against malicious foreign and domestic opponents (Smilova, 2021).

Observers and academics have now associated right-wing populist parties with illiberal attitudes in almost every major European country, of which a non-exhaustive list is presented on the next page. At the European level, these parties have sometimes grouped themselves into distinctly right-wing populist political groups (like Identity and Democracy), while others sit alongside "mainstream"

conservative parties in political groups like European Conservatives and Reformists (ECR) and the European People's Party (EPP).

**Figure 2** | Right-wing populist parties described as illiberal

Country	Party	European Parliament Political Group
Germany	Alternative for Germany (Alternative für Deutschland, AfD)	Identity and Democracy
France	National Rally (Rassemblement National, RN)	Identity and Democracy
Italy	Lega	Identity and Democracy
	Brothers of Italy (Fratelli d'Italia, FdI)	European Conservatives and Reformists
Spain	Vox	European Conservatives and Reformists
Poland	Law and Justice (Prawo i Sprawiedliwość, PiS)	European Conservatives and Reformists
Netherlands	Party for Freedom (Partij voor de Vrijheid, PVV)	Identity and Democracy
Czechia	Freedom and Direct Democracy (Svoboda a přímá demokracie, SPD)	Identity and Democracy
Sweden	Sweden Democrats (Sverigedemokraterna, SD)	European Conservatives and Reformists
Hungary	Fidesz	Non-Inscrits (previously European People's Party)
Austria	Freedom Party of Austria (Freiheitliche Partei Österreichs, FPÖ)	Identity and Democracy
Slovenia	Slovenian Democratic Party	European People's Party

Sources: Bayer, 2020; Kiess & Trenz, 2022; Kundnani, 2017; Rivera & Davis, 2019

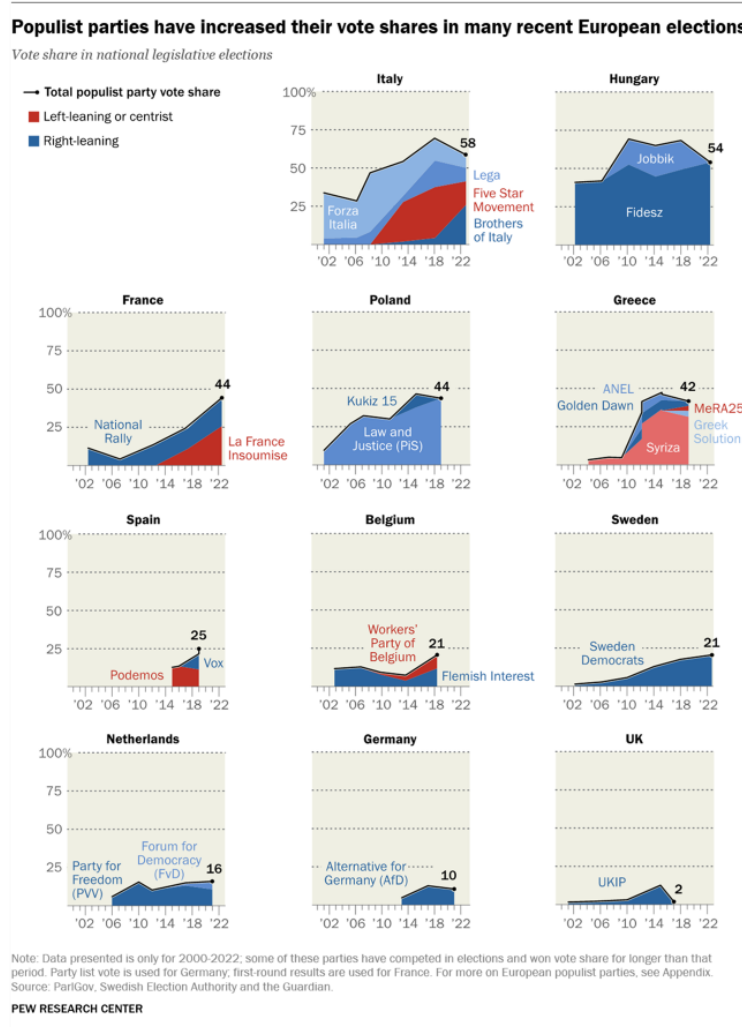
 Party in government or confidence-and-supply agreement

Right-wing populists' propensity towards illiberalism set them apart from other populist movements. Although left-wing populist parties have gained traction in countries like Greece (Syriza) and Spain (Podemos), their platforms have not rejected the protection of minority rights or independent political institutions—

instead articulating a narrower argument against economic “elites,” globalization, and European institutions (Font, Graziano & Tsakatika, 2019).

Moreover, right-wing populist parties’ political potency make them unique vectors of illiberalism. They have achieved substantial growth in support in every region of Europe (Silver, 2022). Today, right-wing populist parties also support or constitute governments in at least four EU member states, including Italy. Part of this is owed to party transformations: once-“mainstream” conservative parties like Fidesz have remade themselves into right-wing populist parties (Metz, 2021). Consequently, illiberal right-wing populism is the focal point of our Task Force.

**Figure 3 |** Populist party support in select countries (2002-2022)



Source: Pew Research Center, 2022

Right-wing populist parties' explosive growth in support did not occur in a vacuum. In the last decade, such parties' appeal has tracked major economic and social dislocations, like the aftermath of the 2008 global financial crisis and post-2015 European migrant crisis. In each of these cases, right-wing populists have drawn support from voters who have felt socially or economically left behind.

### ***Economic Dislocation and the Global Financial Crisis***

In the early part of the decade, the aftermath of the Global Financial Crisis strengthened right-wing populist parties as a political force. The financial crisis triggered enduring effects in Europe; from 2009 to 2012, the continent experienced little economic growth, while a sovereign debt crisis plagued parts of the Euro area. Under these conditions, right-wing populists contested a consensus around economic liberalism and integration. In Germany, for example, it gave rise to the Alternative for Germany, whose initial manifesto called for exiting the Euro area (Deutsche Welle, 2013). Country-specific studies have also found that national subdivisions most impacted by debt and economic crises were more likely to cast votes for right-wing populist parties (Gyöngyösi and Verner, 2022).

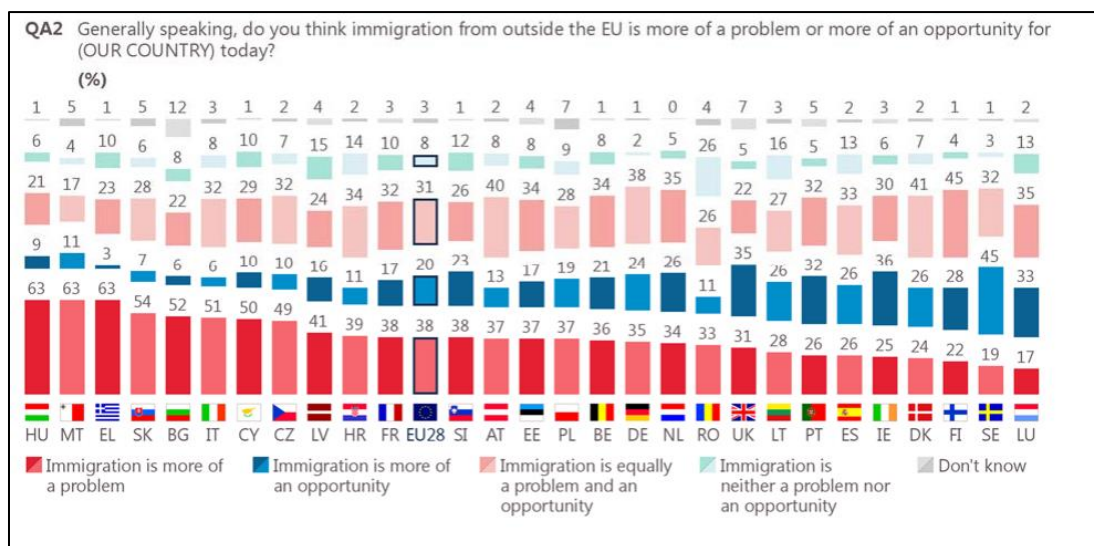
More concerningly, the regions most impacted by the global financial crisis were often the most economically distressed to start (Bönke, 2015). As the crisis widened local and regional inequalities across the European Union, many right-wing populists found reliable bases of support in these regions: particularly "post-industrial" areas where globalization and automation had diminished industrial output without credible economic alternatives (Scheiring, 2021, p.602). Indeed, "income inequality is a crucial factor behind illiberalism," as its support is disproportionately drawn from "deindustrialized rural areas locked out of [global economic networks]" (Scheiring, 2021, p.604). These voters have led right-wing populism's backlash against trade, globalization, and European integration (Owen & Johnston, 2017).

## The European Migrant Crisis

As the decade progressed, right-wing populists increasingly looked beyond economic arguments: staking nativist political positions, especially around the issue of immigration. Alternative for Germany is a case in point: while it began as an anti-Euro and economic-focused party, political shifts reshaped it into “first and foremost, an anti-immigration party” (Chase & Goldenberg, 2019).

Immigration was not a new issue for right-wing populists. Fringe parties on the far-right had centered opposition to immigration in past platforms, and concerns about job security, competition, and welfare programs for immigrants had already crept into economic debates (Kirchick, 2019). But a wave of migration from Syria and the Arab World in 2015 was a turning point, rallying many right-wing populist parties towards a distinctly anti-Islam and anti-immigration agenda. The evidence is mixed on the migrant crisis' impact on European public opinion. Results from the European Social Survey found variable impacts on immigration favorability by region (Messing & Sagvari, 2019, p.14), but Eurobarometer polling from 2017 documented EU citizens' widespread perception of immigration from outside of the EU as a major problem (European Commission, 2017).

**Figure 4 |** EU28 attitudes towards immigration, 2017



Source: European Commission, 2017

Nevertheless, the increased political salience of migration and its attendant costs reoriented right-wing populist parties' messaging. In one of the most extreme examples, Hungary's Fidesz government made opposition to Muslim migrants central to its campaign messaging after 2015 (Kreko, Hunyadi & Szicherle, 2019).

### ***Towards a New Illiberalism***

Along the way, a more cohesive right-wing populist cultural vision, in opposition to liberal ideals, was emerging. As right-wing populists immersed themselves in more culturally nativist arguments, their grievances were not limited to immigration and religion. For example, many right-wing populists made traditional ideas of gender, sexuality, and the role of the family—a heteronormative and nuclear family-oriented view—central to their political arguments (Szelewa, 2017). As with arguments against immigration, these political positions portrayed a group of citizens as a collective in-group threatened by liberal social and political ideas (Roodujin, Bonikowski & Parlevliet, 2021).

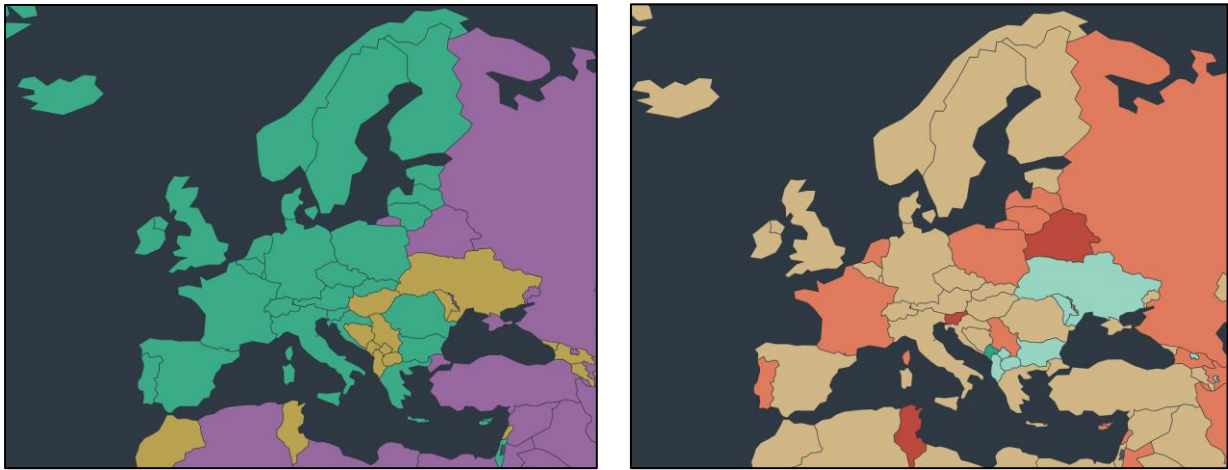
In the process, right-wing populism has shaped a distinct type of illiberalism in modern Europe. This kind of illiberalism is not only defined by opposition to liberal ideals, but demonstrates a common theoretical foundation. Smilova (2021, p.194) argues that the ideational core of such “democratic illiberalism” consists of three distinct ideas: (1) “unrestrained popular sovereignty,” (2) “ethno-nationalist ‘common good’ anti-individualism and anti-pluralism,” and (3) “anti-liberal anti-globalism.”

In practice, leaders build on these ideas to challenge liberal institutions. Illiberal leaders argue that their in-group experiences “collective victimhood”, often drawing upon “historic traumas” or worries about the future to make their point. By portraying themselves as distinct bulwarks against threatening outgroups, they posit that unrestrained power is needed to achieve their aims (Smilova, 2019, p.195). Today, an illiberal vision clearly competes for Europe's political future at all levels, with profound effects for politics at all levels.

## THE PARADOX OF ILLIBERAL DEMOCRACIES

Countries where illiberal parties have gained control of government offer a cautionary tale for their potential to effect democratic backsliding. These resulting “illiberal democracies” account for much of Europe’s democratic regression in recent years.

**Figure 5** | Freedom House Index in Europe



**Left:** Green represents Free, Yellow represents Partially Free, and Purple represents Not Free states.

**Right:** 2021-2022 trend, where Red represents Democratic Regression and Green represents Democratic Advancement

Source: Repucci & Slipowitz, 2022

We define illiberal democracies as regimes that have elements of constitutional and electoral democracies, but that generally subvert the core values of liberalism, like respect for the rule of law, independent political institutions, or the rights of minorities.

Granted, this term may seem to be a paradox. Some scholars assert that democracy cannot exist without liberalism, because liberalism guarantees the fundamental rights, systems of checks and balances, and the rule of law that sustain democracies; conversely, illiberal governments that break down these institutions are fundamentally undemocratic (Habermas, 1995). But while we acknowledge these implications, we use the term to differentiate syncretic, hybrid

regimes that maintain some democratic characteristics (like free and fair elections) from undeniably autocratic states, as well as to identify countries whose illiberal drift is still actively and seriously contested.

Likewise, we use the term illiberal democracies to match its frequency in literature and media surrounding Europe's illiberal drift, where it is used not only by opponents, but by illiberals themselves. For instance, Hungarian President Viktor Orbán has defined his own government as an illiberal democracy, publicly stating that “just because a state is not liberal, it can still be a democracy” (Government of Hungary Archives, 2014).

### ***Democratic Backsliding in East-Central Europe***

In no region has “illiberal democracy” reshaped societies more than in East-Central Europe, where incomplete post-Communist transitions left entrenched patronage networks and weaker democratic institutions in their wake (Halmai, 2019). Despite nearly three decades of democratic development, Hungary and Poland have attracted attention for their right-wing populists' governments' moves to limit the independence of the judiciary, restrict press freedom, and weaken democratic institutions (Drinóczi & Bien-Kacala, 2019).

In Poland, the Law and Justice (Prawo i Sprawiedliwość, PiS)-led government has undermined judicial independence, attempted to co-opt independent media, and pursued a campaign of legal intimidation against civil society organizations since coming into power in 2015 (Drinóczi & Bien-Kacala, 2019). The speed at which PiS has asserted parliamentary control over the judiciary, and therefore dismantled separations of powers, has led to comparisons with a “constitutional coup d'état” (Sadurski & Steinbeis, 2016).

A more extreme example has emerged in Hungary. Since coming to power in 2010, Fidesz has restricted press freedom, closed universities and civil society organizations, and encouraged the circulation of conspiracy theories. Through legal harassment and an expansive political patronage network (abetted by EU funds), the government has co-opted independent civil society. It has also selected allies to

subvert judicial independence, and placed undemocratic restrictions on opposition parties (Nic & Racz, 2022). Following Hungary's 2022 election, widely considered to not have met conditions for free and fair elections, the European Parliament voted to condemn Hungary's "hybrid regime of electoral autocracy" (European Parliament, 2022). Indeed, Freedom House now classifies Hungary as a "partly free society," closer to Ecuador and the Dominican Republic than to its European neighbors.

East-Central Europe has not emerged as a laboratory for illiberal democracy by accident. Autocratic parties owe much of their ability to unravel constitutional and democratic reform to incomplete democratic consolidations and the long shadow of Communist-era clientelism. In post-Cold War Hungary, for example, the patronage networks of Communist-era nomenklatura were often maintained in new political institutions, which Fidesz employed to entrench its rule (Agh, 2014). These factors raise particular concerns for liberal democracy's resilience in Southeastern Europe, where states underwent similarly recent, incomplete democratic consolidations.

But the region is only one example of how illiberal democracy can reshape governance. Right-wing populist parties across the continent may soon be looking to imitate PiS and Fidesz's success, and as the Brothers of Italy and the Sweden Democrats' recent electoral success shows, no part of Europe is immune to illiberal influences in government.

## RESPONSES TO ILLIBERALISM

### *National Responses and Weakening "Firewalls"*

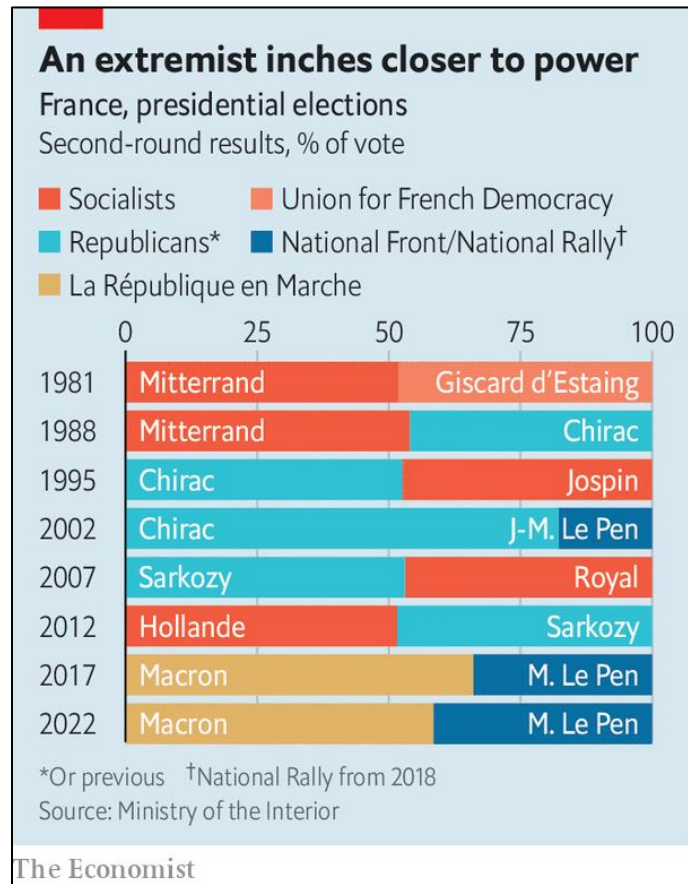
In some cases, liberal political forces have responded to the growth of illiberal parties by aiming to 'contain' their influence. In many European countries—particularly in Western and Northern Europe—major liberal political parties have generally ruled out working with right-wing populist parties, arguing that they are

unfit to govern. This is sometimes described as a *cordon sanitaire* against illiberal political movements.

However, evidence from recent years suggest that these 'safeguards' are weakening. In some cases, they have substantively eroded as right-wing populists have gained more power, making their consent more important for governance. In Germany, for example, the Alternative for Germany (AfD) has long been termed an antidemocratic force, or *demokratiefeindlich* (Kundnani, 2017). And at the federal level, the center-right Christian Democratic Union (CDU) has ruled out a coalition with the party in past elections. Yet as the AfD has gained ground in state and local elections, it has begun to tacitly support state governing parties (Schultheis, 2023). In Sweden, the Sweden Democrats' second-place finish won them a confidence-and-supply agreement with a center-right-led government, breaking mainstream political parties decades-long refusal to work with the party (Petrequin, 2023).

In other cases, safeguards' effect on voters are weakening as the role of right-wing populists in government is normalized. France's mainstream center-right and center-left parties have long united against the National Rally (formerly the National Front). When National Front nominee Jean-Marie Le Pen advanced to a presidential runoff with incumbent Jacques Chirac in 2002, all major mainstream parties endorsed Chirac (Noveck, 2002). Two decades later, when National Rally nominee Marine Le Pen advanced runoffs with Emmanuel Macron in 2017 and 2022, center-right, center-left, and green parties again joined together to endorse Macron (France 24, 2022). But while Chirac won with over eighty percent of the vote, Macron won with just over fifty-five in 2022, raising the possibility that right-wing populist parties could win even with all the country's traditional political forces opposed.

**Figure 6 | French Presidential Elections, 1981-2022**



Source: The Economist, 2022

### ***EU Level Institutional Responses***

At the EU level, institutions and political actors have also responded to the growth of illiberalism on the continent with political sanctions of varying efficacy. In the European Parliament, for example, liberal party groupings also informally impose a similar ‘cordon sanitaire’ against right-wing populist parties (Fortuna, 2019).

Right-wing populist governments pose the deepest governing challenge for the European Union. The Treaty on European Union’s ultimate sanctions are prescribed by Article 7, which allows the Council to determine that a country is in “serious breach by a Member State” of the Union’s values by consent of the Parliament

(European Union). While the European Parliament called on the Council to begin Article 7 proceedings for Hungary in 2018, little progress has been made in the process (European Parliament, 2022a). Because the European Council's decision to invoke Article 7 requires unanimity from member states, illiberal governments have been able to effectively block further actions; Hungary has promised to veto Article 7 action against Poland, and Poland could do the same for action against Hungary (European Parliament, 2022b).

In the absence of Article 7 sanctions, European institutions have primarily turned toward financial points of leverage against democratic backsliding. In 2021, the European Parliament and Council adopted the Rule of Law Conditionality Regulation, which allows the EU to withhold funds with a qualified majority of member states, bypassing unanimity requirements that stymied other potential sanctions (European Commission, 2022a). Since 2022, the European Commission has withheld cohesion and pandemic recovery funds to penalize the erosion of the rule of law in Poland and Hungary (Mortera-Martinez & Tordoir, 2023). There is not yet clear evidence that this leverage has slowed or reversed democratic backsliding; rather, the effect has been to make the relationship between Brussels and affected capitals more transactional. Hungary, for example, has clawed back withheld funds in exchange for lifting its opposition to policies like minimum tax rates and financial aid to Ukraine, which require a consensus among member states (Tamma, 2022).

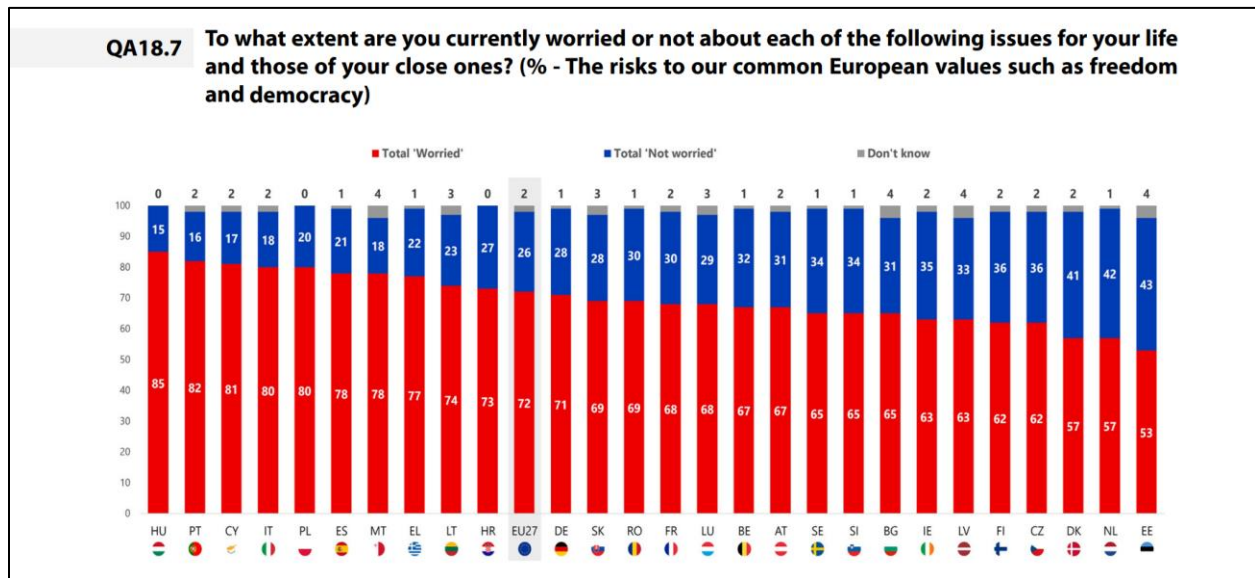
### ***Democracy as a Citizen Priority***

Although the EU has already taken steps to combat democratic backsliding, citizens favor more action for the protection of democracy. 2022 Eurobarometer surveys find that 72 percent of EU citizens are worried about values like freedom and democracy. Moreover, democracy is the top political priority that European citizens want the European Parliament to address.

Our Task Force aims to develop recommendations for European Union institutions, liberal national governments, and civil society to deliver on this priority. Our goal is to bring forward policies that will build citizen support for liberalism, for renewing

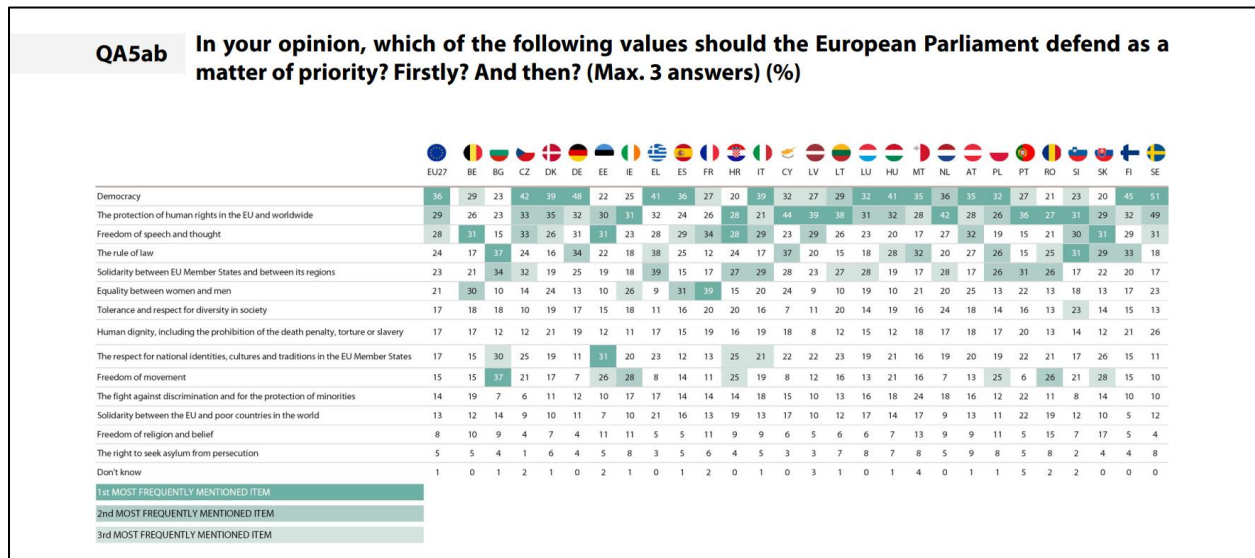
liberal democracy begins with renewing citizens' faith in its promise. If institutions take action now, liberalism can still win the contest for ideas in the decade ahead.

**Figure 6** | Worries about European values such as freedom and democracy



Source: European Commission, 2022b

**Figure 7** | Priority Values for the European Parliament



Source: European Parliament, 2023

## **A ROADMAP TO OUR TASK FORCE**

Our task force examines the growth of illiberalism and its implications across three major themes, and within those themes, eleven chapters organized around specific topic areas. Within each chapter, we propose policy recommendations for European, national, and/or local stakeholders.

### ***The Politics of Exclusion***

In the Politics of Exclusion, we explore the cultural arguments of illiberalism—and how illiberal actors have weaponized “national victimhood” to build support. Within this theme, we discuss:

- Race, Religion, and Migration
- Gender, Feminism, and Family Values
- “Collective Victimhood” and National Identity

### ***The Politics of Sovereignty***

In the Politics of Sovereignty, we explore the nationalist and economic arguments of illiberalism, and offer recommendations to counter illiberals’ appeal in regions left behind by economic change. Within this theme, we discuss:

- States and the European Union
- Globalization and Economic Change
- Political Economy of Immigration

### ***The Politics of Democratic Institutions***

In the Politics of Democratic Institutions, we examine the governance arguments of illiberalism, and how illiberal parties and governments are undermining liberal democracy. Within this theme, we discuss challenges to:

- Independent Civil Society
- Civil Liberties and Academic Freedom
- The Rule of Law
- Courts and the Judiciary
- Media Institutions and Misinformation

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A crowd of people at a protest. In the foreground, a woman with sunglasses and a yellow shirt is smiling. Behind her, a large yellow sign reads "Menschenrechte" (Human Rights) and "rechte Menschen" (rights for people). To the left, a white sign says "EUROPA" and "RN". Above that, a sign says "Nazis raus" (Nazis out). The background shows a cityscape under a blue sky.

## THE POLITICS OF EXCLUSION

**CHAPTER ONE** | Race, Religion, and Migration

**CHAPTER TWO** | Gender, Feminism, and Family Values

**CHAPTER THREE** | “Collective Victimhood” and National Identity

### Interrogating Illiberalism’s Culture War

In this section, we explore how illiberal forces have directed their political arguments against minority ethnic, religious, and cultural groups across Europe. Rather than promoting diversity and multiculturalism, their supporters eschew the liberal values of tolerance and individual freedom and promote restrictive ideas and policies that seek to curtail the rights of marginalized groups. In particular, we examine societal divisions regarding ethnic and immigrant identities, views on gender, sexuality, and family roles, and how illiberal beliefs in these areas relate to identification as part of a collective in-group.



## CHAPTER ONE

# Race, Religion, and Migration

### *Ella DeBoard*

Liberalism relies on an openness to different values, beliefs, and characteristics as well as a respect for individuals' rights to freedom of religious expression and practice. However, over the past few decades, far-right political parties have challenged these principles by arguing that nations experience threats from immigrants and minority ethnic and racial groups. Their argument is based on concerns of a weakening national identity, especially in terms of ensuring the predominance of the majority race and ethnicity, as well as concerns for citizens' physical security against terrorism—which right-wing populists associate with immigrants and minority groups. This chapter specifically examines how right-wing populist political parties use these perceived threats in their rhetoric to capitalize on and bolster anti-immigrant and Islamophobic sentiment, as well as how the success of these parties, due to their large voter base, has pushed liberal parties and governments towards illiberalism. The chapter will look specifically at the Vox party in Spain and National Rally in France. Having described the shift towards illiberalism through the increasing popularity of these xenophobic, ethnic, and racial nationalist parties, the chapter will conclude with policy recommendations to mitigate future discrimination against immigrants and minority ethnic and racial groups. These recommendations include multifaceted regional-level anti-discrimination policies and educational approaches supported by the EU, and the funding of anti-discrimination campaigns which aim to shift public opinion towards a more positive view of minority ethnic and racial groups.

## CHANGING ATTITUDES TOWARDS IMMIGRATION

In the last decade immigration has become an increasingly important issue to the European public. Eurobarometer surveys revealed that while in 2011 only 7% of those surveyed in the EU overall identified immigration as one of the most important issues facing their country, by 2022 70% of those surveyed in the EU responded that they were worried about the issue of migration (European Parliament, 2011; European Parliament, 2023). This data represents a significant jump in the public's perception of immigration as a concern in the period of 2011 to the present, with one contributing contextual factor being the 2015 Syrian Refugee Crisis and the dramatic influx of immigrants coming to Europe resulting from it. In 2015, 1.3 million immigrants relocated to Europe, nearly doubling the number of immigrants resulting from the collapse of the Iron Curtain in 1992 (Pew Research Center, 2016). The European media covered the crisis heavily, with new articles regarding immigration published every day, heightening the public's awareness of the issue of migration (Georgiou & Zaborowski, 2017).

While perception of immigration as an important issue has grown, so has support for right-wing populist parties, which consider restrictive immigration policy to be a central party platform. A reason that these parties appeal to voters is due to psychological factors, such as "group threat theory" and the rejection of "out-groups" based on the perception of threats that they pose (Camus, 2020). One perceived threat of out-groups is the "symbolic" threat- the threat to the nation's culture, identity, or values through the inclusion of the out-group (Camus, 2020). Another is the perception of a "security" threat from immigrants and ethnic or racial minorities (Camus, 2020). Religious extremist attacks across Europe have impressed a need for security measures to protect nations from terrorism, but also have served to stereotype specific ethnic groups as perpetrators of terror. This discrimination similarly relies on a perceived national threat- this time a physical threat resulting from extremism- but in the process contributes to discriminatory attitudes and legal persecution based on religious affiliation.

Immigrants generally represent an ethnic minority out-group within their country of residence, but this is pronounced in combination with racial or religious differences from the majority. Right-wing populists utilize this perception of symbolic and security threats through inflammatory nationalist rhetoric, both to garner support and strengthen the support they already have (Vachudova, 2020). This strategy is termed “ethnopolitism” (Vachudova, 2020). The success of ethnopolitism as a strategy of consolidating and generating support relies on emboldening already-held prejudices, whether blatant or subconscious, and creating new prejudices based on minority ethnic and racial group differences. Its illiberal consequences include expanding the visibility and acceptability of hate speech, contributing to the rise of illiberal parties and leaders, and encouraging discriminatory attitudes. Besides the observable rhetoric, European surveys have reflected this relationship between right-wing populism and discriminatory views. For example, supporters of populist parties in Europe are more likely to hold an unfavorable opinion of Muslims, and those on the political right are more likely than those on the left to say that increasing diversity makes their country worse-off (Pew Research Center, 2019; Pew Research Center, 2016).

## **ETHNONATIONALISM AND VOX’S GROWTH IN SPAIN**

Nationalism, including ethnic nationalism, and nativism are two of the central ideologies of the Vox party. While Vox originally gained traction due to its hardline stance against the Catalonia independence movement which is still an important part of its nationalist ideology, it also took advantage of Spain’s tumultuous ethnic history with Muslims and xenophobia to gain popularity. The Vox party’s 2021 agenda opens by stating that the future of Spain depends on preserving the national identity which is “threatened” by “massive illegal immigration” (VOX España Vox, 2021). Founded in 2013 as a split from the People’s Party, Vox went from earning 0.23% of the vote in the 2015 Spanish general election to 10.26% of the vote in the April 2019 general election, to in 2022 becoming the third most popular party in Spain’s national parliament due to its regional parliamentary election

successes (*Resultados Electorales En Total España*, n.d.; “Far-Right Vox Party Enters Regional Government for the First Time,” 2022). The Vox party’s use of nationalist rhetoric in its messaging specifically invokes an image of the national identity which excludes Muslim, North-African immigrants. The Vox 2021 immigration policy agenda outlines a policy which proposes that immigrants from the Iberosphere will have priority over other immigrants because of shared features of Spain’s national identity such as language, culture, and “ties of friendship.” Yet, under that same section, it proposes the closure of all “fundamentalist” mosques (VOX España Vox, 2021).

One prominent example of Vox’s discriminatory rhetoric is the poster referenced in Figure 1. This poster was put up at the train station at Puerta de Sol in Madrid as part of the Vox party’s 2021 Madrid regional election campaign. It depicts a saddened, white grandmotherly figure face to face with a young, brown skinned individual who wears a dark hoodie and a camouflage mask (Jones, 2021). The words on the poster falsely assert that a “MENA”, an acronym which describes a “menor extranjero no acompañado” (an unaccompanied foreign minor), receives ten times more money in monthly benefits than grandmothers do from their pensions (Hancock, 2019; Jones, 2021). In reality, unaccompanied minors do not receive any direct aid from the government, with a few local exceptions where they are provided with a weekly allowance of ten euros based on good behavior (Maldita.es, 2019). The essential needs of unaccompanied minors are provided for through foster care, but not through benefits like those of widowers (Maldita.es, 2019). At the bottom of the poster, it urges readers to “protect Madrid” and “vote for safety” (Jones, 2021).

**Figure 1** | Vox Party Campaign Poster

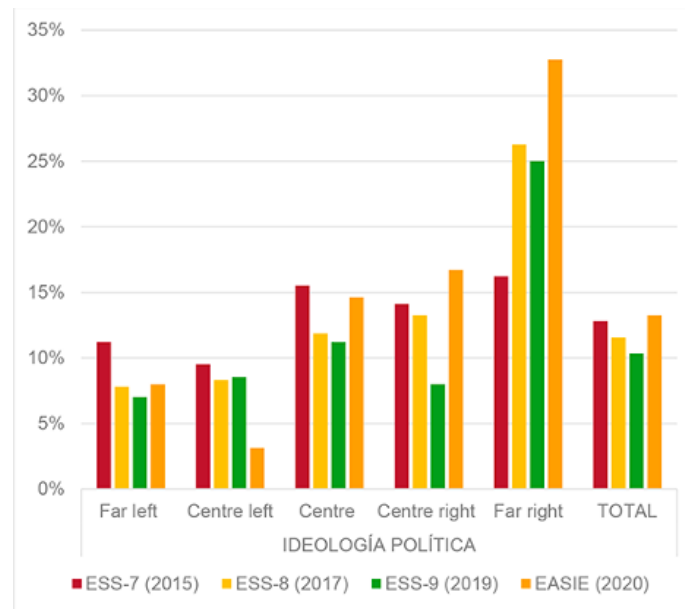
Source: *Jones, 2021*

The symbolic threat of immigrants to the national identity is asserted through the visible ethnic differences between the seemingly threatening immigrant and the sympathetic Spanish grandmother. It is visually clear who belongs to the in-group, and who threatens it. It makes a case, based on the false statistic, that immigrants are stealing resources from Spanish citizens, cementing the idea that some who live in Spain are more deserving of welfare than others. It also draws on the perception of physical threat to the nation with the words urging voters to “protect” Madrid from immigrants and preserve “safety,” with the implication being that safety is achieved through the exclusion of immigrants.

The increased emphasis on perceived symbolic and security threats of MENAs, as displayed in the poster, can be viewed as a kind of backlash in context with the dramatic increase in the number of immigrant children in Spain over the past few decades. Whereas twenty years ago there were approximately 50,000 immigrant students, as of 2017 there were over 700,000 (Memoria, 2018). MENAs represent an observable change in the demography of Spain due to immigration, which the Vox Party has then used to represent the perceived attack of immigrants on the ethnic identity and security of Spain. In 2020, Carlos Verdejo, spokesman for Vox Ceuta and representative in the Ceuta Assembly, argued against upholding the right to

education for migrant children, crying, “Bringing the MENA into our schools, with our children, with our nephews! Including the MENA in formal education . . . Is that what we want?!” (Garcia, 2020). This shows a clear difference in how the party would have supporters view immigrant children versus Spanish children. By arguing that MENAs should not be allowed in public schools, Verdejo pulls on the perceived threat to the nation’s ethnic identity should MENAs be included. The Vox party also pulls on perceptions of a security threat from MENAs in the language of their official proposed policy for MENAs which asserts the need for the closure of all MENA centers which they state “create[s] insecurity in [the] streets” and the immediate repatriation of all unaccompanied foreign minors to their countries of origin (VOX España Vox, 2021). This language clearly pins the blame for local crime on MENAs, reinforcing the idea that immigrants represent a threat to the nation’s security.

Alongside the Vox party’s rapid growth has been the growth of polarization on the issue of immigration in Spain. Figure 2 shows how over the course of 5 years, from 2015 to 2020, polarization rapidly increased (Enriquez and Rinken, 2021). In 2015, people who were politically centrist were only marginally less likely than those on the far right to respond strongly negatively to the question “Does the arrival of people from other countries make Spain a better or worse place to live?” (Enriquez and Rinken, 2021). But by 2020, the number of centrists who responded strongly negatively had fallen to below 15% while the number of those on the far right increased to more than 30% (Enriquez and Rinken, 2021). This polarization shows that the issue of immigration has become increasingly politicized, as reflected in the Vox party’s own use of the issue as central to its ideology.

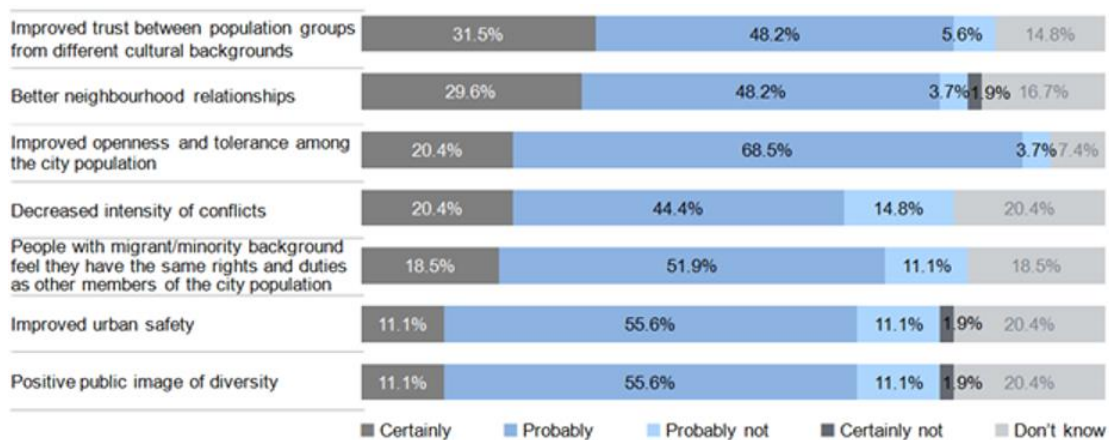
**Figure 2 | Ideological Leanings in Spain**

Source: Enriquez and Rincken, 2021

The study also asserts that the Vox party has had an impact on the normalization of its xenophobic rhetoric. It states that, “the increased visibility and respectability” provided by Vox’s participation in elections “suggests that its success may be fueling the expression of anti-immigration sentiment in Spain, normalizing and legitimizing attitudes and opinions that were previously socially unacceptable” (Enriquez and Rincken, 2021, p. 2). This is supported by the political shift of Spain’s center right party further to the right in order to compete with Vox. The center-right party Citizens has made deals with Vox resulting in some Citizens party members renouncing their seats in Spain’s parliament and involvement in the party (Jones, 2019b). One such member, Toni Roldan, questioned upon leaving, “How are we going to build a liberal project in Spain if we can’t confront the far right?” (Jones, 2019b). These deals have included a partnership between the Citizens Party, the People’s Party, and Vox to form a coalition government in Andalucía and a deal in 2019 between Vox and Citizens parties to win a majority in Madrid’s city council and the mayor’s office (Jones, 2019a). Consequently, conservative voters have increasingly fewer options, further normalizing Vox’s xenophobic and ethnonationalist messaging as supporters of the Citizens party and Popular party see their own parties accepting and making deals with the far right.

In Barcelona, the local government recognized the urgency of the problem of discrimination and put in place the 2017 municipal plan against Islamophobia. This plan recognized discriminatory attitudes towards Muslims as a key problem facing the municipality and outlined a series of multifaceted initiatives to collect data on the discrimination occurring to prevent further discrimination. As part of this initiative, Barcelona has required municipal employees to undergo training on Islamophobia and multiculturalism, put forth hate speech and anti-discrimination awareness programs in schools, publicly disseminated information on multiculturalism and religious diversity through the BCN Anti-Rumors Network, and broadened the scope of the Office for Non-Discrimination to include many facets of Islamophobia (Bardolet, 2017). This kind of approach has had promising outcomes, as with the success of the Council of Europe’s Intercultural Cities Program which uses similar tactics, like anti-discrimination educational programs, work training on anti-discrimination, and anti-rumors campaigns (The Council of Europe, n.d.-a). An online survey among ICC coordinators of member cities, pictured in Figure 3, revealed observed improvements in the participant cities’ social cohesion following the implementation of the program (The Council of Europe, n.d.b-).

**Figure 3** | Positive effects of intercultural initiatives/projects/policies at city society level in the area of social cohesion



Source: The Council of Europe, n.d.-b

Additionally, a 2018 study found that intercultural policies like those implemented in Barcelona and the ICC's programs are the strongest determining factor of public opinion towards immigrants (The Council of Europe, n.d.b-). This illustrates that strengthening and adding multifaceted intercultural policies at the city level is a reasonable pathway to decreasing xenophobic, discriminatory attitudes and thereby countering illiberal drift.

## ISLAMOPHOBIA AND THE NATIONAL RALLY IN FRANCE

In France, right-wing populist parties, especially Le Pen's National Rally party (previously known as National Front), have capitalized on perceived threats to the nation's security and identity from immigrants and Muslims to challenge France's so-called "race and religion-neutral" cultural policy. The National Rally does so with the support of voters from predominantly rural parts of France, who do not hold college degrees and who religiously identify as Roman Catholic (Milligan, 2022; Wike, 2017). This voter demographic propelled the National Rally's rise in France over the course of several decades to the point that anti-immigrant, Islamophobic rhetoric and policies have even permeated "mainstream" French politics.

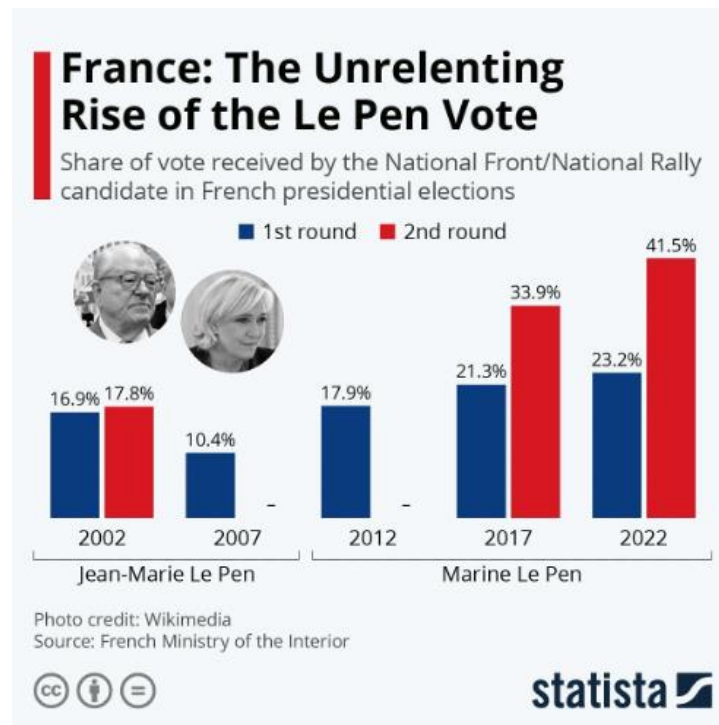
France has long been a European stronghold of both liberalism and immigration. Immigration from Southern Europe after WWII, from France's historical colonial holdings in Northern Africa, sub-Saharan Africa, South-East Asia and Turkey, has contributed to creating the ethnically and racially diverse France of today (Blanchette & Hass, 2001). As of 2018, immigrants in France accounted for nearly 10% of the overall population, more than 6.5 million people (The French Institute for Demographic Studies, 2020). The demographics of those immigrating to France have also changed over time, with the proportion of immigrants from predominantly Catholic Southern Europe decreasing and the proportion from predominantly Muslim Northern Africa increasing (The French Institute for

Demographic Studies, 2020; Starr, 2018; Pew Research Center, 2019). France currently has a Muslim population of four million, which is the largest in Europe (Moya, 2016).

The French government has responded to its changing ethnic and racial composition with its long-held “color blind” model of cultural policy, which means that policies aimed directly at racial and ethnic groups are virtually non-existent (Blanchette & Hass, 2001). However, this “color blind” model has been challenged by National Rally’s rhetoric and proposed policies, which not only blatantly acknowledge ethnicity and race but capitalize on these differences to create perceived threats from minority ethnic and racial groups to cultivate electoral success.

Anti-immigrant, Islamophobia rhetoric was central to the early successes of the National Rally (at the time, National Front) in the late 1980’s. In one prominent event in 1989, three Muslim girls of North African origin were suspended from school and were threatened with expulsion because they refused to remove their headscarves—which conflicted with the government’s policy of secularity (Bréchon & Mitra, 1992). National Rally leveraged this issue as “political propaganda”, arguing that the incident was a product of the “religious and cultural colonization” of the country and a threat to France’s very existence (Bréchon & Mitra, 1992). At this time, polls found that 25-30% of French people agreed with National Rally leader Jean-Marie Le Pen’s immigration views, even though the party garnered only 11.7% of the national vote in the 1989 European elections (Bréchon & Mitra, 1992). This example highlights how the popularity of Le Pen’s views on immigration provided an opportunity to expand the party’s voters outside of its voter core through the emphasis on the issue.

In the decades following, the party has been able to successfully expand its voter base to the point that it is now the primary opposition party in the French government (Armstrong, 2022). Figure 4 shows, with some dips in popularity, the overall trend of National Rally’s increasing popularity.

**Figure 4** | *National Rally Voter Support*

Source: Armstrong, 2022

The continuity of National Rally's focus on immigration is evidenced by the party's thematic booklet available on their website. The specific policies proposed in this booklet include prohibiting welfare benefits from immigrants, establishing penalties for those assisting illegal immigrants, and renegotiating of the Schengen agreements (which it states have become "inapplicable" since the 2015 refugee crisis) (National Rally, n.d.). The booklet describes policies which restrict immigrants' ability to gain citizenship, stating that gaining French citizenship will "essentially only be possible by descent" (National Rally, n.d.). Notably, the party's "referendum project" makes a direct connection between Islam and immigration policy and seeks to "contribute to eradicating Islamism" (National Rally, n.d.). Marketed as a project defending France's identity and heritage, it directly challenges the country's long-time policy of secularism (National Rally, n.d.). A key aspect of the project is the proposal of a constitutional amendment which will protect the celebration of Christmas by setting up "nativity scenes or fir trees in public places" (National Rally,

n.d.). These policy proposals make it clear that National Rally's rhetoric is not in support of "race and religion-neutral" policies, but of laws that endorse a specific national identity characterized by French ancestry and Christian religious values.

While National Rally represents a collection of illiberal—xenophobic, racist, and ultimately exclusionary—rhetoric, this rhetoric is only as salient as the voter-base which sees their own beliefs reflected in it and chooses to support the party. When the party found its footing in the 1980s, a significant part of its popularity was due to its ability to capitalize on already existing xenophobic attitudes (Bréchon & Mitra, 1992). During the period of the National Rally's rise, polls found that while 55% of the French public agreed that there were "far too many North Africans" in the country, this number jumped to 90% among National Rally electors (Bréchon & Mitra, 1992).

Recent polling data shows similar results. A 2016 survey found that National Rally voters are twice as likely to have a negative opinion about Muslims living in France (Wike, 2017). The vast majority of National Rally voters—82% and 76% respectively—believe that refugees take French citizens' social benefits and increase the likelihood of terrorism in France (Wike, 2017). National Rally voters are also twice as likely as the general population to believe that refugees are more to blame for crime than other groups (Wike, 2017). In general, these voters are more likely to live in rural areas, be Catholic, and without a college degree (Milligan, 2022; Wike, 2017). Given the prevalence of anti-immigration views among National Rally voters today, it is clear that the party's xenophobic, anti-Muslim rhetoric is responsible for catapulting it into mainstream politics over the past four decades.<sup>2</sup>

While this far-right, populist supporting demographic might have been easily ignored in the 80's when it garnered only 11.7% of the national vote, it is impossible to ignore in the present. The majority party, Macron's Renaissance party, has in the last decade passed legislation which, rather than mitigating the perception of the symbolic (cultural identity) and security threats from immigrants and Muslims, reaffirms them. An example of legislation which supports the far-right's conception of the threat to national identity that Muslims represent is that in 2010, the French

Senate voted to ban the concealment of faces in public spaces, effectively banning the niqab (United Nations, 2018). The Renaissance party has also made it more difficult for Muslim women to advance politically if they wear the hijab. The head of the party withdrew support from one of their own candidates after she appeared in a campaign poster wearing a hijab, sending the message that Muslim women can advance only if they appear religiously secular (Lang, 2021). While nowhere near the intensity or extent of National Rally's proposed policies and rhetoric, these actions leave the question of if hijab-wearing Muslims have a place in the national cultural identity ambiguous at best, potentially appealing to more politically right voters who hold anti-Muslim attitudes.

While this far-right, populist supporting demographic might have been ignored in the 80's when it garnered only 11.7% of the national vote, it is impossible to ignore in the present. In fact, the majority Renaissance party has passed legislation in the past decade that reaffirms the far-right's perception of the symbolic (cultural identity) and security threats from immigrants and Muslims. For example, in 2010, the French Senate voted to ban the concealment of faces in public spaces, effectively banning the niqab (United Nations, 2018). In addition, the Renaissance party has made it more difficult for Muslim women to advance politically if they wear the hijab. The head of the party withdrew support from one of their own candidates after she appeared in a campaign poster wearing a hijab, which sends the message that Muslim women can advance only if they appear religiously secular (Lang, 2021). While nowhere near the intensity or extent of National Rally's proposed policies and rhetoric, these actions from a majority political party create ambiguity around the questions of whether hijab-wearing Muslims have a place in the national cultural identity.

The Renaissance-led government has also strived to appear tough on radical Islam, but has consequently fed into the perception of Muslims as a security threat and has at times committed questionable legal actions against Muslim associations. The government currently has the power to temporarily close mosques suspected of

promoting radical Islam on the basis of “secretive” evidence (Jabkhiro, 2022). In the last two years, the French government has closed over 22 mosques on this charge, a figure greatly accelerated by a 2017 anti-terrorism law passed by parliament which limited judicial oversight in this process and increased police surveillance (Jabkhiro, 2022). The government has defended these closures in court, if challenged, with “white memos,” which do not typically include information for transparency about who wrote them, when they wrote it, or where the information included as evidence against the mosques comes from (Jabkhiro, 2022). In one instance, a white memo defended the closure of a mosque based in part on identified “radical” literature, which included widely available books online and a 13th century book also kept at the French national library (Jabkhiro, 2022). Government policies that close mosques and restrict Islamism offer appeal to right-leaning voters that hold anti-Muslim attitudes.

NGOs that advocate for Muslims have also been a target of legal repercussions on the basis of security threat charges. In 2020, the government dissolved an anti-Islamophobia NGO called the Collective Against Islamophobia in France (CCIF) on the grounds that its activities propagated theories which encouraged hate or violence based on ethnicity and provoked acts of terrorism (HRW, 2020). In contrast, Human Rights Watch found that CCIF’s work was important in documenting the impacts of discriminatory anti-terrorism policies (HRW, 2020). The lack of transparency and concrete evidence in the closures of these Muslim associations creates skepticism regarding whether these closures are truly necessary, or if they are in part political.

## CONCLUSION

Far-right populist parties in Europe contribute to illiberalism in that they can normalize xenophobic, exclusionary rhetoric, and reinforce polarization around ethnic and racial national identities. They capitalize on in-group, out-group threat

perception— specifically symbolic threats to national identity and security threats— to consolidate and capture electoral support. Voters are drawn to the party for reasons including feelings of insecurity towards the state of the nation, dissatisfaction with mainstream globalist or EU policies, and because of already-held xenophobic or Islamophobic attitudes. These feelings and attitudes are related to trends in Europe of increased racially and religiously diverse immigration, and they represent a backlash to the reality of growing multiculturalism across Europe. The success of these parties, in turn, places pressure on liberal, European governments to address this voting demographic's needs through compromising liberal values. However, this backlash is not necessarily a permanent fixture of European society, and pathways at the regional and supranational levels offer promising opportunities for greater acceptance and inclusion of racial and ethnic minorities.

## POLICY RECOMMENDATIONS


### **Invite NGOs across the EU to submit anti-discrimination campaigns for a competition hosted by the European Network Against Racism.**

This recommendation replicates key features of the World Justice Challenge except on an EU scale, run by ENAR, and exclusive to the purpose of creating or submitting anti-discrimination campaigns to be considered for funding. Like the World Justice Challenge, it would incorporate critiques of impact, sustainability, and replicability, although the definitions have been changed to fit the scope of this competition. For this, impact would be based on the campaign's ability or potential to mitigate against a prominent feature of discrimination in Europe, sustainability would be if the campaign could last over time, and replicability would be based on if it could be replicated to fit into the contexts of multiple European countries. This program would also be limited to non-profit non-governmental organizations which do work related to anti-discrimination or equality. This competition would encourage NGOs to become involved in transnational anti-discrimination campaigns and provide funding to one which would help combat discriminatory attitudes across Europe.

### **Require regional participation in the European Coalition of Cities Against Racism in order to receive EU developmental funding.**

A standardized action plan to promote anti-discrimination at a local level which has similar objectives and policies as the Council of Europe's Intercultural Cities program is provided through an NGO called the European Coalition of Cities Against Racism. This organization has identified 10 areas of anti-discrimination for cities to focus on with specific steps that cities can implement. This organization, which is a United Nations Educational, Scientific, and Cultural Organization, offers consultation and support for cities who voluntarily participate, and waives fees for cities with less than 20,000 inhabitants. However, the cost for larger cities in not only receiving consultation but in implementing these policies might disincentivize

participation, and smaller cities that do not need to pay the fee may not want to voluntarily participate in implementing these changes. One way to counteract these challenges could be in the inclusion of this participation as a requirement for EU cities of regionally specific funding. Rural regions might be incentivized to participate if it is required to receive funding through programs like the European Rural Tourism Development Project or European Agricultural Fund for Rural Development. For larger cities, the UN might instead offer to waive participation fees or grant scaffolded funding based on evidence of participation.



## CHAPTER TWO

# Gender, Feminism, and Family Values

*Julia Hall*

Since the early 1990s, anti-gender campaigns have swept across Europe in response to feminist and LGBTQ+ movement gains made in recent decades. Opposition to what has been termed “gender ideology” by right-wing parties is concerned with the rejection of various issues, including marriage equality, sex education, reproductive technology, abortion, gender studies, transgender rights, and gender identity. Often making claims that equate “gender ideology” to Leftist indoctrination or Marxist propaganda, the movement has made swift progress in rolling back many of the achievements of queer and feminist emancipatory politics in recent decades. This chapter explores how anti-gender rhetoric manifests in the illiberal project and why it gains such substantial support, ultimately pointing to steps that the EU, national parties, and civil society can take to lessen the appeal of this illiberal narrative.

The gender discourse utilized by right-wing leaders and parties is a crucial mechanism through which illiberal actors advance their agendas. Illiberal politicians employ the rhetoric of gender and sexuality as a metaphor for the excesses of liberal individualism, which tends to prioritize the individual need for validation and recognition rather than the collective good of the family and collective society (Peto, 2022). By constructing “gender ideology” as a threat to society’s moral fabric and mongering fear to the “dying nation,” illiberal parties campaign on promises to revive it by restoring the traditional family (Szelewa, 2023). By villainizing progressive ideas about gender, silencing sexual minorities, and promoting

traditional gender roles, gender discourse becomes an integral part of the anti-pluralist and illiberal majoritarian project and is inextricably linked to the fight for reclaiming national identity. In practice, this discourse manifests in both policy and movements that promote the curbing of progressive gender policies, LGBTQ+ rights, and inclusive sexual education in schools, serving to reaffirm heteronormative ideas about gender, sex, and sexuality.

This chapter uses the term “gender” as it refers to gender identity- a person’s sense of identification, or lack of identification, with the sex prescribed to them at birth and the norms associated with such (Peto, 2022). The modern anti-gender movement has its roots in the Vatican’s reaction to the use of the term “gender” in international treaties on women’s rights in the 1990s. Despite its religious origins, anti-genderism has become deeply entrenched in far-right politics and is a crucial platform on which illiberal politicians campaign for mass support (Graff, 2023). Anti-gender campaigns present the concept of gender as “a force responsible for the denaturalization of the sexual order” (Graff, 2022, p. 267), which presents itself as an attack on a range of issues relating to gender and sexuality, including sexual health and reproductive rights, inclusive sexual education in schools, and rights for sexual minorities (Hodzic & Bijelic, 2014). The concept of “gender ideology” emerges from this movement, framing progressive gender policies as the invention of a corrupt and dangerous liberal elite equated to a “totalitarian ideology” (Graff, 2023). It has proven to be a salient strategy for illiberal actors, like other topics discussed in this task force, to capitalize on fears and anxieties relating to rapid social change. Citizens are drawn to the call to save what they fear is at risk- the family, the foundation of the nation, and national identity. This has allowed them to succeed in challenging feminist and LGBTQ+ social movements and undermining gender and sexuality equality.

The rest of this chapter seeks to demonstrate how illiberal actors leverage discourses surrounding gender, sexuality, and family values and policies that reaffirm the traditional family to build public support, resulting in restrictions on the freedoms of women and sexual minorities and access to sexual education. This

chapter identifies three distinct realms where anti-genderism presents itself in policy and mass political movements- gender roles and reproduction, LGBTQ+ rights, and sexual education- and will analyze relevant actors, movements, and policies that demonstrate the central role of anti-gender discourse in amassing illiberal support. The chapter assesses the gender rhetoric and policies of Poland's Law and Justice (PiS) and the Brothers of Italy parties in two case studies that demonstrate how anti-gender rhetoric manifests in these three distinct realms and is central to the project each party promotes. The final section will provide policy recommendations on what states, civil society, and the European Union can do to curb illiberal anti-genderism.

## **FAMILIALISM, GENDER ROLES, AND REPRODUCTION**

Just over five years ago, Viktor Orbán announced that 2018 would be Hungary's "Year of the Family" (Grzebalska & Peto, 2017). This declaration aptly symbolizes how illiberal politicians seek to reorient the family at the center of national and political life. Illiberal actors often achieve this through the rhetoric and policies of familialism. Familialism refers to the "strictly standardized image of a functioning family as the foundation of the nation" (Kemper, 2014, p. 13). Under this model, individual reproductive and self-determination rights are subjugated to the normative demand of the reproduction of the nation. Often presented alongside the rhetoric of a "dying nation" in reference to declining birth rates, it becomes the women's obligation to ensure the nation's survival by birthing and raising children. Thus, familialism is inextricably linked to traditional gender roles, in which it is the man's job to provide, and the women's role is to reproduce.

The obligation for women to ensure the nation's survival through procreation is evident in the discursive strategy of illiberal campaigns. The demographic crisis narrative and centrality of the traditional family are seen in party platforms, such as that of Germany's Alternative for Deutschland (AfD). The AfD understands the traditional family as "the heterosexual married couple with biological children and a

gendered division of labor,” and this definition is the guiding principle of the party’s gender policy (Hajek, 2020). The AfD evokes the threat of demographic crisis to promote the protection of the white, heteronormative family and stimulate higher birth rates by the native population. A campaign poster from the 2017 elections, shown in Figure 1, depicts a white pregnant woman and reads, “New Germans? We’ll make them ourselves,” demonstrating a commitment to the traditional family, the nation, and reproduction, that ties into the illiberal theme of cultural nativism—as much as illiberal actors are concerned with curbing immigration and promoting a homogenous sense of national identity, this too extends to preserving and procreating this national identity from within (Hajek, 2020).

**Figure 1** | *AfD Campaign Poster from 2017*



Source: Hajek, 2020

The approach to familialism is two-fold. While it is a discursive strategy of campaigns such as Hungary’s “Year of the Family” and Germany’s “Initiative for the Protection of the Family,” it is also carried out through welfare policies that incentivize child-bearing and underscore the preference for women as caregivers. Such familialist policies reveal a deeply gendered vision of care work, and the conditions to receive them are also highly gender-based. In countries such as Hungary and Poland, this looks like strengthening family-related cash transfers at the expense of investment in care services (Szelewa, 2023). This essentially “pays” caregivers (typically women) to stay home and raise children rather than funding childcare centers, preschools, and other institutions that can provide care services to support two working parents. In Hungary, women can retire after 40 years, and years spent on maternity leave count as years of “work,” while years spent in

education, for example, do not (Grzebalska & Peto, 2017). The government also strengthened tax breaks for families with three or more children- the overall support in cash for mothers with at least three children is equivalent to receiving a minimum wage (Swzelewa, 2023).

These policies appeal to families, and women in particular, because they appear to elevate the status of care work. These policies recognize and compensate for women's contributions in the home and reproductive spheres—the very lack of this recognition is a common grievance with liberalism (Peto, 2022). However, these policies simultaneously assert the preference for women in the home and actively limit their ability to pursue a career while raising a family. It is possible to acknowledge that these policies can positively affect women, families, and birth rates while recognizing that they oppose the goals of the liberal feminist movement. Family benefits provide an economic cushion for working-class families that they would not otherwise perceive. However, the way that these policies are constructed takes funds away from investment in public childcare institutions and presupposes that women are the ones in the home taking care of the children, effectively prioritizing women as mothers over citizens with equal rights. To counter the ability of illiberal actors to capitalize on the appeal of restoring a traditional family to push conservative gender roles, alternative policies must be explored that de-gender the act of caregiving and provide family benefits on a gender-neutral basis.

The familialist narrative is also at the center of arguments for restrictions on reproductive rights. In 2020, the Geneva Consensus Declaration on Promoting Women's Health and Strengthening the Family was signed by Poland and co-sponsored by Hungary. This declaration demonstrates how limiting access to abortion, affirming women's critical role in the family, and ensuring the survival of the nation are all intimately connected. The declaration pledges to support "the role of the family as foundational to society" and reaffirms "women's contribution to the welfare of the family and the development of society." Further, it emphasizes that "in no case should abortion be promoted as a means of family planning" and

reaffirms that “there is no international right to abortion” (“Geneva Consensus Declaration”, 2020). Thus, using a familialist framework, restrictions on abortion are justified from the perspective that women are essential to the family, the family is the foundation of the nation, and the survival of both is reliant on female reproduction (Mancini & Palazzo, 2022).

The anti-abortion manifestos of the illiberal leaders in Hungary and Poland are meted out in policies that exclude women from access to reproductive care, while movements across Europe spread similar messages through anti-feminist and misogynistic rhetoric. A recent law regulating abortion in Hungary, known as the fetal heartbeat rule, requires women to listen to the fetal heartbeat before accessing the procedure (Strzyzyska, 2022). Furthermore, in Spain, anti-abortion protests sponsored by the anti-choice organization “Yes to Life” attracted millions of supporters to the Spanish capital in 2019. Of notable appearance were members of Spain’s Vox party, whose platform is rooted in the objection to abortion and a commitment to “protect the family” (Madden, 2022). The party is committed to ending public funding for abortions and shutting down what it describes as “radical feminist organizations,” and party leader Francisco Serrano Castro has claimed he is proud to be labeled “machista” if it means defending life (Madden, 2022). Thus, illiberal parties like AfD and Vox, and ruling regimes like those in Hungary and Poland, utilize the rhetoric of family values to reject feminist emancipatory politics and undermine gender equality.

## RESTRICTING LGBTQ+ RIGHTS

In 2021, Viktor Orbán declared that Hungary would provide “a home to European citizens... who have not descended into LGBTQ lunacy” (Mancini & Palazzo, 2020, p. 403). This rejection of sexual diversity is a common theme throughout liberal campaigns and regimes. The exclusion of LGBTQ+ persons from certain freedoms, such as marriage, adoption, and alternative reproduction procedures, ties into the larger narrative of what illiberal actors label an assault on the traditional family.

Sexual diversity, i.e., anyone who does not identify as heterosexual or with their biological sex, is linked with the perceived erosion of the family, which is “discursively and effectively linked to the erosion of society” (Hajek, 2020). Conservative discourse links the loss of the heteronormative family with social anarchy. As stated by Anette Scultner, chairperson of AfD’s Christian initiative in Germany, “the social and biological sustainability of every society depends on these complementary genders” (Hajek, 2020). Under this perspective, the traditional family is the bedrock of society, since it ensures not only biological reproduction but societal and cultural reproduction as well. Only the heteronormative family can ensure the procreation of national identity—sexual and gender pluralism threaten society’s survival. Thus, it becomes necessary to “erase” deviant individuals who do not uphold the normative ideals of gender and family because these individuals pose a threat to culture, society, and the very essence of national identity (Mancini & Palazzo, 2022).

The “erasure” of sexual minorities is often accomplished by limiting the ability of non-heterosexual couples to form families and have children, thus ensuring they cannot reproduce. In some countries, this looks like Constitutional revisions that define marriage explicitly as between a man and a woman. In 2013, Croatia underwent a constitutional referendum that defined marriage this way, resulting in an effective ban on same-sex marriage (Hodzic & Bijelic, 2014). Similarly, in Hungary, the Fundamental Law that went into effect in 2020 declares, “Hungary shall protect the institution of marriage as the union of a man and a woman” because the family is “the basis of their nation’s survival” (Grzebalska & Peto, 2017, p. 167). Same-sex couples are also no longer able to adopt children in Hungary, as Orbán passed legislation restricting adoption to married couples.

Europe’s far-right has also mobilized thousands of citizens in protest against equal rights for sexual minorities, including their ability to have children. The “La Manif Pour Tous” movement in France, best known for its mass protests against same-sex marriage in 2013, also opposes assisted reproductive technologies and surrogacy for same-sex couples. In 2020, tens of thousands of people took to the streets

of Paris to protest a bill that would extend government-subsidized artificial insemination to single women and lesbian couples. The group justified its position using family-centered rhetoric, stating that surrogate motherhood and artificial insemination would “deprive children of a father for their entire lives” (Williams, 2020). Campaigns like La Manif Pour Tous are also mobilizing across Europe and at the EU level. The French movement has inspired branches of the organization to pop up across Europe in countries such as Italy. “La Manif Pour Tous” also founded the campaign “Europe for Family,” which, in 2014, got 230 French candidates for European Parliament to sign onto “principles” opposing trans rights, marriage equality, and sexual education in schools (Bijelic & Hodzic, 2014).

Attacks on sexual minorities also take form in attempts to limit the visibility of LGBTQ+ identities and movements, including civil society organizations. In 2020, Hungary’s Parliament approved a law that banned transgender people from changing their sex assigned at birth on legal documents (“Hungary bans same-sex couples from adopting”, 2020). In 2021, Victor Orbán’s Fidesz party drafted legislation that would ban LGBTQ+ literature for those under 18 (including educational materials and advertisements seen as promoting gay rights (“Hungary LGBT,” 2021). Last year, the Hungarian Supreme Court fined two LGBTQ+ civil society organizations for opposing a recent referendum that limited public discussion of sexual orientation and transgender issues (Thoreson, 2022). In Spain, the right-wing Vox party is well-known for its homophobic rhetoric and sexual intolerance. It has pledged to curtail gay pride parades and has compared homosexuality to bestiality (Carreno, 2019). Parties like Vox have provided an ideological base for those members of the Conservative right who do not resonate with the traditional establishment that has historically been relatively tolerant and are swayed by the rhetoric of protecting the family and saving the children from LGBTQ indoctrination. These ideas are taking root, not only where they are codified by illiberal governments, but are also helping illiberal parties spread their message and gain influence across the continent under the guise of protecting the “natural” family order.

## THE WAR ON GENDER STUDIES AND SEXUAL EDUCATION

The third realm in which the anti-gender movement manifests as a core part of the illiberal project is in what can be described as the war on gender studies and sexual education. Rather than emphasizing policies that target the family or sexual minorities concretely, the campaign against “gender ideology” targets efforts to teach about inclusive sexual education or use gender as a framework for understanding the world and the power structure that govern it (i.e., gender studies as an academic discipline). By targeting the ways gender is talked and taught about, primarily to youth, illiberal actors seek to control the very discourse surrounding gender and reassert the male-female binary as the normative structure of society.

Once again, the argument behind these measures comes down to protecting the family and, more specifically, children. Illiberals succeed in doing this by discursively linking the loss of family values and the corruption of youth by an insidious “liberal agenda.” Right-wing parties invoke examples of progressive sexual education to villainize liberal elites as trying to indoctrinate and pervert children, likening the “gender theory” that permeates sexual education textbooks to a “totalitarian ideology” more dangerous and oppressive than Marxism (Corredor, 2019). In Spain, members of Vox have criticized schools for encouraging “boys to try to be girls” and have stated that “certain laws of ideological nature are... imposing gender ideology on our kids” (Carreño, 2019). Germany’s AfD has also taken a staunch anti-sexual education approach, evoking an image of the overreaching liberal state violating the family sphere and harming one’s children. Right-wing actors contend that state-imposed sexual education “grabs for the children to sexualize and reeducate them” and have even likened school curricula to the sexual abuse of children (Hajek, 2020). Under this narrative, illiberal actors are painted as benevolent protectors, saving society from perversion by what is “unnatural” and painting themselves as the vanguard of wholesome family values, providing an attractive lure around which society can mobilize. Prompted by the AfD’s gender platform, the “Initiative for Protection of the Family” led marches to protest the integration of topics of

sexual diversity and nonnormative relationships into curricula for school children (Hajek, 2020).

The war on sexual education is also present in France. In 2011, eighty MPs mobilized in opposition to a new biology textbook that defined gender as a social construct rather than a biological fact. They claimed that the theory presented in the book “risks destabilizing young people and adolescents and altering their development,” reiterating that anything that challenges the heteronormative order is evil, dangerous, and threatening (Corredor, 2019, p. 613). A few years later, France canceled a gender equality program entitled “ABCD of equality,” which was intended to support teachers in addressing gender stereotyping in schools (Corredor, 2019). The mobilization against progressive sexual education in France stimulated similar campaigns across Europe, all rooted in the same gender ideology rhetoric and promoting fear of the moral deprivation of society, the family, and the nation’s youth.

The assault on gender is also targeted at the university level. In Germany, AfD has pledged to discontinue all gender studies funding, university appointments, and research. In 2019, Viktor Orbán did just that by removing Gender Studies Master and Ph.D. programs from a list of accredited subjects in the country. The action also rescinded accreditation and funding for Gender Studies programs at two of the top universities in the country, Eotvos Lorand University and Central European University, stating the discipline was “an ideology, not a science” (Prager, 2023). In Bulgaria, a UNESCO project proposal on gender equality in schooling was blocked by the education ministry, and a gender-related conference at the University of Verona in Italy was canceled after a far-right group threatened to shut the event down by force (Apperly, 2019).

This growing war on gender studies is central to the illiberal focus on national identity. Gender studies as an academic discipline teaches gender as a socially construct rather than a biological fact, challenging the strict gender binary and emphasis on the traditional family that are core tenants of the illiberal image. The recognition of gender fluidity destabilizes the very core of society: the

heteronormative family. In this way, anyone that teaches an understanding of society not centered around a male-female binary and heteronormative family is an enemy of the nation. In this way, gender, sexuality, and the family are all linked together as a part of something larger—illiberal actors discursively and effectively use these ideas to elicit broad fears of a crumbling social order, with “gender ideology” being the overarching enemy that must be eliminated.

## **THE LAW AND JUSTICE (PiS) APPROACH TO GENDER & FAMILY VALUES IN POLAND**

Poland PiS party demonstrates how familialist policies, the restriction of LGBTQ+ rights, and attacks on “gender ideology” are embedded in the rhetorical strategy and policy implementation of illiberal governments. In 2016, PiS launched the Family 500 Plus plan, which exemplifies the party’s family-centered approach through its preference for traditional gender roles and emphasis on reproduction. The project, aimed at reversing the country’s “negative demographic trend,” offers families a monthly cash transfer of 500 PLN for every second and subsequent child until they turn 18 (Grzebalska & Peto, 2017). PiS’s approach to the distribution of family benefits is also profoundly gendered. In 2018, the retirement age was lowered to 65 years for men and 60 years for women. The policy was intended to reinstate the care potential of women and thus help to rebuild multigenerational households (Grzebalska & Peto, 2017). Additionally, mothers of at least four children receive the right to a basic pension (Swzelewa, 2023). It is worth acknowledging that this plan has been received quite positively and does include significant benefits for families. In 2017, 77% of constituents viewed the policy favorably, reaching core members of PiS’s voter base, primarily those who are older, have lower education and income, and come from rural areas (Grzebalska & Peto, 2017). Despite its positive reception and tangible benefits, PiS’s family policy demonstrates how the illiberal, family-centered model promotes mothers-as-

caregivers while undermining feminist advancement and succeeds in gaining mass support in the process.

PiS has also been at the forefront of spreading anti-gender and LGBTQ+ rhetoric, making it a focal point of its platform on protecting the traditional family as a pillar of national identity. Polish president, Andrew Duda, has called homosexuality an ideology “even more destructive than communism,” and PiS party leader Jaroslaw Kaczynski formerly stated that gender and LGBTQ+ movements equate with “a direct attack on the family and children” (Apperly, 2019). During his re-election campaign, Duda signed a “Family Charter,” which included pledges to prevent same-sex marriage and adoption and ban teaching about LGBTQ+ issues in schools. These discursive strategies have tangible consequences. In 2020, nearly a third of Poland, accounting for around 100 towns and regions across the country, declared themselves “LGBT Free Zones” (Ash, 2020). While these areas are not legally sanctioned, they force the sexual minorities living within them to either emigrate or live in fear and silence. While same-sex marriage is not legally recognized in Poland, the situation for LGBTQ+ persons in Poland has further deteriorated with the passage of a law in 2021 that prevents same-sex couples from adopting children, even as single parents (Baczynska & Wlodarczak-Semczuk, 2021). This reality attests to the strength of illiberal leaders’ anti-LGBTQ+ discourse and exposes the real consequences of homophobic rhetoric.

PiS’s affliction with sexuality as “a threat to traditional life” extends to the debate over sexual education as well. In 2018, PiS condemned a sex education program approved by the World Health Organization that taught about sexual orientation in Warsaw, stating it infringed on “traditional Catholic values” (Savage, 2020). In 2019, the authors of the “Stop Pedophilia” bill that calls for the imprisonment of people who promoted underage sex stated that sex educators are often people who “groom and familiarize children with homosexuality” (Savage, 2020). The proposed bill is understood to target the teaching of sexual education in schools, which leaders repeatedly rhetorically link with LGBTQ+ indoctrination, a dangerous ideology that threatens national identity. Poland offers a robust case study of how a

ruling party effectively appeals to the desire to restore traditional family values as part of the nation's fundamental identity. In doing so, they are successfully able to demonize any perceived threat to the natural order, all the while infringing on minority rights and increasingly creating a heteronormative social order.

## ITALY, THE FAR RIGHT, AND GIORGIA MELONI

In September 2022, Italy elected the most right-wing government since World War II, making Giorgia Meloni, leader of the Brothers of Italy party, the country's first female prime minister. Winning 26% of the vote in an election with a "record-low" turnout, the Brothers of Italy became the largest party in Parliament ("Giorgia Meloni: Italy's far right", 2022). Giorgia Meloni has made headlines and garnered substantial support for her staunchly right-wing platform founded on Euroscepticism, anti-immigration, and the rejection of "gender ideology" (NPR, 2022). Giorgia Meloni and the Italian far-right demonstrate how protection of the traditional family is utilized to wage attacks on reproductive rights, the rights of sexual minorities, and sexual education to preserve national identity.

Italy has long been an outlier in Western Europe in terms of rights for sexual minorities- gay marriage is not recognized by law, surrogacy is banned, and adoption and in vitro fertilization are only permitted for heterosexual couples, as they require a marriage. Despite lagging in sexual equality, Giorgia Meloni's platform is largely fueled by anti-LGBTQ+ rhetoric and threats to roll back the rights of sexual minorities. In her campaign, Meloni pledged to oppose surrogacy and adoption for gay couples, essentially promising to bar any attempts at progress. While in Parliament, Meloni submitted an amendment to the law that bans surrogacy in Italy to include a provision that would prohibit Italians from seeking the procedure abroad. She also connects with voters by appealing to heteronormative ideas about what constitutes the "family," echoing many of the rhetorical strategies formerly detailed in this report, such as that having a mother and father is "best for a child" (Bubola, 2022).

Meloni is not the first to express anti-gender sentiments in Italy. In 2013, an Italian branch of La Manif Pour Tous was founded. The organization has actively mobilized Italian citizens against sexual education programs about gender equality. The movement also opposes legislation that includes sexual orientation, gender identity, and expression as the basis for discrimination (Hodzic & Bijelic, 2014). In 2015, the organization became “Generation Family” and organized annual “Family Days” in the subsequent years to protest the legalization of civil unions for same-sex couples, their central claim being that the family is founded on the union of a man and a woman. In 2016, Italy’s interior minister Angelino Alfano claimed that “surrogacy is the most vile, illegal trade that man has invented,” claiming that it subverts traditional family values and that surrogate parents should be “treated like sex offenders and sent to prison,” rhetorically linking sexual minorities, or any individual seeking an alternative reproduction procedure, a criminal (“Surrogacy is like sex crime”, 2016).

The Brothers of Italy Party has strong connections to the right-wing Lega, which, prior to the Brothers’ ascent, instilled a legacy of familialist and anti-gender policies in Italy. The League, founded in 1989, became a radical right party under the leadership of Matteo Salvini in 2013. As a national party, the League promoted two key goals in its electoral platform, reaffirming the centrality of the traditional family in everyday life and combatting low fertility rates. Its familialist, chauvinist, homophobic rhetoric attracted the label of the “Polish drift of Italy” (Meardi & Guardiancich, 2022). When Lega led the nation as a part of a coalition government, childrearing was incentivized by increasing “natality benefits” for newborns by 2%, starting with the second child, and by increasing nursing subsidies from 1000 to 1500 euros per year. Reaffirming the Italian right’s commitment to traditional gender roles and solidifying women’s primary role as caretakers, the right-wing government abolished a 600 euro-a-month subsidy for babysitting or childcare costs for mothers opting out of parental leave due to work obligations (Meardi & Guardiancich, 2022). Once again, these policies are attractive to voters because they benefit mothers and families. However, their existence relies on cutting investment in childcare and other public services that would allow women to

participate in the workforce *while* being mothers, demonstrating the illiberal right's anti-feminist policy shift.

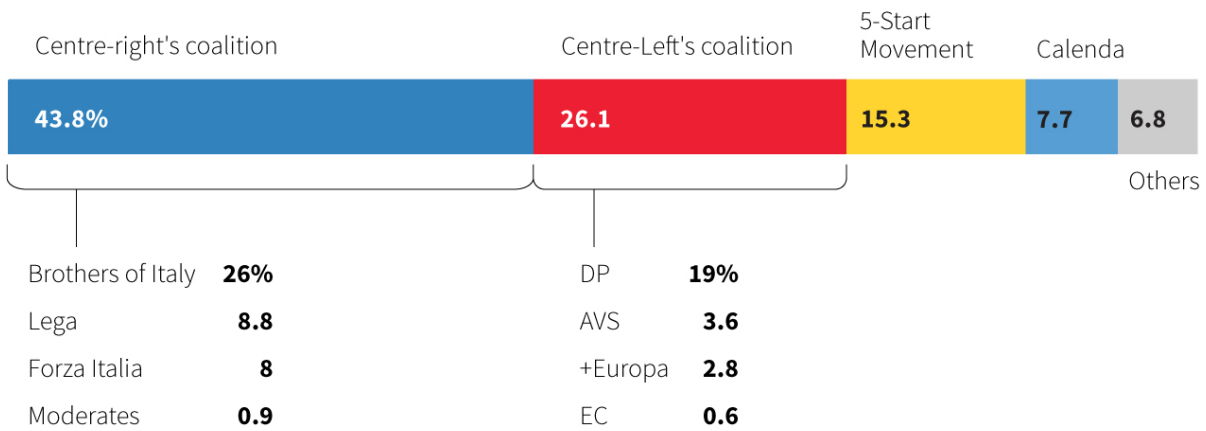
The Lega has also pushed staunchly homophobic rhetoric that has had ripple effects throughout society. In 2019, LGBTQ+ rights groups likened a rise in hate crimes to the prominence of Lega and the homophobic comments of its members (Giuffrida, 2020). In 2020, an attempt to amend an anti-discrimination law that would make violence against LGBTQ+ people, as well as misogyny, illegal was virulently opposed by right-wing leaders and was eventually voted down. At this point, the Brothers of Italy had become a political partner of the League, and the two parties co-organized counter-protests against the legislation. Now Prime Minister Giorgia Meloni claimed that the law would “suppress the freedom of expression,” while Matteo Salvini stated, “I’m here to defend the right of a child to have a mother and a father. Tomorrow, I do not want to be tried for family rights” (Giuffrida, 2020).

Now that Meloni and the Brothers of Italy are in power, the party's anti-gay, anti-choice, and anti-sex ed rhetoric shows no signs of waning. Meloni and the Brothers of Italy have consistently promoted “preventing” legal terminations of pregnancy in order to increase the birth rate (Tranchina, 2022). The Councilor of Piedmont, a member of Brothers of Italy, has proposed giving a monetary incentive of 4,000 euros for women not to have an abortion (Giuffrida, 2022). Meloni has also called for a ban on sex education in schools, claiming that the teaching of “gender ideology” is aimed at the disappearance of women as mothers (Bubola, 2022). In addition to her opposition to same-sex marriage and adoption, Meloni has attacked LGBTQ+ representation in children's cartoons as being a part of the “LGBT lobby” (Tranchina, 2022).

By arguing that protecting the rights of sexual minorities constitutes an assault on the family and traditional values, Giorgia Meloni and the Italian right successfully demonstrate how sexual pluralism is used as part of the majoritarian liberal project to limit minority rights. Despite her campaign slogan promising to “govern for

everyone,” it is clear that “everyone” does not include sexual minorities or women. Through rhetoric that spews hate and policies that limit the full participation of women and sexual minorities in the economic and social spheres, Italy’s illiberal regime successfully presents a compelling narrative of saving the nation and its identity.

**Figure 2 | Italian General Election Results September 2022**



Source: E. Anzolin and K. Weir, 2022

## POLICY RECOMMENDATIONS

### **Attach a minimum spending requirement of the European Social Fund Plus (ESF+) budget to build childcare capacity for working families.**

Currently, the ESF+ provisions require that Member States spend a certain percentage of their budget on various issues relating to poverty and employment. To integrate an emphasis on gender equality with the goals of increasing employment and boosting economic recovery, the ESF + should mandate that a minimum percentage of the funds disbursed to member states are used to adapt family-friendly and gender-neutral policies relating to childcare and family leave. This minimum spending requirement will encourage increasing mandatory, paid paternal leave and expanding universal child care facilities. Attaching a minimum spending requirement for gender-neutral family policy will make it easier for both parents to work and participate in raising children, challenging the illiberal policy drift that places the burden of care primarily on women.

### **Initiate community-university partnerships to implement community-based sexuality education programs.**

Comprehensive and inclusive sexual education is fundamental to curbing anti-gender sentiment in Europe and reducing the draw toward illiberal “gender ideology” rhetoric. Through these initiatives, civil society organizations will partner with universities to develop programming and curriculum on sexual education to be distributed amongst local communities, especially those who lack access to such programs in conventional schooling. Through community-university partnerships, the initiative will disseminate information sheets, organize sexual health classes, and invite guest speakers to speak on sexual health and sexuality in community forums such as college classrooms, community centers, health centers, or even businesses and places of employment. The community-university partnerships will work with employers to provide workshops, lectures, and resources on sexual education and reproductive health. Through their partnerships, universities will

work with CSOs to not only target urban centers but to reach rural and poorer areas that may have less exposure and more skeptical attitudes toward the subject.



## CHAPTER THREE

# “Collective Victimhood” and the Psychology of Illiberalism

**Anita Zeng**

Illiberal democracies are characterized by the restriction of civil liberties, intolerance, and the erosion of democratic institutions—and yet many people continue to support illiberal leaders, parties, and policies nonetheless. In attempting to understand why illiberalism holds appeal to some citizens, we can take from the fields of social psychology and memory studies to explore what makes illiberalism attractive. A central anchor as to why citizens support illiberal parties or governments is perceived membership in an in-group in opposition to an out-group, often defined through characteristics of race, religion, and ethnicity. Non-conforming minorities, including immigrants, sexual minorities, or the “elite,” are treated with intolerance. The psychology of group dynamics—the group-based needs of recognition and dominance—further reinforces these dynamics (Grondfeldt et al., 2022). When members of an in-group perceive a threat to their existence, such as rapid social change or an influx of immigrants, their desire to repress non-conformity might increase, as might their support for strong leaders who espouse traditional ideals.

Illiberal leaders and parties capitalize upon these inclinations and strive to re/shape collective memory, which is a powerful force in the rise and maintenance of illiberal democracies. They imbue collective memory with pride and innocence, often rejecting guilt from the events of national history and instead emphasizing a self-victimizing narrative (Rosenfield, 2021). To do this, they encourage legislative efforts to support their endeavor and employ rhetoric that promotes historical revision, continually demonizing those perceived as outsiders. The popularity of Victor

Orbán and Fidesz in Hungary and of AfD in Germany are prime examples of the ways in which illiberal leaders and parties utilize collective memory, victimhood, and misinformation to obtain and maintain support.

## HOW DO ILLIBERALS GAIN CITIZEN SUPPORT?

First, drawing from the field of social psychology, we must address why people support illiberal parties and leaders. In answering this, the psychology of group identification can help understand the support for illiberalism. Moghaddam (2019) proposes the concept of a “sacred group” that authoritarian leaders use to unite the people under their rule. Within this sacred group, individuals see their freedom as attached to the group and its well-being. This “sacred group” can dictate an individual’s identity; the nation is a form of the sacred group, bound by some national, religious, ethnic, and/or linguistic categorization and imbued with a sense of superiority over others, which facilitates a person’s support for an illiberal party. Significantly, an in-group defines itself in contrast to those not in the group – the political establishment and elites, immigrants, religious minorities, LGBTQ+ community, Muslims, and other “others” who comprise of outsiders and even enemies. The ethnic nationalism of certain illiberal parties exemplifies this in its exclusionary rhetoric.

Within this in-group, collective needs for recognition and dominance emerge, leading to hostility and intolerance towards outsiders. In illiberal democracies, the group-based need for recognition manifests as collective narcissism, which is defined as “a grandiose but defensive idealization of the ingroup, characterized by a specific hostility towards those who are perceived as critical towards the ingroup” (Grondfeldt, 2022, p. 565). Members of the in-group support those who validate the group and attack those who do not, even—or especially—if they are experts or academics. Because of this need for recognition, members of the group become susceptible to misinformation and conspiracy theories that validate their specialness. For far right populist parties, the effects of collective narcissism are

clearly seen in supporters' intense hostility towards critical media and easy acceptance of outlandish conspiracy theories—such as the belief that George Soros will bring a wave of destructive immigrants to Hungary—or repetition of falsified history promoted by far right leaders. Furthermore, the group based-need for recognition can soon evolve into the group-based need for dominance which facilitates excessive nationalism. Groups with the group-based need for dominance perceive themselves as superior to other “inferior” groups—once again, immigrants, refugees, minorities, et cetera (Grondfeldt et al., 2022). They tend to support existing inequalities within society, as evident by support for anti-immigration policies that restrict the rights of immigrants, or the nativist positions of some far right populist parties. Furthermore, these nationalist groups desire to assert their dominance over other groups, often supporting aggressive military action. Both the group-based needs for recognition and dominance motivate who people support and vote for.

Furthermore, in the age of globalization and change, people may feel lonely or alienated within the globalized world, and seek new hope that comes from illiberal leaders and parties who promise freedom in a fractured, complicated, industrialized world (Moghaddam, 2019). Perceived threats can motivate people into action; since collective narcissists tend to have altered perceptions of reality and thus perceive threats as more damaging and sinister than they actually are, illiberal leaders may overemphasize the presence of a threat in order to effectively mobilize the ingroup. These threats include rapid change such as gender equality, increased immigration, a non-European refugee crisis, and/or an economic recession (Feldman et al., 2022). Immigration in particular is commonly used by illiberal parties or leaders to stoke the fear that immigrants will erode the ideals of the in-group, and therefore aggressive action is necessary in order to prevent the danger. For example, concerns over immigration mobilized Brexit supporters and led to the final decision to vote to leave the EU (Hutchings and Sullivan, 2019).

**Figure 1** | Poster from UKIP depicting refugees in Slovenia released before the EU referendum



Source: Aljazeera, 2016

## COLLECTIVE MEMORY, MISINFORMATION, AND HISTORICAL REVISION

These theoretical frameworks of social psychology not only explain why some citizens support illiberal parties and leaders but contribute to an understanding of how illiberal leaders and parties use collective memory to obtain and maintain that support. Collective memory is how a group of people—in this case, a nation—remembers their past; it “plays a crucial role in defining the reference points that shape the selection and interpretation of the formative occurrences that define how the past and the future are socially reconstructed in the present” (Verovšek, 2019, p. 844). Collective memory has the ability to be shaped by political actors. In Eastern and Central Europe, where illiberal parties have attained significant power,

collective memory hinges upon the memory of Soviet rule and the pains of communism, which idealizes the period of national sovereignty before World War II and has “led the states of the region to see their own freedom and self-determination as rooted in a culturally-, ethnically-, and linguistically-defined conception of the nation” (Verovšek, 2019, p. 853). On the other hand, Western European collective memory centers the horrors of World War II and cautions the dangers of extreme nationalism and weak individual rights. This leads to differences in policy between Western and Central/Eastern Europe and different conceptions of democracy and the nation. For instance, the refugee crisis in 2015 provoked inter-European conflict between east and west; many Central and Eastern European nations were hostile to the proposal of hosting refugees, already seeing themselves as previous victims of external forces. Because of a collective memory that encourages feelings of victimhood, people are more likely to continue to support illiberal leaders who seek to bring recognition and justice to their nation.

However, that is not to say the issue of collective memory and victimhood is specific to Central and Eastern Europe. Several far right parties have gained relevance in Western European countries such as the National Rally in France, AfD in Germany, or the Swiss People’s Party in Switzerland. Despite the liberal “memory boom” in the 1990s, where countries took a self-critical look at national histories and strove to always remember past pains, there has been a rise in illiberal memory. As Rosenfield (2021) argues, “illiberal memory” instead emphasizes national pride and glory and rejects guilt for past actions, claiming innocence and even victimhood. The 2008 global recession acted as a catalyst for these reactions, since rapid change and uncertainty motivate people to seek solutions in tradition, even if they stray from previously established liberal ideals. Illiberal leaders took advantage of people’s need for reassurance and recognition and crafted narratives of memory that validated those needs. As stated earlier, the group-based need for recognition makes people susceptible to misinformation and subsequently, historical revision as leveraged by illiberals. Illiberal leaders often mis-appropriate the events and language of the Holocaust; in Poland, PiS depicts the Poles as victims with language similar to that of the Jewish victims (Rosenfield, 2021). This cultivates a collective

victimhood amongst their supporters, which in turn encourages support for the “revenge” that illiberal leaders often promise. To pursue their agendas, illiberal leaders utilize misinformation and conspiracy theories that often exaggerate threats to the in-group to create the need for a restoration of order only the illiberal leaders can provide.

To understand how these memory politics are used to create and meet the psychological needs of the group, we look at two case studies. Firstly, Victor Orbán and Fidesz have established clear in-groups and out-groups and created collective traumas centered around the Treaty of Trianon and the post-1945 communist regime. These actions have fostered the group-based needs for recognition and dominance and allow his rise to power as an illiberal leader. Examining this case study will demonstrate how an illiberal party in power shapes a nation’s collective memory for its agendas. In Western Europe, the right-wing populist party Alternative for Germany (AfD) has established a platform of ethnic nationalism and gained significant support with their outwardly exclusionary rhetoric. Despite Germany’s reckoning with their past, Nazi rhetoric and ideology have captured relevance once more; examining the ways in which the AfD has achieved this relevance will show how collective memory plays a role in mobilizing support.

## **VICTOR ORBÁN, FIDESZ, AND HUNGARY**

In Hungary, Victor Orbán and Fidesz have centered a homogenous nation of ethnic Hungarians in their rhetoric, shaped collective memory to emphasize perpetual victimhood rather than confronting guilt and employed fear tactics by continually warning of external threats through misinformation and conspiracy theories.

Fidesz has used the Treaty of Trianon to construct a collective national trauma for which Orbán is seeking to attain justice. To give context, the Treaty of Trianon, enacted after World War 1, forced Hungary to cede a significant stretch of land to neighboring countries. Along with the lasting pains of Soviet control, the Treaty of Trianon is a symbol of Hungary’s victimization and suffering at the hands of others.

Scholars have documented the ways that Orbán has contextualized the treaty as a collective cultural trauma (Toomey, 2018; Lipinski and Szabo, 2022). In constructing a narrative of victimhood and connecting past to present, Orbán convincingly links the well-being of the nation to the people; if the homogenous nation of “true” Hungarians is being attacked, then so are its people (Lipinski and Szabo, 2022). Orbán and Fidesz state both external and internal enemies’ intent to threaten Hungary – including the Hungarian elite that initially betrayed their country during the Treaty, neighboring countries who have taken land from them, the EU that conspires against Hungary, and immigrants who threaten the ethnic state of Hungarian – which establishes a clear “us” vs “them” dichotomy and fuels justification for the illiberal actions of Orbán’s government.

Through the creation of the National Unity Day, Orbán’s government has legitimized this narrative of victimhood. National Unity Day, established as a national holiday in 2010, commemorates the country’s territorial losses from the Treaty of Trianon. As commemorative legislation, the Treaty becomes a collective trauma, defined as “an occurrence whereby a social group believes that they have been the victim of a traumatic event which has left deep, significant impacts upon the collective psyche of the group which last into perpetuity” (Toomey, 2018, p. 89). In his speech on National Unity Day in 2021, the president Janos Ader stated:

The fate of Hungary was not decided in 1920. It happened much earlier. At disingenuous behind the scene talks. Unprepared politicians, political desperados, self-proclaimed prophets, paid agents, biased, partially corrupted experts, journalists tainted with anti-Hungarian bias all worked together to create what we call the Trianon peace dictate today. (Ader, 2021)

By legitimizing a narrative of victimhood, Fidesz create a logical need for vengeance in which they position themselves as the savior of Hungary. Furthermore, the trauma of Trianon can never be resolved; greater Hungary, which consists of those Hungarian minorities in neighboring countries that were separated by the treaty, can never be realized without the consent of Hungary’s neighbors, who do not intend to give up their territory (Toomey, 2018). Because of the lack of opportunity

for resolution, Orbán and Fidesz can perennially represent Hungary's interests on the global stage and defend against enemy outsiders. Everything that Orbán continues to do, even though it is illiberal, is then justified because of Orbán's greater purpose of restoring recognition for Hungary and fighting against those who are claimed to conspire against them. These "conspirators" include George Soros, the Jewish billionaire who allegedly plans to introduce an invasion of immigrants into Hungary with the help of the EU establishment; Fidesz has dedicated \$250 million to this misinformation campaign in an effort to create a boogeyman that threaten Hungary and necessitates his role as defender (Enyedi & Kreko, 2018).

**Figure 2** | A poster depicting George Soros that says "Let's not allow Soros to have the last laugh!", with "dirty Jew" written on his forehead.



Source: BBC, 2017.

Another part of Orbán's reshaping of Hungarian collective memory is the rejection of guilt in favor of innocence and victimhood, an integral part of illiberal memory. This manifests as constant claims of victimhood for the period of Soviet

rule from 1945 to 1989 while showing a lack of attention for the period under National Socialism and denying of any responsibility for the crimes committed during the Holocaust. For example, the Fundamental Law, Hungary's constitution implemented in 2011, pays specific attention to crimes committed by communism throughout, while the atrocities of National Socialism are confined to the preamble and the role of Hungarian authorities in mass killings of Jews are not mentioned at all (Kirs, 2023). Furthermore, the Fundamental Law established the Committee of National Remembrance, dedicated to investigating the role of individuals and organizations in maintaining the communist regime. The government also terminated another independent research organization, the 1956-Institute, government has drawn criticism from academics and civil society. In reality, the Committee's purpose is to continue to shape a collective memory that centers the victimhood of communism while neglecting the same attention for National Socialism, or pre-1920 history (Kirs, 2023). The focus on communism has consequences for how current politics become dictated by collective remembrance. For instance, the Fundamental Law states that "legal successors of the Hungarian Socialist Workers' Party continue to share the responsibility of their predecessors as beneficiaries of their unlawfully accumulated assets", a statement that accused the Hungarian Socialist party, at the time Fidesz's biggest competitor, of being a continuation of the communist regime. Going further back, Fidesz connects left-wing parties to the Treaty of Trianon. The Speaker of the Parliament, Laszlo Kover, in a speech claimed "our borders would not have been defined as done in Trianon if the Hungarian left had not betrayed the nation in 1918-1919," followed directly by "today's left liberal politicians are not dedicated to the nation" (Kirs, 2022, p. 253). By crafting this historical continuation, Orbán and Fidesz defend themselves from criticism from opposition parties.

The case of Hungary represents the ways that illiberal leaders capitalize upon the psychological needs of groups to gain and maintain power. Orbán and Fidesz have dictated a homogenous in-group, defined by race, ethnicity, and language, in opposition to a perceived threat of immigration and global institutions, whose danger is reinforced by a collective memory of victimhood and suffering at the

hands of others. This group-based need for recognition is fulfilled by Orbán's quest for redemption for Hungary, which is continually justified by a skewed history that plays upon the fears of the people.

## ALTERNATIVE FOR GERMANY (AfD)

The AfD has effectively utilized similar methods of exclusionary group rhetoric, ethnic nationalism, misinformation, and historical revision. After being founded on the platform of Euroscepticism in 2013, the AfD has continually shifted to the right, officially adopting anti-immigration, anti-Muslim and anti-gender stances. The AfD currently holds 78 seats in the Bundestag and has representation in 15 out of 16 parliaments, with an estimated 13% of voter support according to opinion polls (Witting, 2023). To gain support, the AfD employs and advocates for "Volkish nationalism," which strives to ensure and maintain the purity and homogeneity of "the people"—Volksgemeinschaft—who are defined as ethnically and linguistically German; this ideology of ethnic nationalism is reminiscent, and indeed is a revival, of the ethnic nationalism of Nazism (Haverts, 2021). AfD politicians and leaders construct an in-group of ethnic Germans against several outside enemies: the "elite", the "establishment", immigrants, Muslims, and Jews. These threats justify the party's extreme stances on immigration and Islamophobia, normalizing Volkish nationalism and xenophobia.

Despite the revival of Nazism within the AfD, a period for which Germany has engaged in self-critical liberal memory, the party still promotes a narrative of victimhood and engages in historical revision. For them, Germans are also victims of Nazism because it caused a national identity crisis in the aftermath; Germany's history became eclipsed by the Nazi regime, and its continual presence prevents Germans from restoring their previous national identity and status (Wojczewski, 2021). For example, one of the founders of the AfD, Alexander Gauland, once stated in a speech that, compared to the rest of German history, "Hitler and the Nazis are nothing more than a piece of bird shit" (Wojczewski, 2021, p. 145). Another leader,

Bjoern Hoecke, criticized the Memorial to the Murdered Jews of Europe, claiming that Germans were the “only people in the world who planted a memorial of shame in the heart of their capital” (BBC, 2017). Evidently, AfD strives to move away from the Nazi rule as a period of shame within German history, despite its immense historical significance and lessons for the future. In doing so, AfD politicians normalize that history and present Germans as continuing victims of unnecessary and unfair scrutiny for the events of World War II. Supporters of AfD, who either already feel victimized or come to believe in their victimization, strongly believe this reading of history.

The AfD also utilizes conspiracy theories to establish and maintain support. These conspiracy theories often hinge upon an external threat to the sovereignty of “the people” as defined by Volkish nationalism; social media is a popular mechanism for which this rhetoric is spread. Many of their supporters believe in *Überfremdung* — the conspiracy that Muslims are threatening Germany from within and will soon replace the German population (Klikauer, 2020). They use imaginative language; Hoecke describes a future where “foreign peoples will be roaming through our deserted libraries, concert halls, universities and parliaments and will be asking themselves, how was it possible that such a great culture could be simply swept away?” (Wojczewski, 2021, p. 152). The puppeteers of this menacing scheme are foreign countries and global elites who conspire with the German establishment to execute their plan, and whose ultimate goal leads to the subjugation of the German people under the control of the European and global elites. Because it is a conspiracy, it lacks rationality; however, the construction of a menacing threat to Germany plays to the fears of their supporters and mobilizes them, which channels into greater power for AfD. AfD politicians champion themselves as the defenders of the German people striving to uncover these plots. Obviously, there exists no international conspiracy that desires the replacement of the German people; however, like in Hungary, this proves beneficial for AfD. People will always be dissatisfied, and the AfD makes sense of their dissatisfaction through conspiracy theories and channels their anger into political support.

Although the AfD hasn't captured the same power that Fidesz in Hungary has, they utilize similar tactics to achieve their goals. By centering a Volkish nationalism, AfD establishes a clear in-group and out-group. They connect this homogenous, ethnically German in-group to a glorious German history that minimizes the period of Nazism and World War II, catering to the group-based needs for recognition and dominance, and ultimately imbuing their supporters with an unhealthy fear of imagined threats and global conspirators.

## CONCLUSION

Globalization has ushered in new economic orders, networks of immigration, and social change. Many people feel uncertain about the future, and illiberal parties validate these fears by constructing and enlarging any perceived threats. Therefore, we need to be proactive in countering the illiberal drift with policies that counter societal polarization and heightened anxieties.

In attempting to neutralize illiberalism in Europe, we must understand and engage with the extreme nationalism that fuels much of its support. We can encourage national pride independent of the need for superiority and dominance over others. On the EU level, this could mean funding opportunities to encourage self-critical memory analysis for national culture and history. Furthermore, steps could be taken to disavow the self-victimizing rhetoric that illiberal parties use. Fact-checking is necessary to counteract the harmful misinformation that illiberal parties often spread. Expanding fact-checking initiatives on a national level would help stem the flow of misinformation coming from illiberal parties.

## POLICY RECOMMENDATIONS

### *EU Level*

**Maintain or expand funding for the European Digital Media Observatory (EDMO) to grow existing fact-checking organizations and expand operations so that each EU member-state has a dedicated fact-checking website.**

The illiberal drift is reinforced by exclusionary rhetoric and conspiracy theories. Therefore, actions taken against illiberal parties such as AfD and Fidesz should deconstruct the various conspiracy theories that party leaders tout. Even in countries where illiberal parties have maintained power, fact-checking organizations exist to bring accurate information to the public, such as Lakmusz in Hungary which has reached almost two million people (“The First Year of Lakmusz”, 2022). Therefore, the EU should fund EDMO to ensure its national hubs can achieve their goals in the future.

**Attract more signatories to the Code of Practice on Disinformation and enforce commitments from current signatories.**

Because the EU cannot oversee the entire social media sphere, it has given some responsibility to those social media sites, such as Meta, Google, and TikTok, who have made commitments to tackling disinformation that involve demonetization, user empowerment and education, and political transparency. Attracting more signatories would strengthen efforts to prevent disinformation by filling gaps. Additionally, some signatories, such as Twitter, have provided little information or commitments. To ensure the success of this Code of Practice, which was introduced only recently, the EU should enforce such commitments from signatories by offering financial incentives.

## *Civil Society Level*

**Create cultural heritage projects aimed at illiberal state-backed narratives, funded by Creative Europe, that presents history for public audiences in the form of a traveling museum exhibit.**

Funding a project independent of the government that is tasked with researching and presenting 20th century history would help counteract government agendas to shape collective memory into convenient narratives—for example, in Hungary. While Fidesz may seek to demonize the organization because of its funding ties from the EU, the equal focus on both pre- and post-1945 periods, including the Treaty of Trianon, will incentivize the government to accept the museum exhibit. Additionally, the organization should be headed by independent Hungarian academic researchers and historians, which will help soften accusations of outside influence. The exhibit will promote liberal ideals and self critical analysis of national history and identity. To maximize reach, the exhibition would travel to various cities within the country and utilize nationalistic marketing to attract visitors. The exhibit could be replicated in other countries as well.

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# THE POLITICS OF SOVEREIGNTY

**CHAPTER FOUR** | Member States and the European Union

**CHAPTER FIVE** | Globalization and Economic Change

**CHAPTER SIX** | Political Economy of Immigration

## Nationalism's Comeback

In this section, we consider how illiberal political forces have encouraged and capitalized on a backlash against globalization. A combination of factors has led to this outcome. In former industrial areas, imported goods have replaced booming local production, thus lowering the socioeconomic standing of affected communities. Increased immigration in some regions has caused concern over job security and frustration that fiscal resources are devoted to immigrant welfare programs rather than citizen needs. Meanwhile, many citizens feel that Brussels is increasingly disconnected from each member state's unique needs, resulting in a heightened motivation for states to defend their national sovereignty from EU authority. Discontented with income inequality, the burden of immigration, and the feeling of political powerlessness within their communities, these citizens have become bases of illiberal and right-wing populist support.



## CHAPTER FOUR

# Member States and the European Union

*Anna Graves*

National sovereignty has become a rallying cry for right-wing populists. Concepts such as the rule of law and fundamental rights, immigration, and identity drive conflicts between national sovereignty and European identity. This chapter assesses two primary areas where illiberalism impacts EU-member state relations: first, political movements within member states to defend national sovereignty by way of promoting anti-EU sentiment, and second, far-right actors impacting EU level governance (namely seen in the Parliament and Council) and how the EU interacts with illiberal governments. Both areas draw member states away from the EU and create barriers to the EU's ability to protect and enforce its fundamental and democratic values.

Euroskepticism in member states and at the EU level reinforce each other. Local and national level far-right parties challenge the EU on multiple levels, including immigration, monetary policy, and regulatory policy. In Italy, political party Brothers of Italy (Fdi) and leader Giorgia Meloni have rallied citizens through anti-EU rhetoric to gain power. This national level anti-EU movement then amplifies to a larger scale in the EU, seen in the representation of far-right Europarties in the European Parliament.

Euroskepticism is not inherently illiberal, but illiberal parties have used it to great effect. Illiberal member-states govern in open opposition to Brussels. In the European Parliament, far-right MEPs and leaders use their power to block EU agenda, promote Euroscepticism, and increase tensions between EU leaders. The

European Parliament political grouping Identity and Democracy (ID) is gaining popularity among far-right politicians since the last European Parliament elections in 2019 and stands as the fifth largest Eurogroup in the Parliament (out of seven) (The Political groups of the European Parliament, n.d.). This group promotes illiberal ideals, namely anti-immigration, Euroscepticism, and protection of the 'Christian heritage' of Europeans at the EU level (Identity and Democracy, 2022). Poland, one of the EU's most illiberal states, reveals how the EU lacks governing power to completely eradicate illiberal politics in member states, thus allowing these states to continue violating EU rule of law and fundamental rights.

## **EUROSKEPTICISM AND ILLIBERALISM IN MEMBER STATES**

National political actors and parties promote the idea that the EU is threatening the sovereignty of member states and their values. Therefore, they promote Euroscepticism by blaming the EU for several of its ongoing issues (immigration, eurozone crisis, Brexit) in order to attract voters and increase popularity. These issues include the 'crises of the 2010s', during which EU leaders, governments and citizens experienced the fiscal and social effects of the Eurozone crisis, the 2015 non-European refugee crisis; and issues surrounding the UK's withdrawal from the EU (Wellings, 2022). The fear and uncertainty "generated by these crises have promoted the idea that there is a need to 'recover control' and, in our political and cultural context, this 'equates to the sovereign recovery of the nation-state'" (Maldonado, 2020 as stated in Uncetabarrenechea and Filibi, 2023, p. 140). Far-right and illiberal actors promote national sovereignty as a response to crises, as it is an effective way to feel control again and create a sense of security and identity for the nation's citizens. However, this inward turn means that leaders began to target European level sovereignty and control as a threat to the state and scapegoat for the issues (of the 2010s) that face the EU. For instance, the North-South divide of the EU revealed by the Eurozone crisis created conditions for Eurosceptic political parties to rise across the continent including France's Front National, Germany's Alternative for Germany and Spain's Vox party. These groups increased in

popularity because of the crises of the 2010s as they all offered a strong sense of nationalism and protection of the nation from the financial problems happening across the rest of Europe (Wellings, 2022). These parties gained traction across the EU as they all did a similar task for citizens - promised to reprioritize the nation state and blame the EU for the crisis' economic hardships. These themes recur with the other crisis of the 2010s. Far-right parties continued to gain popularity after the 2015 refugee crisis as they capitalized on the identarian responses of individual states as a result of the EU struggling to receive mass amounts of immigrants and the free movement of labor across member state borders (Wellings, 2022). Peripheral right parties use this Euroskeptic sentiment, resulting from the crises of the 2010s, as a "means to demonstrate their distance from the, generally pro-European, political establishment" and attract citizen supporters to this "shared nationalist ideology" (Rooduijn and Kessel, 2019, p. 8). Therefore, Euroscepticism is not necessarily illiberal, but it serves as an important mechanism to advance national sovereignty and illiberal aims. Thus, illiberal actors use threats to national sovereignty and identity as a method to gain popularity within individual states and promote Euroscepticism.

The Central and Eastern Europe (CEE) countries, especially Poland and Hungary, historically have the most fundamental issues with EU governance and nationalism (Lorenz and Andres, 2021). Across Europe, far-right sentiments and politicians are becoming increasingly popular, however Poland and Hungary have advanced further down the illiberal path by electing illiberal governments and defying EU rule of law. These former Soviet bloc countries turned towards Europe and the West following the collapse of communism, with enthusiasm to accept the free market and the potential to begin closer relations with the western Europe. During the 1990s transition to democracy and the free market, CEE countries experienced mass unemployment, inequality, and the downsides of privatization, and thus European perceptions in this region has been tainted since the beginnings (Shevchenko, 2018). The crisis of the Eurozone, the 2015 refugee crisis, increasing Euroscepticism around Brexit, and rise of Fidesz in Hungary and Law and Justice in

Poland has perpetuated these sentiments and drawn Poland and Hungary away from the EU and its values.

### ***Anti-Elitism and the ‘Distance from Brussels’***

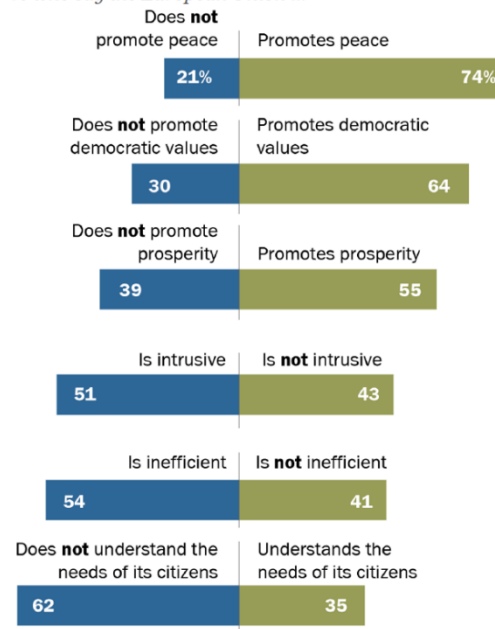
The drive for national sovereignty and frustration towards the EU after the crises of the 2010s from far-right national parties is further emphasized by the perceivable ‘distance from Brussels’ (meaning Brussels, Belgium, the headquarters of the EU). Brussels is felt to be an “elite-driven project that is too remote from ordinary citizens”, with little feeling that the EU works for its citizens (Hübner et al., 2017, p. 35). While some initiatives to engage citizens do exist, such as the European Citizens’ Initiative, public consultations by the European Commission, and the ability for citizens to vote on referenda, the tangibility and perception of the EU being a responsive citizen driven project does not exist.

A 2019 survey that interviewed European citizens on how they felt about EU governance and Brussels, led by PEW Research Center, found that 74% of respondents felt that the EU promotes peace and 64% felt it promotes democratic values. However, 54% felt that the EU is inefficient and 62% said the EU does not understand the need of its citizens (Pew Research Center, 2019). This disconnect in the degree to which citizens feel the EU is promoting positive values of peace and democracy versus how they feel the EU responds to citizen needs and voices could be creating a void that nationalism and far-right parties are striving to fill. Citizens can feel protected, but also heard by their national level leaders.

**Figure 1 | Views of the EU**

**Europeans say Brussels promotes peace, democracy and prosperity, but fails to grasp citizens' needs**

% who say the European Union ...



Note: Percentages are medians based on 10 European countries.  
 Source: Spring 2018 Global Attitudes Survey, Q42a-f.

PEW RESEARCH CENTER

Source: Pew Research Center, 2019

The connection between EU level sentiment and national sentiment as seen by citizens is further explained in the EUROPINIONS project, *A recipe for wider public acceptance of the EU* (n.d.), run by the European Research Council, that looks at variations in public opinion and the EU from late 2015 to late 2020. This survey found that national level and EU level politics are closely connected – citizens rarely attribute competences solely to the EU level, and therefore EU opinions largely depend on their opinions of national politics. This means that when things are going well for European citizens, national governments are often given credit, and when things go poorly, the EU can be the first to blame. This view constructs ‘the elites’ or ‘the establishment’ as outgroups that are to blame for problems or

negative outcomes [within the EU], and this anti elite/anti-establishment sentiment is a communicative strategy used by far-right parties to convey an image that they stand in opposition to established political parties as the true representative of the common man (Vaughan and Heft, 2022). Far right leaders use this anti-elite and anti-establishment sentiment as a method to rally people around nationalism and turn away from the EU and its perceived democratic deficit (Vaughan and Heft, 2022). Therefore, far-right leaders use anti-Brussels and anti-elite sentiment to turn citizens inward, which is possible based on the PEW research findings and EUROINIONS survey as citizens already feel a disconnect with EU level governance and leaders

### ***Case Study: Brothers of Italy and Euroskepticism***

The 2022 elections saw Italy's government move towards populist politics with the election of the Brothers of Italy (FDI) and nomination of Giorgia Meloni as Prime Minister. Meloni and her party used the perceived threat to national sovereignty and anti-EU rhetoric to rally voters, demonstrating how these sentiments pushed by far-right and Eurosceptic parties can help move fringe parties into center politics. Established in 2012, the FDI was small and remained mostly center-right on the political spectrum (Puleo and Piccolino, 2022). However, after the 2013 elections, FDI began adopting issues shared among the European radical right. This took form in stronger stances against immigration and European integration, made possible by the growing Euroskepticism across the country due to dissatisfaction with Europe's austerity policies and management of the 2015 refugee crisis (Puleo and Piccolino, 2022). In this case, FDI capitalized on problems being commonly experienced by Italian voters to redirect their party and gain popularity. The FDI's, *Le tesi di Trieste*, a manifesto presented at a congress meeting in 2017, makes clear the party's goal of promoting national identity and rejecting EU institutions and European integration. In its section titled "A Philosophy of Identity," this document states,

The capital error committed in the construction of the European Union was that of wanting to do without the identities of the nations that compose it...

the techno-bureaucrats of Brussels continue to proclaim (with the support of the entire media, intellectual and academic apparatus) the need to strip the national states of their prerogatives to "give sovereignty to the European Union", making citizens increasingly distant from a cold and abstract institution.

This manifesto indicates how national level parties and actors target the EU against their state to encourage the nationalist drift that already exists for many of its citizens, a sentiment due largely to the 2010s crises). Meloni and her party paint the EU as a threat to national sovereignty with the idea that sovereignty is instead being granted to the EU and thus losing Italian culture and identity. In 2018, the FDI again emphasized the need for national sovereignty and moving away from the EU in its goals that promote the "Defence of our national sovereignty. Rediscuss all the EU treaties starting from the euro and fiscal compact." (FDI, 2018 as stated in Puleo and Piccolino, 2022, p. 16). FDI, a party that has openly claimed itself as populist and frustrated with the current European Union (Fratelli d'Italia, 2018) used this platform to claim success in the country's 2022 elections. This party's success affirms that running on a platform emphasizing national sovereignty and anti-EU goals can be successful in a modern European country (that is not Poland or Hungary).

Giorgia Meloni and the FDI's new position of power comes with many questions as to how Italy and the EU's relationship will evolve, especially given its nearly €200bn allocation of the NextGenerationEU recovery fund that comes with necessary fulfillment of democratic milestones (Recovery Plan for Europe, n.d.). Governments and investors across Europe are watching if the new Italian government continues to cooperate with the EU and the expected reforms and if it will attempt to renegotiate the fundamentals of the €200bn fund (Fleming and Kazmin, 2022). While this is still an ongoing situation, it is hopeful that the requirements for these funds will keep the new Italian government on the democratic path and in cooperation with the EU.

## ILLIBERALISM AND EUROSKEPTICISM AT THE EU LEVEL

### *The European Parliament and Europarties*

While far-right national leaders in Europe target the EU for threatening national sovereignty and identity, they also utilize its transnational institutions to bring the illiberal drift and Euroscepticism into EU level governance. This is perceivable in the European Parliament and its political parties (Europarties), which amplify national level political parties and ideologies to the transnational level and allow far-right members of European Parliament (MEPs) to create alliances at the EU level. However, the power of far-right politicians in the Parliament is limited due to informal agreements to exclude these groups by pro-European Europarties in the form of a 'cordon sanitaire'. The primary threat of illiberalism to the Parliament is future elections given the rising popularity of far-right MEPs and Europarties with the approaching 2024 elections.

The installment of the Lisbon Treaty in 2009 increased the Parliament's law-making powers as it now, at least formally, has power in choosing the head of the European Commission through the Spitzenkandidaten process, has full legislative power to more than 40 sectors, and approves the entire EU budget with the Council of the European Union (The Lisbon Treaty, n.d.). The 705 MEPs that make up this institution are directly elected by European citizens who vote at the national level every 5 years, with 2019 being the most recent election and 2024 as the upcoming election year (About Parliament, n.d.). The choices of citizens in these elections bring national level politicians and parties into the European Parliament and these parties form political groups based on shared ideologies. These groups can wield more influence and gain seats in committees (sector specific areas for legislation and policy making). Currently, there are two large far-right parties, Identity and Democracy (ID) and European Conservatives and Reformists Group (ECR), which often behave at odds with pro-European parties, such as the European People's Party (EPP) and the Progressive Alliance of Socialists and Democrats (S&D).

The rising popularity of far-right national parties is noticeable when comparing the respective 2014 and 2019 elections, which saw an increase in seat numbers for several far-right national parties. In 2019 there was an overall increase in voter turnout - from 43% in 2014 (Results of the 2014 European elections, 2014) to nearly 51% in 2019 (2019 European election results, 2019). This rise in voter turnout directly correlates to a rise in far-right elections, for individual national parties. Five far-right national parties, (Germany's AFD, France's National Rally, Italy's League, Hungary's Fidesz, and Austria's Freedom Party of Austria), all increased seats between the two elections. Based on the election results published by the European Parliament in 2014 and 2019 respectively, these parties combined received 51 seats in 2014 and 77 seats in 2019. An increase in both voter turnout and far-right party popularity likely means that these parties are doing a better job of rallying their supporters to vote at the EU level, or (and more likely) are gaining general support among national citizens. The earlier case study of FDI, another national far-right party that also has gained seats in the Parliament, confirms that it is likely that these parties are gaining popularity in their national governments as they appeal to the nationalist sentiments shared by voters and offer to protect national sovereignty and identities.

In addition to increased vote results, these parties are beginning to work together, seen in the formation of the Identity and Democracy group after the 2019 elections, where several of Europe's far-right national parties banded together as a hardline Eurosceptic group. ID currently has 64 members, making it the fifth largest group (of seven total) in the European Parliament and has representation from ten member states, notably Germany's AFD, France's FN, and Italy's Lega (Identity and Democracy Group, n.d.). ID's policy platform focuses on the "upholding of freedom, sovereignty, subsidiarity and the identity of the European peoples and nations. [Party members] acknowledge the Greek-Roman and Christian heritage as the pillars of European civilisation", and advocate for "voluntary cooperation between sovereign European nations, and therefore reject any further evolution toward a European superstate" (Identity and Democracy, 2022, p. 4). The ability of far-right groups to work together shows how national parties can mobilize to make their

stance more powerful at the EU level. Historically, creating alliances between far-right parties in the Parliament has been difficult, as their goals of nationalism, protection of their identities, and desire to pull away from the EU makes it difficult for them to work together (McDonnell and Werner, 2020, p.30). The formation of ID begins to tear down this historical divide that kept far right and Eurosceptic groups from mobilizing and lends the threat of an even larger and more powerful far-right group to form after the 2024 elections. There are currently talks among the far right parties to unite into an even larger group, which would disrupt the balance that is maintained by the European People's Party, Progressive Alliance of Socialists and Democrats, Renew, and the Greens. Fidesz, Law and Justice, The League, as well as other parties have met over the past few years in discussion of creating a new far-right party (Barbero, 2021). If combined, this would be the second largest group in the EP (Barbero, 2021).

Currently, the influence of far-right MEPs in the Parliament "is mainly seen at the discursive or rhetorical level in [Parliament] plenaries and not as a substantive policy impact in committees or trilogues" (Kantola et al., 2022, p.2). These MEPs can make their opinions heard at the assembly meetings via Blue Cards (to express their views during another MEPs speech in the Plenary) and in their own speeches (Kantola et al., 2022). The blocking of far-right MEPs in committees and trilogues is largely due to the informal agreement, 'cordon sanitaire', among the pro-European parties to exclude Eurosceptics and far-right MEPs from obtaining influential positions. For instance, the EP three largest parties, European People's Party (EPP), Progressive Alliance of Socialists and Democrats (S&D), and Renew Europe (Renew) informally agreed that candidates from both ID and ECR could not get elected as the European Parliament's vice president, thus excluding ID from much of the decision making and funding for political parties (Servent, 2019, p.337). Additionally, the 'cordon sanitaire' has effectively blocked ID from obtaining any chairs in sub committees across the institution, making it difficult for them to have major influence in specific policy areas (Servent, 2019, p. 338). Therefore, while ID may have obtained a significant number of votes as a new party during the 2019 election, its voice is quieted compared to pro European Europarties.

However, there are some shortcomings to the 'cordon sanitaire' - that it primarily applies to only hardline Eurosceptics (allowing soft Eurosceptics to be more involved in Parliament) and that it has not always applied to far-right parties inside mainstream groups. For instance, Hungary's Fidesz remained within the European People's Party until 2021 (although it was suspended in 2019) (De La Baume, 2021). The group left as tensions increased due to its democratic violations and moves by the European People's Party to expel the group. Additionally, the 'cordon sanitaire' targets hard Eurosceptics and allows those with a softer tone more opportunities to participate (Kantola and Miller, 2021). Mainstream parties also utilize soft Eurosceptics to win votes and pass their own agendas (Kantola and Miller, 2021). This shows that while the cordon sanitaire blocks far right groups Parliament leadership and significant influence, Eurosceptics can still make their way into policy making.

### ***The EU's Response to Illiberalism***

The EU response to illiberal member state governments and violations of its values serves as an important aspect to EU and member state relations. While there are several mechanisms in place to protect the rule of law, these mechanisms are falling short of holding illiberal governments accountable and redirecting them back to adherence to EU values and democracy. Article 2 of the Treaty of the European Union (TEU) establishes that "The European Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities..." (The Protection of Article 2, 2022, p. 1). Other major EU documents direct member state adherence to the rule of law and fundamental rights of the EU, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms and the EU Charter of Fundamental Rights, both of which provide a broad overview of the rights to citizens and governance in the Union (The Protection of Article 2, 2022). These values have been defined and revised through past EU Treaties. The Amsterdam Treaty (effective 1999) established a new sanction mechanism to ensure that values enshrined in Article 2 are obeyed by member

states (The Protection of Article 2, 2022). This sanctioning mechanism comes with two parts: a preventative mechanism that allows the Council of the European Union to give the member state under scrutiny a warning before a serious violation has materialized, and a proper sanctioning mechanism, which allows the Council to suspend certain rights for the member state in question - including the right to vote (on legislation and budgetary measures) (The European Union, 2022).

### ***Case Study: Democratic Backsliding in Poland and the EU response***

Democratic backsliding and violations to EU values in Poland provides insight as to how the EU responds to illiberal member states and where the weaknesses in this response exist, but also shows how the EU can create incentives for illiberal states to adhere to EU values. The Law and Justice Party (PiS) controls the legislative and executive branches of the Polish government and is accused of using its majority power to threaten the rights of women and minorities and make changes to its national judiciary with judges in favor of PiS and laws that punish any judge who criticizes the party (Ponczek, 2020). This EU has attempted to respond to these violations to the values of Article 2 in the TEU, however success in punishing and redirecting Poland is difficult due to several measures that enforce democratic undertakings in the EU that are being used by Poland (and Hungary) to avoid punishment. In December 2017, Article 7 of TEU was activated against Poland by the European Commission. Article 7 allows the EU to enforce warnings and potentially sanctions on a member state that demonstrates violations to the values listed in Article 2. The EU has now responded with fines and withholding the NextGenerationEU Covid-19 recovery fund from the government in Warsaw (Buras, 2022). As a result, Polish lawmakers are moving towards adoption of a bill to unfreeze these funds by improving accountability in the national judiciary, however it still needs to be passed by the Polish Senate and signed by current President, Andrzej Duda (Reuters, 2023). While not yet in place, EU governance has finally been able to encourage a degree of change in illiberal drifting member states, thus proving it is possible for the EU to enforce adherence to the values of Article 2.

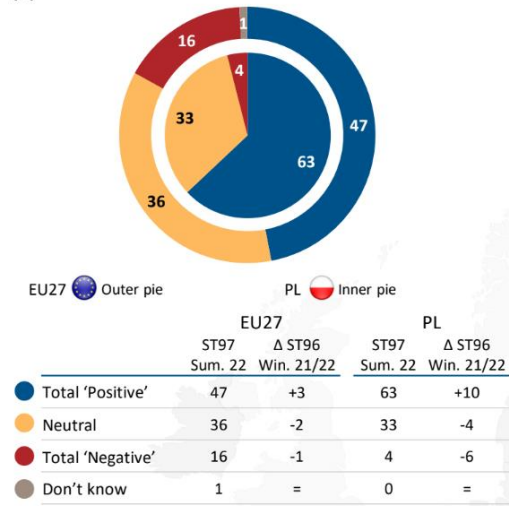
However, the difficulty to enforce the rule of law in the EU is due to the need for unanimity voting by the Council of the European Union on certain matters, including EU finances, membership, and common foreign and security policies (Unanimity, 2022). This means that illiberal leaning member states, such as Poland, can veto policy and fund proposals in the Council as blackmail for sanctions against them.

While this creates difficulty for the EU to enforce adherence to the rule of law, there is one area that could indirectly encourage Poland to adhere to the EU democratic measures – the citizens of the state. In the 2022 Summer Eurobarometer, 63% of Polish citizens stated that the EU conjures a positive image to them, while only 4% stated it brings a ‘total negative’ feeling. Furthermore, 64% of Polish citizens said they ‘tend to trust’ the EU institutions and only 26% said they ‘tend to trust’ the national Polish government (European Commission, 2022). The affinity of Polish citizens towards the EU is one of the main factors that spurred the Polish government to create the current bill that could potentially unlock Covid Recovery funds as PiS needs to maintain voter support with Poland’s upcoming 2023 general election (Buras, 2022). Thus, while illiberal states in the Council of the European Union can veto and blackmail attempts to enforce the rule of law and EU values, positive citizen sentiments towards the EU are encouraging PiS to return slightly back towards the values of TEU Article 2 as they do not want to risk losing their position in the next Polish election.

**Figure 2 | Eurobarometer**

**1. LIFE IN THE EUROPEAN UNION**

D78. In general, does the EU conjure up for you a very positive, fairly positive, neutral, fairly negative or very negative image? (%)



Source: European Commission, 2022

**CONCLUSION**

Illiberalism in Europe is creeping into EU governance and member state relations in several ways. This begins at the national level with rising success of parties and leaders that promise to promote national sovereignty and pull away from the EU, as shown by the recent elections of the Brothers of Italy and Georgia Meloni. At the EU level, the increasing presence of far-right Europarties in the European Parliament and the EU’s struggle to respond to illiberal member states shows the difficulty for the EU to manage illiberalism at the transnational level. However, there are possibilities to address this illiberal drift entering the EU and damaging its relations with member states. The use of a cordon sanitaire in the European Parliament and maintaining citizen level positive sentiment towards the EU offers opportunity for the EU to maintain close ties with its member states and discourage the illiberal drift.

## POLICY RECOMMENDATIONS

### **Enhance Europe Day as an EU wide national holiday under its current slogan, 'United in Diversity'.**

The promotion of Europe Day to a national holiday through a European Parliament initiative helps to counter the rhetoric of far-right leaders of promoting national sovereignty and maintain citizen support of the EU in illiberal leaning member states. State level and municipal governments can encourage EU celebrations, allowing workers and students a day off to recognize the EU, thus increasing visibility of the EU and positive feelings from citizens. Under the 'United in Diversity' slogan, the EU can support the national identities that far-right leaders strive to protect under a united and cohesive European movement.

### **Strengthen cooperation by pro-European Europarties and ubiquitous enforcement of the cordon sanitaire.**

Already, pro-European parties work together to keep far-right groups from maintaining chairs or positions of power in the EU, however this block is threatened with the 2024 elections and rising popularity of the far-right. Mainstream parties can counter this however by presenting a united front in coming 2024 elections and equally enforcing cordon sanitaire by allowing no Eurosceptic MEPs to belong in pro-European parties.

### **Increase citizen participation and interest in the European Parliament elections through frequent debates between the Spitzenkandidaten.**

The European Parliament elections are generally seen as 'secondary' elections to national elections, thus losing a great potential of mainstream voters and leaving some citizens with the feeling that the EU is far-removed from their lives and run by the 'elite'. By hosting frequent debates between the Spitzenkandidaten, EU citizens can become more informed about Parliament proceedings and cast their votes more confidently, thus countering the feeling that Brussels and the EU are distant. Frequent debates can also make citizens aware of the goals of far-right MEPs,

ideally motivating pro-European citizens to become more involved with voting and EU level politics.



## CHAPTER FIVE

# Globalization and Economic Change

***Samantha Cutts***

Calls for greater national sovereignty have also extended to globalization, the process of increasing interdependence through the movement of trade, politics, and people across international borders. Its prevalence in recent years has only grown, especially in larger economies like the United States, China, and the European Union. It has allowed on the one hand a prosperous expansion of economies that arguably has benefited governments, consumers, and businesses. On the other hand, it has revealed and increased social and economic inequalities within and between countries, contributing to the sense that some people are ‘winners’ and other are ‘losers’ of globalization.

The European continent has seen an increase in globalization in two forms: the European Union’s liberal free trade policies with countries across the world and economic integration throughout the European Union. Despite the process generating many benefits for Europeans, globalization also creates negative consequences. Higher levels of open trade pushes business to move operations overseas to reduce costs. This creates unemployment in vulnerable sectors, such as manufacturing. Additionally, European economic integration increases the vulnerabilities of member states to economic conditions across the union. The exposure of these vulnerabilities through disastrous economic events, such as the Euro crisis and the Coronavirus pandemic, can enhance Euroscepticism. Both aspects of globalization reveal potential problems that arise when individual countries do not have complete control over their economic policies. This leads to

debates and concerns over state sovereignty. These issues have become a prominent topic of discussion among right wing and illiberal political groups and leaders across Europe. They use rhetoric surrounding the negative effects of globalization to gain the support of the individuals that believe they are losing, whether it be through unemployment or being constrained by the EU in independent economic decision making. Policies that steer the work force towards long term, sustainable industries can alleviate the pressure of offshoring and address the legitimate economic concerns of globalization. Additionally, dismantling anti-European Integration ideas through media campaigns can counter the illiberal drift and inform citizens about the benefits of the European project.

## **GLOBALIZATION, OFFSHORING, AND UNEMPLOYMENT**

There are a variety of benefits of trade liberalization and international trade agreements for the EU and its partners. Europe's trade agreements facilitate lower tariffs and require partners to adhere to European safety and quality standards. In addition to lower prices, European customers have more trust in imported goods. Additionally, in 2017, 36 million jobs in EU member states directly depended on expansive international and liberal trade practices (European Parliament, 2018). Increased trade has lowered prices and increased the availability and diversity of goods for European customers. The augmentation of competition lowers input pricing and the use of international standards for products reduces business costs (European Parliament, 2019). The size of the European Union allows it to be a prevalent economic force. EU exports compose more than 15% of global numbers (European Parliament, 2019). It is the largest trader of manufactured goods and services and the top trading partner for 80 countries, in comparison to 20 for the United States (European Commission, 2023). A relatively open and free economy has generated benefits on the international level for a variety of parties across Europe.

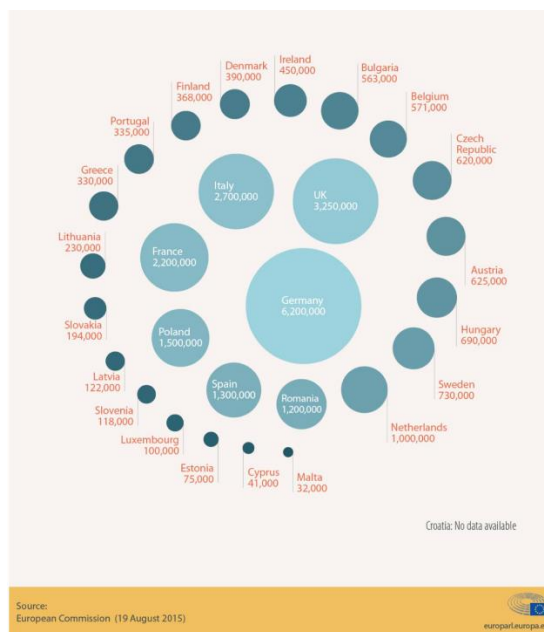
Even though trade liberalization and globalization have been beneficial on an aggregate level, many groups suffer from the changing realities it causes, especially in terms of job security and rising inequality. For companies, a great advantage of globalization is the ability to move operations to places with lower wages. This incentivizes companies to move some, if not all, parts of their operation abroad, causing unemployment for many (Owen & Johnston, 2017). Not all jobs experience offshoring in the same quantity. Occupations that have high levels of repetition, routine, and low difficulty are at a higher risk of being moved to other countries. Manufacturing and factory jobs are prime candidates for offshoring due to their repetitive tasks and easy skills to learn (Owen & Johnston, 2017). Not only does the decline in job opportunities for a specific sector make it harder to find one, but there is often a discrepancy between laborers' skills and the requirements of secure jobs in developed economies (Owen & Johnston, 2017). Occupations based around face-to-face interaction do not have a high risk of being moved abroad. Doctors, lawyers, teachers, and similar jobs will always be necessary and irreplaceable in society (Owen & Johnston, 2017). However, secure jobs often require additional education or training. This is a significant barrier to many previous manufacturing laborers that cannot take the time to gain more education while unemployed (Colantone & Stanig, 2019). This lack of skills also plays a large role in increasing income inequality. In developed countries, like many in Europe, foreign direct investment commonly goes to high skill industries (Asteriou et al., 2014). This FDI does not contribute to easily transferable occupations, like manufacturing. Therefore, industries that are already losing jobs are not receiving investment, which creates, and enhances income inequality. This is a complexity underlying globalization; it can lead to feelings of defeat and isolation for certain groups while benefiting other sectors of society.

### ***Case Study: Marine Le Pen and the Post-Industrial Draw to Illiberalism***

The shocks to various parts of the economy discussed above contribute to feelings of discontent in society, but they do not inherently inspire a rise of illiberalism. However, in developed societies, as seen in Europe, there is a strong correlation

between negative effects of globalization and the rise of illiberal support. Anything that significantly changes the economy on the macroeconomic level can lead to various effects on citizens' conceptions of society and politicians (The Investopedia Team, n.d.). For France, this includes their low wages, stagnated median living standard, and the high unemployment rate of 9%, seen in 2019 (Chhor, 2019). These economic shocks can cause or represent a problem that needs to be fixed. They can also create a divide between an unsatisfactory reality and imagery of a prosperous past. Shocks can inhibit the ability of citizens to meet economic goals they have as providers and consumers (Ballard-Rosa et al., 2021). This general discontent contributes to the rise of illiberalism, as exhibited in the growing support behind Marine Le Pen and the National Rally in France in the recent election.

**Figure 1** | Number of Jobs Linked to Trade with Non-EU Countries



Source: European Parliament, 2019

Marine Le Pen succeeded her father as the leader of the National Front, now the National Rally, in 2011. Since then, she has become a prominent far-right political leader in France. Her campaign of “Au nom du peuple” (In the Name of the People) in 2017 reflected ideas of nationalism and maintaining French identity and

sovereignty. Her exclusionist ideas manifested in anti-European Union and anti-immigrant sentiment. She wanted to restrict the criteria of French citizenship and close the borders of France through leaving the EU. Additionally, she appealed to the white working class: the 'losers' of globalization (Galbreath, 2017). She claimed she would restore order, but heavily emphasized the role immigrants played in job loss and the rise in economic inequality. She gained considerable support for these far-right sentiments, but lost the vote to Emmanuel Macron, 66.1% to 33.9% (*Poll of Polls*, 2022). In the 2022 election, she adjusted her campaign platform. She still called for cutting immigration levels, but she reduced her anti-immigration rhetoric. She increased her focus on the white working class and how she could address the rising cost of living, income inequality, and occupation offshoring. Many of her policies defied the EU's core values of open markets and integration. (Walt, 2022). Her policy platform was centered on economic nationalism and protecting the French citizens, often through illiberal economic policies. She lost the vote by a smaller margin in this election, 58.5% to 41.5% (*Poll of Polls*, 2022). The increase in her popularity is the result of various factors, but the change in campaign focus likely contributed to her increased success.

Part of the electorate is drawn to Le Pen and her policy ideas because she addresses and provides apparent solutions to negative effects of economic shocks. A large block of Le Pen's supporter originates in white working-class areas and previous industrial regions, especially in the Hauts de France and other regions in the north (Chrisafis, 2022). American companies such as Goodyear and Whirlpool are shutting down factories in northern France and moving operations overseas or to other areas of the EU with lower wages and taxes, leaving hundreds of individuals in small towns unemployed. Towns across the region are seeing increasing levels of unemployment, with rates as high as the 21% seen in the old industrial hub of Beacamps-le-Vieux (Walt, 2022). In her platform, Le Pen proposes a solution by calling for border control around France and giving French citizens preferences for jobs (Walt, 2022). While this may not be a practical or effective solution, she is directly addressing visible problems, making her platform appealing for those that see their jobs being moved across borders and are facing high levels

of unemployment. There are also concerns in the region around the cost of living and income inequality. For many in the northern region of France, income can barely cover the fuel needed to get groceries and other necessary items (Chrisafis, 2022). This is one of the largest concerns of these individuals and they feel that Macron and the French government are ignoring these issues and not providing enough assistance (Walt, 2022). In the most recent election, Le Pen promised to lower the value added tax on basic goods, once again directly addressing a key issue for this demographic. Many were also concerned about Macron's campaign promise to raise the retirement age and the access to pensions. Many of the jobs in northern France require difficult labor that heavily taxes the body. For these workers, increasing the age by a few years has a substantial difference on life after retirement (Onishi, 2022). Le Pen and her party have emphasized the myths surrounding the extreme economic growth in the three decades following The Second World War. They claim that France did more for its people in that period (Galbreath, 2017). She capitalizes on the white-working classes concerns over their retirement and access to welfare, using nostalgia to gain support. Her promises of prioritizing French citizens for housing and welfare also address this issue. Her rhetoric provides answers and solutions to people who are negatively affected by globalization. She has evolved from emphasizing anti-immigration policies to framing herself as the white working-class champion. This is one example of how economic shocks increase the draw to illiberalism. People are turning to an alternative because they are not content with their lives and concerned for their futures.

## **EUROPEAN INTEGRATION AND CONCERNS OVER ECONOMIC SOVEREIGNTY**

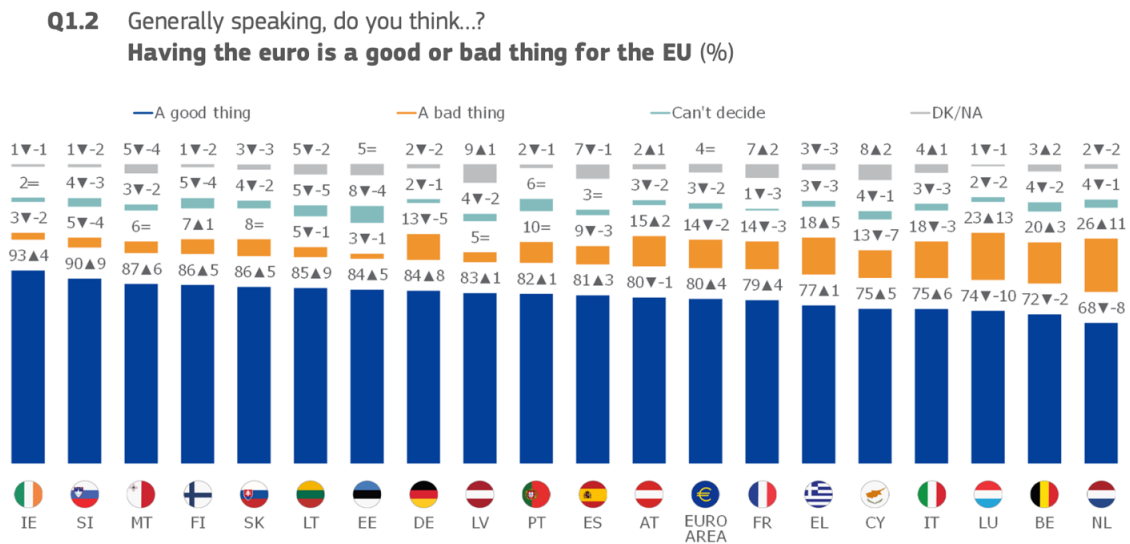
The European Union brings together 27 countries into a common market within its borders. Among the advantages this presents are the ability of almost any citizen and legal resident of the EU to live, work, open a bank account, take out a

mortgage, and receive an education in any country within the union. Businesses also benefit from the larger pool of consumers, which promotes innovation, competition, and choice (McCormick, n.d.). As of 2022, the majority of EU citizens agreed that competition policy and the open market increases consumer choice, allows for higher quality goods and services, and encourages economic growth and innovation (European Commission & Ipsos European Public Affairs., 2022). For 20 countries, economic integration goes one step farther with using one single currency. The lack of an exchange rate makes it easier for businesses to sell and consumers to buy across borders. Transaction costs are reduced, prices are consistent throughout the eurozone, and travel is easier between countries. Additionally, a larger monetary region encourages higher levels of foreign investment and gives the EU a more powerful stance in the world economy (European Union, n.d.). These effects of globalization, in addition to other factors, have allowed the European Union to become the largest economy in the world, attracting high levels of foreign investment and observing a general rise in the standard of living across the region. (European Commission, 2023b).

Even though European integration has been economically successful, it poses risks to economic stability. It requires countries to give up sovereignty over various economic, monetary, and fiscal policies. Critics believe that countries in the EU are tied to slow, inefficient institutions that can impose burdensome regulations (McCormick, n.d.). Monetary policy is supranational within the eurozone, a necessity for the monetary union, but implementation is at the member state level. Not all the options of a sovereign country are available to eurozone states. The monetary union requires adjustment to be internal, often resulting in supply-side reforms of the labor market and internal devaluations (Regan, 2017). This restriction of member state actions can be burdensome on their economies. Another criticism of the monetary union is that it makes individual countries more sensitive to other countries' economic fluctuations (McCormick, n.d.). Many of the economic concerns about European integration were legitimized during the series of economic, monetary, and financial crises that began in 2008 and continued through the early

2010s, especially the sovereign debt crisis. The open market design of the EU allowed richer countries to invest in member states with lower income per capita. However, dispersion of fiscal policy between the European Central Bank and member states resulted in a lack of oversight around the places for investment. This resulted in unsustainable consumption spending and many private banks taking excessive risks (Wieland et al., 2016). This all collapsed in 2008 and led to severe crises in many countries in the EU. The government debt crisis seen in Greece, Ireland, and Portugal became a problem that concerned the entire eurozone due to the shared currency (Wieland et al., 2016). The monetary union prevented the implementation of policies that could get the debt under control, such as devaluing the currency (Jarausch, 2021). A few countries' actions threatened the rest of the group, revealing some of the issues with reducing economic sovereignty and integrating economies. However, further integration is necessary for the EMU to continue (Armingeon et al., 2022). Greater integration is not inherently bad, but it can create a backlash in the form of rising Euroscepticism and the draw to illiberalism across the region, especially in wealthier countries like the Netherlands.

**Figure 2 | Feelings About the Euro Among Eurozone Countries**



Base: all respondents (n=17,723) ▼▲ Evolution 03/2021-10/2019

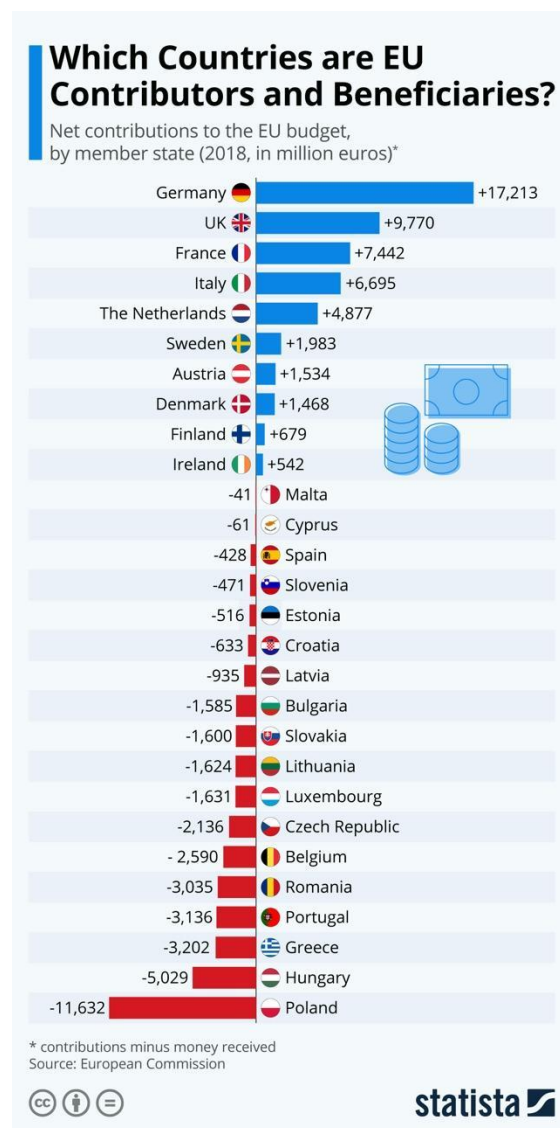
Source: European Commission and Ipsos European Public Affairs, 2021

### ***Case Study: Growing Euroscepticism in The Netherlands***

The Netherlands, a significant contributor to the European Union, experienced a rise in Euroscepticism following the European debt crisis. By any measure, the Netherlands was well-prepared for the financial crisis of 2008: they had low unemployment, a large budget surplus, and low government debt (Masselink & van de Noord, 2009). Initially, this allowed the country to weather the crisis better than many of its European counterparts. The budget surplus allowed the government to implement stimulus measures, in addition to decreasing the Dutch dependency on foreign capital and trade. They still were negatively affected by the crisis, but the initial strong standpoint of the economy and fiscal system meant the country suffered much less (Masselink & van de Noord, 2009). However, due to the integration of the European Union and the eurozone, the Netherlands was connected to the expansive integrationist policies that the EU Commission initiated to help the debt crisis in various EU countries. These policies included the Stability and Growth Pact, which required member states in the eurozone to submit drafts of their budgetary plans to the European Commission to be assessed for compliance with the policy (European Commission, n.d.-c). This allowed the coordination of countries' policies (European Commission, n.d.-a), but demanded greater consideration of EU budgetary requirements while member states drafted domestic budgets (Otjes, 2018). To meet these requirements, the Netherlands had to reform various aspects of domestic policy and society, including their welfare programs (Schreurs, 2021). This provided a great opportunity for far-right, illiberal parties to criticize the EU. In 2012, Geert Wilders' Party for Freedom (PVV) switched from its typical anti-immigration focus to the electoral program *Hún Brussel, óns Nederland* (Their Brussels, our Netherlands). According to the campaign, Brussels elites promoted a larger Europe that would tie the Netherlands "to countries with completely different cultures by a rope around our [their] necks" (Vossen, 2016, p 61). Wilders and his party promoted leaving the EU and the eurozone, reducing

their interaction with the EU to trade treaties. Additionally, they wanted an immediate withdrawal from the European Stability Mechanism that granted emergency loans to struggling member states, like Greece and Ireland (Vossen, 2016). The campaign was forged around resentment toward the connection to the EU that tied the Netherlands to the ‘inadequacy’ of other states. The legitimate problems caused by European integration during the financial crisis directly contributed to strengthening this illiberal party's platform.

**Figure 3 | EU Contributors and Beneficiaries**



Source: Statista, 2020

The financial crisis created an environment for illiberal ideas to strengthen in the Netherlands, which has persisted too today. The increasing emphasis on Euroscepticism did not only apply to the PVV. During the sovereign debt crisis, the entire debate around economic policy shifted away from traditional divides around egalitarianism to a division between proponents of European integration and those opposed to it (Otjes, 2016). Since this period, the Netherlands has argued extensively for restrictive financial policies and is unwilling to provide funds for weaker economic states without regulations and restrictions in place (Armingeon et al., 2022). The Netherlands is one of the largest contributory states, to the EU budget, providing a net 4,877 million euros in 2018 (*Infographic*, 2020). They are providing a large portion of the funds for weaker economies and are concerned that the funds are being used irresponsibly (Otjes, 2016). Recently, this attitude was seen with the Dutch hesitancy toward providing financial support for the Next Generation EU fund, which aimed to provide aid for economic recovery following the coronavirus pandemic (Armingeon et al., 2022). Since the outbreak of Covid-19 the Netherlands has come to be part of a group referred to as the frugal four, which also includes Sweden, Denmark, and Austria (Otjes, 2021). Mark Rutte, the prime minister of the Netherlands, led the conditionality campaign because he feared a fiscal union of the eurozone. Even though his party, the People's Party for Freedom and Democracy (VVD), claim to be in support of European integration, forms of Euroscepticism are influencing their policies. (Armingeon et al., 2022). This all represents a concern with being tied to other economies. These rising sentiments of Euroscepticism can be seen in a recent Eurobarometer. As of 2021, The Netherlands was one of the countries that felt the least connected to the European Union; only 39% of residents felt attached to the EU, the 4th lowest of the EU 27 (European Commission & Kantar., 2021). The economic struggles of integration have generated significant distance from a European identity within the Netherlands, both on the individual and government level. This has allowed illiberal ideas and policies to be more widespread throughout the country, creating a larger trend away from the EU's core values.

## CONCLUSION

Globalization's effect on unemployment, job security, and member state economic sovereignty are legitimate concerns that lead many people to support illiberal parties and leaders and threaten the stability of the European integration project. In the case of offshoring, people are drawn to illiberalism because they are economically unhappy and unstable. Illiberal leaders, such as Marine Le Pen in France, suggest that they have solutions to visible and concerning problems caused by globalization, attracting affected voters. Globalization has positive benefits, but it will also continue to produce unemployment in various sectors of European economies. Unemployment insurance can provide momentary income relief and mitigate some of the income inequality problems that arise from globalization. Additionally, vocational training programs that focus on skills needed for emerging and secure industries in developed countries, provide a forward-looking solution that create more adaptable economies to the realities of globalization (Nam, 2020). In the coming years the EU is increasing its focus and investment in green technologies, through its European Green Deal. This includes widening the demand for labor and a variety of groups pledging “to help upskill and reskill 6 million people” (European Commission, 2023a). Transitioning the labor force toward this field could provide a solution to economic concerns, with an eye for the future.

In the context of illiberalism, the main problem with European integration is that it fosters Euroscepticism. Large crises have decreased support for European integration, but integration is necessary to reduce the chance of crisis. The deepening of the European economic project is a project that most Europeans approve of and will continue to grow. 60% of Europeans believe that globalization has an overall positive effect (European Commission, 2022). Even more support the eurozone, with 80% of Europeans believe that the eurozone is a good thing (European Commission & Ipsos European Public Affairs., 2021). Greater fiscal integration is inevitable. The solutions to counteracting illiberalism should not address the natural evolution of the EMU that triggers the Eurosceptic backlash, but to address the backlash itself. Through the European Regional Development Fund

and the European Social Fund, the EU is working with national governments and organizations to “strengthen economic, social and territorial cohesions” across all member states (European Commission, n.d.-b). This includes programs like the Opportunities for West program in the Netherlands, which offers subsidies, loans, and funds to small and medium businesses in Amsterdam, The Hague, Rotterdam, and Utrecht to boost employment and create more jobs (RVO, Netherlands Enterprise Agency, n.d.). Media Campaigns that highlight EU aid and programs in richer countries can reveal economic benefits of European integration and dismantle Eurosceptic ideas. Increasing feelings of European identity and awareness of the benefits of European integration and the eurozone are key to dismantling these illiberal ideas.

## POLICY RECOMMENDATIONS

### **Create an online EU platform that lists jobs sponsored by the European Green Deal.**

This policy will make it easier for unemployed workers to connect with jobs in an industry that potentially matches their skills. Additionally, it will make it easier to find jobs in the green industry, one that the EU is actively investing in and trying to grow. The site will have jobs listed by member states, so that individuals can decide to stay in their current country of residence or move.

### **Initiate a media campaign that emphasizes the economic benefits of European Integration and that highlights EU projects that address current issues.**

Under the slogan “Your European Union”, this campaign will spread awareness of European projects to counter the rhetoric used by many far-right leaders and parties to expand anti-European sentiment. Working through the Directorate General for Communication, it will highlight projects funded or partly funded by the EU that directly addresses economic concerns of employment, business growth, and offshoring. It will also bring attention to programs in contributory states to show that EU investment and funding is active in all member states, not just the net recipient states.

### **Add a branch to member state unemployment insurance, that provides extra funds while someone is in vocational training.**

The implementation of this policy will be different between member states since the welfare and unemployment aid system are different in every country. It will use the same system for unemployment that already exists but will add extra funds for individuals that partake in vocational training. Providing additional aid will incentivize workers to participate in vocational training in industries in which the EU is increasing investment and to gather skills that will be useful for more secure jobs.

Unemployment will not be tied to vocational training but will be supplemented if one attends vocational training.

**Extend vocational training outreach through member state job and labor agencies to rural and sparsely populated areas to connect people to existing and growing opportunities through member state job and labor agencies.**

The EU, with member states and other organizations, already heavily invests in adult vocational training and is planning to expand it. Increasing the exposure of rural communities to the opportunities in vocational training will connect more people with opportunities to gain valuable skills that will contribute to a more mobile and adaptive workforce.



## CHAPTER SIX

# Political Economy of Immigration

***Mia Filardi***

Over the past decade, immigration has become a highly salient topic across the European Union. The debate about whether and how many immigrants each member state should accept has engendered polarization and led to a rise in illiberal, anti-immigrant sentiment across Europe, with many far-right political parties calling for their governments to accept fewer or no immigrants, especially refugees and asylum-seekers from outside the European Union. Though there are multiple factors that lead to anti-immigrant sentiment in the EU, many concerns surrounding immigration are centered around labor and labor shortages as well as welfare policies. These factors cause fear and insecurities amongst domestic majority populations, which then might push them to far-right groups who point to immigrants as the source of their economic problems and anti-immigrant policies as the solution. As much of the EU's anti-immigrant rhetoric comes from far-right parties and organizations, liberal actors can play a role in countering this illiberal drift.

Currently in the European Union, there are many policies and regulations that affect national immigration laws and sets requirements for member-states to uphold when accepting and processing immigrants. At its core, the European Union allows for the free movement of its citizens within the Union. The EU aims to “offer freedom, security and justice without internal borders, while also taking appropriate measures at its external borders to regulate asylum and immigration...” (*Aims and Values | European Union, n.d.*). To do so, the original Dublin Regulation

was adopted in 1990 by all member-states of the European Union as well as Norway, Switzerland, Iceland, and Liechtenstein in order to “determine which State is responsible for examining an asylum application” (*The Dublin Regulation*, n.d.). The purpose of this regulation is to ensure the quick and efficient processing of migrants upon their arrival in an EU member-state, as well as to prevent migrants from submitting multiple applications for asylum in multiple member states. According to the European Commission for Migration and Home Affairs, the Dublin Regulation “recognises that no Member State should shoulder a disproportionate responsibility and that all Member States should contribute to solidarity on a constant basis” (Directorate-General for Migration and Home Affairs, n.d.). This regulation sets specific guidelines for member states regarding the arrival and processing of migrants, including minors and families.

The original Dublin Regulation was established well before the European Refugee Crisis of 2015, when a combination of political, economic, and social factors in the Middle East and North Africa led to a drastic increase in immigration from these regions into the European Union. In 2015 alone, “more than 1.3 million people applied for asylum in EU-EFTA countries,” which includes EU member states as well as Norway and Switzerland (Connor & Passel, 2019). While the Dublin Regulation was intended to disperse the burden of immigration across member states, states such as Germany, Sweden, and Hungary received disproportionate numbers of asylum applications during the 2015 crisis. That year alone, Germany received 442,000 asylum applications, while Hungary took on 174,000 applications and Sweden saw 156,000 applications for asylum. Contrarily, “France (71,000) and the UK (39,000) received roughly the same number of applications in 2015 as in years just prior to the refugee surge in 2015” (Pew Research Center, 2016). Despite this variation in member-states, Hermansons et al. explain that “for the EU-28 as a whole, over the past two decades, there has been an overall positive net migration balance, with more immigrants entering than emigrants leaving” (2019).

This sudden and drastic increase in migrants has created political and economic tensions across the Union, dividing populations and drawing support for anti-

immigrant far-right political parties that are taking root across Europe. Since 2015, “populists – especially those on the ideological right – have been winning larger shares of the vote... across Europe” (Silver, 2022). Many of these far-right political parties cite immigration as one of their top agenda items, thus appealing to the increasing number of European citizens who see anti-immigration sentiment and policy as the solution to their political and economic problems. This increase in far-right sentiment, however, is not distributed evenly across Europe and instead has been focused in specific areas within member-states. According to a study conducted in the Netherlands by Tolsma et al., “[Far right] support increased during the refugee crisis and especially among residents who became more exposed to asylum seekers in their neighbourhood.” In the Netherlands specifically, “support for the radical right among native-Dutch is more common in neighbourhoods where more non-western migrants (and their descendants) live” (2021). Thus, the rapid rise of immigrants into a given neighborhood leads to increased support for far-right groups from domestic majority populations within that neighborhood.

Although there are many reasons for the rise of support for the far-right across Europe, including demographic, economic, and political insecurities, immigration has caused a drastic increase in social, economic, and political unrest and insecurity amongst domestic majority populations. It has also become a major component of far-right policy, leading to increased support for far-right groups, as those who are dissatisfied with their government’s response to these issues are often drawn to the populist rhetoric of far-right parties (Tomson, 2020). However, this anti-immigrant illiberal drift within neighborhoods does not have to be permanent. This chapter will look at the ways in which far-right support is fueled by immigration through the political and economic lenses of labor and welfare. It will showcase movements, policies, and institutions in place that are working to counter this drift. It will conclude with policy recommendations that attempt to curb this illiberal drift within the fields of political economy and immigration.

## IMMIGRATION AND JOB SECURITY

### *Introduction*

One of the major driving factors behind anti-immigrant rhetoric in the European Union centers around labor and job security. Many domestic citizens of EU member states fear that an increase in the number of workers in their communities will drive down wages as they compete with immigrants for jobs. While there is evidence that large influxes of unexpected immigration can be detrimental in the short run (Edo, 2019), most studies find that “in the long term, immigration, especially of high-skilled workers, increases innovation and the skill mix, with potentially positive productivity effects” (Peri, 2014). Additionally, a study on immigration’s effects on the labor market by Somerville and Sumption concludes that “the economy...responds to immigration by increasing demand for labour. This means that the actual impact of immigration is likely to be small, especially in the long run” (Somerville & Sumption, 2009). The belief that immigration will result in a loss of jobs and lower wages for domestic majority populations is thus only valid in the immediate short-run and is a misconception in the long-run, as the impact of an influx of immigrants will be minimal or positive.

Many domestic majority citizens in EU member states are concerned that they will be forced to compete with migrants for their jobs. A Eurobarometer conducted in 2018 regarding EU citizens’ perceptions of the integration of immigrants in their country revealed that 39% of EU citizens felt that immigrants take jobs away from local workers (European Commission, 2018). While this fear may appear legitimate on paper, “in practice... [immigrants and natives] often have different skills and abilities...the more different they are, the less ‘competition’ there will be between them in the labour market” (Somerville & Sumption, 2009). Additionally, in many cases “firms have absorbed immigrants by adopting appropriate technologies, expanding production, and moving native workers into more communication-intensive jobs” (Peri, 2014). While this fear of competition is a misconception amongst domestic citizens, it continues to be used by far-right parties and

organizations to fuel anti-immigrant sentiment. In France, for example, the first of Marine Le Pen's 22 Measures for 2022 is the stopping of uncontrolled immigration. Within this goal, she and the National Rally party want to grant priority access to employment to French citizens, thus building on the fear of immigrants stealing the jobs of domestic majority groups (*22 MESURES POUR 2022*, n.d.).

Another major economic insecurity across the European Union is the aging population of its workforce. "Demographic ageing means the proportion of people of working age in the EU is shrinking, while the number of older people is expanding; this pattern will continue in the next couple of decades, as the post-war baby-boom generation completes its move into retirement" (Eurostat, 2020). This trend leads to labor shortages in many member states, as they do not have as many young workers coming in as they do older workers retiring and leaving the workforce. This leads to increased fear and insecurity. Many domestic workers, especially in industries such as hospitality and food services, are now able to be selective about where they work, forcing employers to increase wages, which drives many out of business. With this aging population, immigration is a potential and effective solution, where anti-immigrant sentiment and support for the far right can harm a country's economy. Great Britain can be used as a case study to further demonstrate this issue.

### ***Case Study: Brexit***

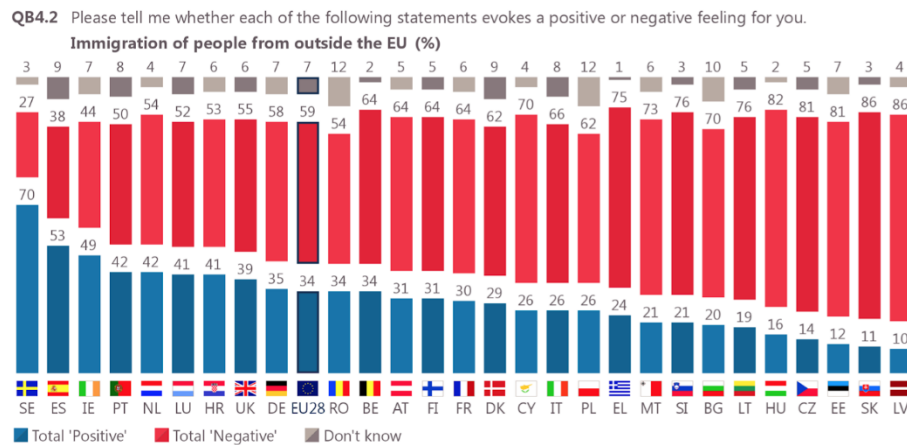
The decision for Great Britain to leave the European Union in 2020 (Brexit) set a new precedent in European Union history. Never before had a country decided to leave the Union. This decision was made based on a referendum across Great Britain, and misconceptions surrounding immigration was at its core. In a thesis discussing the anti-immigrant rhetoric of Brexit, Jessica Van Horne writes:

Addressing immigration is...a key tenet of [Vote] Leave's argument, and this centrality is reflected in the five most prominent positive frames: regaining sovereignty and control over immigration; the number of immigrants arriving in the UK; the social and economic burdens of immigration; the threats to

security posed by immigration; and the inability of past UK governments to address the issue effectively (2018).

Studies from the Migration Observatory at the University of Oxford revealed that in general, leave voters were more conservative and anti-immigration compared to remain voters. When asked to state their preferences for various immigrant groups entering their country, leave voters were far less inclined to allow immigrants, regardless of nationality into the UK, whereas remain voters were much more open to immigrants (Blinder & Richards, 2020). Additionally, a 2015 Standard Eurobarometer revealed that 55% of British people stated that immigration from outside the European Union invokes negative feelings for them (Figure 1). This shows that many UK citizens who voted for Brexit were anti-immigrant and were drawn to the Brexit campaign’s promises to close the UK border to migrants.

**Figure 1 | Europeans’ views on the priorities of the European Union**



Source: European Commission, 2015

Discussions surrounding immigration were one of the most prominent factors in UK citizens’ decisions to vote to leave the European Union. In the months leading up to the Brexit referendum in 2016, a YouGov survey found that “56 percent of people named ‘immigration and asylum’ as the top issue facing the country” (Adam & Booth, 2018). The Vote Leave party capitalized on this attention towards immigration by pushing anti-immigrant rhetoric to the forefront of their campaign

in the last few months before the referendum (Watt, 2016). This focus on immigration led to an increase in illiberal, anti-EU sentiment and thus paved the way for the decision by UK citizens to leave the European Union.

Brexit led to the closing of UK borders to most immigrants, which, although not the only contributing factor, has played a major role in the current labor shortages across the UK. According to a survey by the British Office for National Statistics, “the percentage of businesses experiencing a shortage of workers has been between 12.9% and 15.4% since October 2021, with the exception of August 2022, when 16.8% of businesses reported a shortage” (Francis-Devine & Buchanan, 2023). The majority of these shortages are happening in the accommodation and food services and construction industries. Although the Vote Leave party’s campaign focuses on the fear that immigrants will steal British jobs and lead to increased unemployment, a study conducted by Piero Esposito et al. in 2022 finds that in the period before the Brexit referendum, immigration into the UK was beneficial in reducing unemployment, and thus the anti-immigrant rhetoric of the Vote Leave party was unjustified (Esposito et al., 2022). With Brexit and the closing of UK borders to immigrants, many British employers are experiencing major issues in the recruitment of new workers (McNeil, 2022). These labor shortages can be attributed in part to the misconceptions surrounding immigration during the Brexit campaign and the closing of UK borders after Brexit.

Although increasing immigration may lead to decreased levels of unemployment and create benefits for the receiving country’s economy, pro-immigration policy is not the whole solution. A study conducted by Dr. Tina Goldschmidt at Stockholm University concluded that “the level of immigrant unemployment that native citizens observe in their neighbourhood positively correlates with opposition to government spending on immigrants” (Goldschmidt, 2021). Thus, in addition to misconceptions that immigrants steal jobs from domestic majority populations, increased interactions with unemployed immigrants leads domestic majority populations to oppose government investment in these immigrants, especially through welfare and economic integration programs. Increased interaction with

unemployed immigrants draws domestic majority populations to the nationalist and protectionist rhetoric of the far right, who base their policies on the claim that immigrants are siphoning public resources without contributing to the local economy. Both economic integration of migrants into the workforce as well as domestic majority misconceptions surrounding immigrant unemployment must be addressed in order to counter anti-immigrant sentiment and far-right support.

## WELFARE POLITICS

### *Introduction*

Welfare is another major topic that has been much debated in relation to immigration, both from EU and non-EU nationals. There are many misconceptions about immigrants and welfare, specifically the idea that immigrants are too reliant on welfare and are thus draining a country's resources without the intention of finding work. A 2018 Eurobarometer found that 56% of EU citizens feel that immigrants are a burden on their country's welfare system (European Commission, 2018). This sentiment leads to resentment of immigrants among domestic citizens and thus leads to an increase in support for the far-right, as many individuals are drawn to their anti-immigrant and nationalistic rhetoric.

Many studies across the European Union have shown that domestic populations are largely opposed to government spending on immigrants in their countries, as they feel that many immigrants are living off of social security without contributing back to their country's economy. According to Goldschmidt, "empirical evidence from various countries suggest that welfare states can lose popular support if their programs are perceived to mainly benefit immigrants" (Goldschmidt, 2021). However, a study conducted by the OECD assessing the impact of immigration on the fiscal balances of member countries found that immigration does not lead to an increase in social expenditures. They argue that although "immigrants tend to pay

less in taxes and social security contributions... they do not depend on welfare benefits more often than the native born" (Römer, 2022). Additionally, Kancs & Lecca found that "...although the refugee integration... is costly for the public budget, in the medium- to long-run, the social, economic and fiscal benefits may significantly outweigh the short-run refugee integration costs" (Kancs & Lecca, 2018). Thus, the belief that immigrants are siphoning public resources is a misconception, as long-term benefits of a larger labor market outweigh the short-term costs of integrating new workers into the workforce.

Far-right parties are using this misconception that immigrants are siphoning public resources to draw increased support for their parties. For example in Marine Le Pen's first goal of the National Rally's 22 Measures for 2022 in France, she outlines her desire to reserve social welfare programs for those who have been employed in France for at least five years (*22 MESURES POUR 2022*, n.d.). In the Netherlands, the far-right Party for Freedom (PVV) claims that more than half of Dutch social assistance benefits are going to "fraudster" non-western migrants who are cheating the system and who "now own plenty of houses and apartments abroad" (PVV, 2021). This rhetoric fuels public fears that their country's welfare programs are being cheated and depleted by migrants and leads them to vote for far-right parties who wish to limit immigrant access to public resources or keep immigrants out of the country entirely.

### ***Case Study: Sweden***

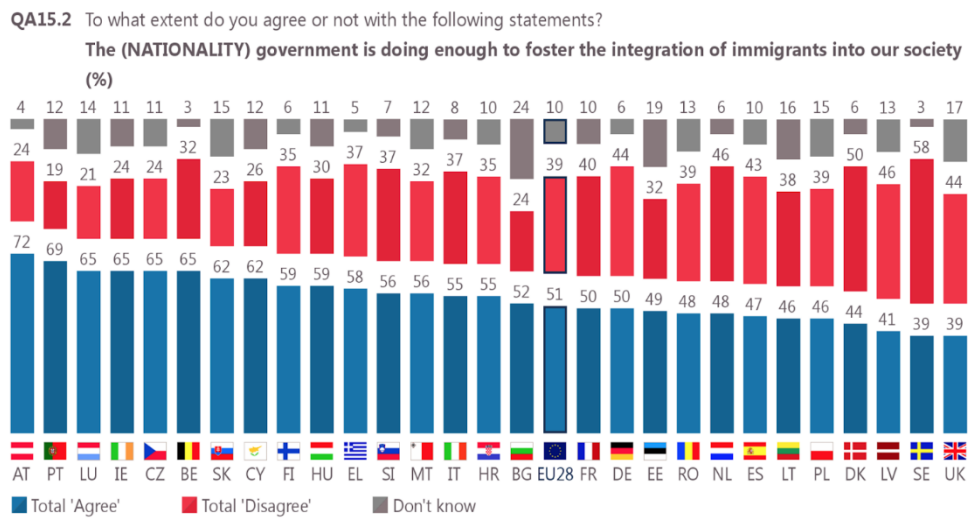
Sweden is known both as having a strong welfare state as well as being historically very open to immigrants. During the 2015 refugee crisis, Sweden took in the most refugees per capita amongst EU member states (Tomson, 2020). In 2020, 9% of Sweden's population was composed of immigrants, over 70% of which were non-EU nationals (Eurostat, 2021). Historically, Swedes have taken pride in the fact that they serve as a refuge for those fleeing violence, persecution, or other factors in their home countries. However, this sudden and drastic influx of migrants in 2015 has put a strain both on the Swedish economy and on Swedish society.

Although Sweden has some of the most positive perceptions of immigrants in the EU, support for the far-right Sweden Democrats party continues to rise. The 2018 Eurobarometer on immigration perceptions revealed that 81% of Swedes feel comfortable with all types of social relations with immigrants, including, amongst others, as a friend, neighbor, family member, and doctor. Additionally, 45% of Swedes see immigration as more of an opportunity than as a problem in their country, the highest percentage of all EU member states (European Commission, 2018). However, Swedish general election results reveal that support for the far-right Sweden Democrats party has increased from 15% in 2015 to 17.5% in 2018 to 20.2% in 2022 (*Swedish Polls, Trends and Election News for Sweden*, 2023). This contrast can be attributed, in part, to the Swedish welfare state. 41% of Swedes agree that immigrants are a burden on their country's welfare system, a system in which many Swedes take great pride (European Commission, 2018).

Immigrants receive many public resources and welfare programs in Sweden, with suboptimal results. The main centerpiece of Sweden's integration policy is the "Establishment Programme, *Etableringsprogrammet*, which is open to newly arrived immigrants between the ages of 20 and 65 and who have been granted residence permits as refugees, resettled refugees, persons in need of protection, or as close relatives of someone in one of these categories" (*Governance of Migrant Integration in Sweden*, 2023). Despite this program, which became mandatory for all newly-arrived immigrants in 2018, "Sweden has one of the largest gaps in employment between native and foreign-born workers" ("*Immigration Is Changing the Swedish Welfare State*," 2017). High numbers of immigrants who are struggling to enter the workforce rely on high levels of social security, and many Swedes are resentful of the fact that these immigrants are not contributing to their economy but are reaping the benefits of their welfare system. Because of this gap in employment, many Swedes are resentful of their government, and a 2018 Eurobarometer revealed that 58% of Swedes feel that their government is not doing enough to integrate immigrants into their society (Figure 2). This discontent leads many voters to seek other options, and many are turning to the far-right as a solution. The Sweden Democrats, who pride themselves in being the first and only dedicated

anti-immigrant party in the country, are using this resentment to fuel support for their party. Their migration policy outlines their desire for stricter immigration laws that prevent asylum-seekers from coming to Sweden and taking advantage of the Swedish welfare state. They want more immigrants to return to their native countries rather than staying in Sweden and draining Swedish resources (Sverigedemokraterna, 2022).

**Figure 2 | The Role of Governments in Fostering a Successful Integration Process**



Source: European Commission, 2018

There are several factors that contribute to this lack of efficacy of the Swedish Establishment Program. A study conducted by the Swedish Migration Studies Delegation (Delmi) in January of 2023 found that factors such as the length of the asylum application process as well as a lack of translators and thus a strong language barrier can help to explain the lack of positive results of this program. Additionally, Delmi found that "faster and more flexible approaches to the recognition of qualifications is needed to facilitate access to suitable employment for refugees" and that "there is a need for a long-term commitment beyond the two-year duration of the introduction program to promote integration" (Irastorza & Törngren, 2023). These barriers to integration account for, at least in part, the lack of successful results of the Establishment Program in Sweden.

## CONCLUSION

Integration, whether economic, social, or cultural, is a crucial aspect of immigration, and can help to curb far-right anti-immigrant sentiment in many EU member-states. While integration is often defined by the success of immigrants in becoming more like the domestic majority populations, it is important to note that “all members of society – long-standing and native-born residents as well as newcomers and migrants – and its institutions take part in and are affected by integration” (Kierans, 2021). Programs that assist in the economic integration of immigrants into national workforces are useful in diminishing resentment from domestic majority populations who feel that immigrants are siphoning public resources without contributing back to the national economy. The following recommendations are centered on increasing immigrant integration into EU member-state economies, as well as around deterring the misconceptions surrounding immigration that lead many EU citizens to the anti-immigrant rhetoric of the far-right.

## POLICY RECOMMENDATIONS

### *EU and National Government Level*

#### **Create and expand national organizations that support immigrants in finding a job and help them achieve upwards mobility within their jobs.**

The European Social Fund + includes funding for many smaller-scale organizations that have been created to help in the process of immigrant economic integration, such as Aim, Learn, Master, Achieve (ALMA), which provides support for disadvantaged young people looking for work, as well as Regional Integration Accelerators (RAIC), which provides skills coaching to immigrants while working with recruiters from various workplaces to help immigrants get hired. However, these organizations operate only on the national or local levels and are thus restricted in their impact and efficacy. There is a need for a large-scale initiative within the European Union that combines these programs and lays the framework for an EU-wide integration program. These programs should be adapted to meet the needs of each member-state, but should include funding for language classes, one-on-one counseling with job counselors, as well as programs that stay with immigrants during employment and assists them in receiving the training and licensing necessary to earn promotions and seek higher level positions within their fields of employment. Many of the economic integration programs currently in action in the EU end once an immigrant is employed, but many immigrants, especially those who secure low-level jobs, would benefit from additional support in the first years of their employment. This EU-wide initiative should also provide funding for counseling and additional trainings for immigrants in the first three years of their employment so that they may continue progress in their industries.

### *National Governments and Private Sector*

#### **Establish a corporate certification for pro-immigrant workplaces.**

Actors: National Governments, Corporations

The creation of a corporate certification for pro-immigrant workplaces would require companies to adhere to a certain set of criteria in order to receive and maintain this certification, such as hiring a certain percentage of immigrants, creating internships and apprenticeships that are set aside specifically for immigrants, and language training to help prepare immigrants to work at the company. This commitment can also include workshops that bring together immigrant and nonimmigrant employees on equal terms for roundtable discussions and culture-sharing exercises that promote solidarity and understanding between all employees. This certification will function like a minority-owned business certification does in the United States, where these pro-immigrant certified companies would receive benefits such as preferred access to government grants and contracts as well as increased partnership opportunities and access to training workshops (ZenBusiness Inc., 2023). This certification will encourage corporations to support and maintain a strong commitment to immigrants, thus eliminating many barriers to immigrant unemployment and curbing the misconception that immigrants drain public resources. Additionally, this certification would provide for a way for consumers who support immigrants to invest in companies that support their beliefs. According to a Eurobarometer conducted in 2018, 57% of Europeans say that they are comfortable with immigrants in all social situations (European Commission, 2018). However, many of these people may not know how to support the immigrants in their countries. This certification would allow these people to make a political statement through their purchases.

### *Civil Society*

#### **Develop a civil society campaign that emphasizes the benefits of immigrants in national workforces.**

Actors: Civil society organizations, nonprofits, NGOs

While there are many sectors of the economy in which immigrants hold a disproportionate number of jobs, this campaign can focus in one specific sector,

such as healthcare, tourism and accommodation, or construction industries. In the construction industry, for example, this campaign could be called “Together We Build.” The campaign can include profiles of immigrant engineers, architects, and construction workers showing their role in society and how they work for the benefit of their host country. This campaign should emphasize diversity and cooperation rather than singling out specific immigrants. Social media posts with videos of various teams of employees that show diversity and promote the idea that immigrants are crucial to the success of the construction industry could also be included in this campaign. Additionally, Together We Build can invest in signs, social media posts, and billboards with statistics that show how many buildings and what type of buildings (schools, hospitals, etc.) in a certain area were built by immigrants to demonstrate that the construction industry needs immigrants in order to best serve society.

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# THE POLITICS OF DEMOCRATIC INSTITUTIONS

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## **Democracy Under Attack**

In this section, we explore how illiberal actors have undermined democratic principles to extend and entrench their power. By eroding the rule of law, these actors threaten the legitimacy of democratic institutions. When in power, they suppress civil society organizations that advocate for government accountability, restrict the civil liberties that are the cornerstone of liberal democracy, and manipulate the media. In many cases, they are enabled by weakened judiciaries. Illiberal actors have also promoted the spread of disinformation to reinforce and justify illiberal political platforms. These steps are threats to the health of democracy in Europe. We aim to introduce solutions.



## CHAPTER SEVEN

# Independent Civil Society

***Eva Kaim***

The European Union’s body of laws, treaties, and norms (also known as the *acquis communautaire*), and statements by the European Commission, attest that developing an independent civil society is of the utmost importance for creating a healthy democracy (Pérez-Solórzano, 2016). Indeed, it is widely understood that this institution functions as an important check on government, acting as a watchdog that holds politicians and other state actors accountable as well as ensuring transparency for citizens. Additionally, civil society can act as a line of communication between governments and their constituents, advocating for the diverse desires of communities and individuals while simultaneously maintaining pluralism, an essential pillar of democracy.

While an independent civil society is clearly an essential part of democracy—especially in the eyes of the EU—society’s “third sector” is coming under attack. In Central-Eastern Europe, select governments are rejecting the democratic norms and institutions laid out in the *acquis communautaire* described above in what has been dubbed as an “illiberal drift”. While this trend affects many aspects of democracy, including the independence of the judiciary, press, and more, it also means that civil society is curbed when it goes up against the policies and positions of the government. This is especially prevalent in some post-communist states with their somewhat young and weak third sector (Grødeland and Aasland, 2011). Though most countries in Western Europe do not have illiberal leadership, they, too, struggle with far-right movements that reject many elements of liberal

democracy, as illiberal parties have gained seats in both federal and state governments. Hoping to sustain this power and strengthen their support, such parties are willing to go after any organizations that attempt to contradict their rhetoric or challenge their policies.

This chapter aims to show why and how illiberal actors are attempting to undermine civil society organizations in order to develop policy recommendations that can resolve these issues. For the purposes of this research, civil society will be defined as wide array of nongovernmental and not-for-profit organizations that have a presence in public life and express the interests and values of their members or others, based on ethical, cultural, political, scientific, religious or philanthropic considerations (World Bank, 2007). This chapter will explore the interaction of illiberal governments and parties with these actors by examining the developments in two different countries, Hungary and Germany. In Hungary, the ruling party, Fidesz, has arguably taken some of the most extreme measures to curb civil society, and thus promote their own nationalist rhetoric, out of any other illiberal governments within the EU member states. With an extremely hostile climate for many organizations, the country thus serves as an important case study of what has occurred on the extreme end of the spectrum. In Germany, meanwhile, the party Alternative for Germany (AfD) exemplifies how different right-wing populist parties in Western Europe have posed challenges to the civil society in an environment that is otherwise supportive of it. With seats in both the German federal government (the Bundestag) and seats in 14 out of the 16 regional governments (“Composition of the German State Parliaments”, n.d.), the AfD has platforms and influence that make their attacks on civil society very dangerous, making it a good case study of what is occurring in Western Europe.

The different examples provided here are by no means an exhaustive list of the attacks carried out by the AfD and Fidesz to limit civil society in their respective countries. However, they do offer vital insight into the fact that various types of restrictions are preventing, or threaten to prevent, organizations from doing their jobs. The limitations that hang over their heads means that civil society actors

cannot effectively act as government watchdogs and advocate for citizen's interests, allowing illiberal governments to thrive and erode democracy. With this in mind, the chapter will begin with the case of Hungary and outline how the government there has attempted to curb civil society by way of legal restrictions, the manipulation of funding, as well as various forms of harassment and discreditation, in order to achieve their own ends. Moving on, the chapter will examine how the AfD has attempted to limit German civil society for their own benefit through methods of crowding out, defunding, discrediting, and threatening. Finally, the chapter will conclude with suggestions on how to mitigate these issues at the EU level by creating a legal statute and alert mechanism, as well as at the civil society level by orchestrating campaigns that partner with schools.

## **HUNGARY: CIVIL SOCIETY IN AN AUTOCRATIZING STATE**

### ***Legal Restrictions on Civil Society Organizations***

Since Fidesz's ascent to power in 2010, the Hungarian government has consistently and successfully used legal measures as a way to erode the power of civil society organizations that they believe threaten their rule and ideals. Using their parliamentary majority, the party was able to pass the Fundamental Law, Hungary's new constitution. This document includes Articles IX, which stipulates that "the right to freedom of expression may not be exercised with the aim of violating the human dignity of others" and that "the right to freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community" (Fundamental Law, 2011, p. 10). The language used is broad and unspecific, meaning that the government or other actors can take legal action against anyone that they believe is infringing upon national dignity - including any civil society organization that contradicts the stances and words of Fidesz (Shinar, 2021). The freedom of speech these groups need to function as a check on other state institutions is thus curtailed, and a negative feedback loop is created wherein many organizations will perform self censorship, preventing

themselves from doing meaningful work even before legal action can be taken against them. As a result, civil society cannot effectively encourage government accountability, allowing the Hungarian government to maintain power and continue upon its illiberal path.

Another example of such restrictions can be seen in Hungary's Act LXXVI of 2017, also known as the Law on the Transparency of Foreign-Supported Organizations. As a result of this bill, groups that received a certain amount of funding and benefits from abroad must declare themselves funded by foreigners, a fact that they had to publicize on any information the organizations might disperse (Kakai and Bejma, 2022). If a group failed to make this declaration, they could be abolished by said courts (Kövér et al., 2021). While the European Court of Justice (CJEU) ruled that this regulation was in violation of EU law in 2020, the Hungarian government did not take action until a year later, where they announced a new set of regulations for foreign sponsored organizations that completely ignored the directives put out by the CJEU (Kakai and Bejma, 2022). In any case, the actions of the Hungarian government threatened civil society's right to exist and perform their essential functions of keeping the government accountable to constituents and acting as a voice for the people; Fidesz and Viktor Orbán were thus able to keep using their illiberal playbook.

As Fidesz has long embraced anti-immigration rhetoric and policies, it only makes sense that the ruling party would also use legislation to target civil society groups that aimed to aid refugees and other migrants. This occurred in 2018, when parliament passed Bill No. T/333 - popularly known as the "Stop Soros" package - which aimed to dramatically limit immigration into Hungary (Sarokin, 2019). Section 353/A of this legislation created the Criminal Code, which outlawed actions that assisted asylum seekers, whether that be helping them with the asylum application or finding them a place to stay (Hungarian Helsinki Committee, 2019). Employees at NGOs which seek to aid and assist such migrants thus face harsh punishments for simply doing their jobs, generating fear and anxiety within the greater civil society sector. With this climate of fear and restriction, the Hungarian government makes it

much more difficult for organizations to perform their services and act as advocates for migrant groups, destabilizing the sector and allowing their own anti-immigrant rhetoric to dominate discourses.

### ***Manipulation of Funds***

Across Europe, governments are a source of funding for civil society actors. In Hungary, however, since Fidesz gained a parliamentary majority in 2010 and changed the constitution (Hien, 2021), traditional methods of allocating funds have been axed in favor of more illiberal approaches. In one such case, the government created the National Cooperation Fund (NCF) and its council, which is in charge of distributing government resources to civil society organizations. The said council is made up of mostly government actors and a President of the College personally appointed by the Prime Minister, Viktor Orbán (Kövér et al., 2021; Kakai and Bejma, 2022). These strong connections with the ruling party have proven to be a conflict of interest, as many organizations that are connected to the state are given funds, and the NCF refuses to publish the amounts given to each. As a result, loyalist groups are receiving disproportionate amounts of government funding (Gerö et al., 2023). Other independent organizations thus have much fewer resources and often struggle to carry out their roles as citizens' advocates and government watchdogs, empowering the government and its illiberal agendas.

While comparing the funds allocated to independent organizations to those allocated to government-linked organizations is revealing, so too is looking deeper into the latter. Many of these groups do not simply have loose government ties, but are rather government organized non-governmental organizations (GONGOs). Studies have shown that for some GONGOs in Hungary, particularly for those that deal with population policy and demography, budgets increased twelve times. While in the study it is unclear whether these funds were allocated by the NCF Council, they were "obtained owing to ad hoc government decisions" (Kakai and Bejma, 2022, p. 129). Many scholars have interpreted this move by the Hungarian government as

an attempt to create a type of parallel civil society made up of organizations that support the policies championed by Fidesz (Kövér et al., 2021; Kakai and Bejma, 2022). This is especially clear when looking at the Civil Union Benefit Foundation (CÖKA), which has been identified as a GONGO by many critics of the Hungarian government. While this non-profit claims to support ethnic Hungarians living outside the country, in reality it has embarked on multiple campaigns in support of Fidesz, all with financial support from the Hungarian government (Hien, 2021). Party rhetoric thus “crowds out” that of NGOs and other groups who tend to promote liberal ideas on topics like immigration, LGBTQ+ rights, and more. It is very clear that liberal-minded civil society organizations are thus quite limited in their ability to check the government and support minority groups in the face of illiberal actions by the Hungarian ruling party. Fidesz, then, can continue implementing its policies with little restriction.

### ***Discreditation and Harassment***

Among the Hungarian government’s favorite tactics to weaken civil society are various types of slander and intimidation. One of the most well known examples of this is the case of the Norwegian Civil Support Fund (NCSF). In 2014, this organization was accused of wrongdoing when distributing their funds, an issue that snowballed into a full on attack against other foreign-funded NGOs in a media campaign orchestrated by the Hungarian government (Kövér et al., 2021; Hien, 2021). Later, the offices of two organizations responsible for distributing the grants from the NCSF, as well as the homes of some NGO leaders were raided by the Hungarian National Bureau of Investigation. This action was apparently only done as a show of intimidation, since legal investigations yielded that none of the organizations or individuals who had been subjected to raids committed any crimes (Varga, 2014). Nonetheless, the reputations of many foreign-funded NGOs were tainted in the eyes of some Hungarians, as the smear campaigns conducted by the government had succeeded in manipulating public perceptions. Liberal organizations thus have little support from the general public, making them unable

to act as a legitimate source of information, watchdogs, and advocates.

Furthermore, working in the sector is looked down upon, meaning there are less employees to effectively staff organizations. In turn, the Hungarian government sustains the trust of the people and uses it to remain in power.

As of the past few years, the Orbán administration has specifically targeted Hungarian-American billionaire George Soros, whom it has said is planning to flood the country with Muslim immigrants using “fake” human rights NGOs. Accredited organizations such as the Hungarian Helsinki Committee have been roped into this conspiracy as “special agents” of Soros, and have also been subjected to slander by the government-controlled media (Hien, 2021). While immigration in general is a hot-button issue that illiberal, right-wing political parties can capitalize on in order to mobilize their constituents, Fidesz has focused on heightening fears around the topic by initiating these campaigns. They have also utilized national questionnaires to shape narratives and disseminate information about immigration in regards to Soros and human rights NGOs. For example, in 2017 the government sent out a national consultation which laid out the supposed facts of Soros’s plans and asked if citizens supported it (Hungarian Helsinki Committee, 2019). While the information the government spread through these questionnaires was false, their wording was meant to conjure negative ideas about the billionaire philanthropist and other human rights organizations in the minds of the public, discrediting civil society actors and preventing them from acting as a check on government and voice of the people. Fidesz, then, sees support for its anti-immigrant and nationalist rhetoric, allowing it to maintain its influence and promote its platform at the highest echelons of government.

## GERMANY: CIVIL SOCIETY UNDER PRESSURE FROM ILLIBERAL PARTIES

### *Crowding Out and Hijacking*

Much like the actions of the Hungarian government described above, illiberal parties across Europe attempt to shrink liberal civil society. In Germany, the AfD has engaged in efforts to hijack and/or crowd out liberal civil society organizations. Their rhetoric has made this abundantly clear; in a party strategy paper written for 2019-2025, there is a focus on the need to “march through” many organizations, as well as the clear intent to insert AfD into civil society (Hummel, 2022). The party’s federal parliamentary director stated that society needs “a breath of fresh air and a new, courageous society of the middle class dedicated to the phenomenon of left-wing militancy” (AfD-Fraktion im deutschen Bundestag, 2020). Put into practice, the AfD has tried to utilize civil society to spread a narrative of nationalism, family values and other exclusionary ideas. Attempts of this have been seen in places like unions and churches, as well as organizations that have to do with education, sports, environmental protection, agriculture, welfare, and more (Schroeder, 2020; Rosbach, 2020). Taking a look at the religious arena, the AfD is working to disseminate and popularize populist right-wing ideas about same-sex marriage, family planning, and more. While studies have shown that these organizations generally try to resist such attacks, they are not always equipped to do so, and are thus in danger of being hijacked (Hummel et al., 2022). In other cases, In taking these actions, the party jeopardizes the independence of many German civil society organizations, which in itself can be seen as illiberal, but also ensures that rhetoric used by illiberal governments is spread into Germany, threatening liberal and democratic-minded groups.

Other than simply taking over existing organizations, the AfD is also developing their own. The party has legally created a series of foundations and nonprofits - for example, the Working Group for German Poetry, the European Institute for Climate and Energy, and the Desiderus Erasmus foundation - that are eligible for

government funding. With this foothold in civil society, the party has the opportunity to further spread what is considered to be illiberal messaging while simultaneously putting up a facade of trustworthiness (Hummel et al., 2022). As a result, the goals and policies of liberal organizations are threatened, creating worries about these groups' ability to carry out their work as government watchdogs and citizen advocates in the future if the AfD gains more influence.

## ***Defunding***

In Germany, many civil society organizations depend on funding from the government. It is this structure that the AfD have often sought to exploit, especially in the case of organizations that they consider to be “militarized” and “left-wing”. On numerous occasions, members of the party have called for the freezing of resources allocated to certain civil society groups. In one instance, the family policy spokesman for AfD’s parliamentary group in the Bundestag, Martin Reichardt, called for the defunding of “Live Democracy!”, a program supported by the federal government which he claimed was tied with “the violent fringe left” (AfD-Fraktion im deutschen Bundestag, 2021). On another occasion, AfD member Bjorn Höcke claimed that the party would have to “drain” civil society organizations that were harming ordinary Germans (Hummel, 2022). While these outward declarations are problematic, the party also incessantly questions funding agencies about their actions, causing many groups to worry that they will see a dip in future financial resources (Ratzmann and Sommer, 2022). In many instances, anonymous individuals have filed multiple reports with German tax offices that call into question the non-profit status of many organizations. Thought to be initiated by the AfD, defending against these charges has put increasing financial pressures on organizations; in one case, a non-profit spent around 18,000 euros on legal services (Seidel, 2022). Though it appears that nothing has come of these threats and questions, it is very clear that the AfD are specifically targeting liberal groups that are not necessarily acting illegally, but instead contradict the party’s rhetoric. These actions threaten civil society’s right to

free speech - a necessary tool for their democratic function - while strengthening and promoting the AfD's far-right agenda.

## ***Discreditation***

In their attempts to limit the power of civil society, the AfD has also employed tactics of discreditation. On the one hand, this is carried out by painting many organizations as elitist entities that often work in tandem with the far left and have no regard for the average German citizen. For example, the party has consistently employed smear campaigns against union bosses, who they declare do not look out for the interests of workers and instead pocket the money from the organization. This same rhetoric is also used in the case of welfare organizations (Schroeder, 2020). In another attempt to spread lies and conspiracy theories about civil society groups, in 2021 the AfD claimed that the suspect in a Berlin pipe bomb incident had worked for an organization funded by the German government's "Live Democracy!" program (AfD-Fraktion im deutschen Bundestag, 2021). However, reporting by media outlets indicated that the perpetrator was a left-wing extremist, and did not cite any ties to the federal initiative (Jansen, 2021). As a result, it appears that the AfD's lie was clearly spun in order to demonstrate how the initiative and the groups "Live Democracy!" sponsors are connected to the radical left-wing, and thus cannot be trusted. As a result, it decreases the legitimacy of many democratic civil society organizations, while increasing the apparent trustworthiness of the AfD in the hopes that it will increase their support.

Along with these claims, the AfD consistently insists that liberal civil society groups are improperly using taxpayer money. Party members have stated that organizations supported by "Live Democracy!", those that deal with immigration, and those affiliated with the government are using their funds to support the far-left (AfD-Fraktion im deutschen Bundestag, 2022). Through this rhetoric, the party again attempts to portray such groups as untrustworthy due to their apparent political affiliations; this can be especially damaging for groups that need the trust of citizens

to effectively do their duties as watchdogs and advocates for the German public. Again, this makes the AfD seem more legitimate and earns them further public support.

## ***Threats***

Much like other illiberal parties, the AfD has proven that it is not above using tactics of intimidation and violence to curb civil society actors. On the extreme end of the spectrum, a survey of the organizations participating in “Live Democracy!” shows that more than a quarter of respondents were put on “death lists” and/or received threats of violence. Damage to property and physical attacks were less common, reported by 10% and 8% of those surveyed, respectively. In addition, more than 40% of organizations were subjected to personal attacks, which included discrimination, insults, and devaluation. While it was made clear that not all these threats come from the right-wing, AfD supporters were specifically named as a group that were thought to be responsible for a portion of such attacks (Ratzmann and Sommer, 2022). Additionally, given that the party has consistently targeted “Live Democracy!” and affiliated organizations, it seems likely that the AfD’s policy and rhetoric encouraged some constituents to carry out these acts. Meanwhile, the attacks have created an array of different issues for civil society. As a start, threats take a toll on employees, but they also must be dealt with by both reporting them to the local authorities and dealing with them internally, while the press and media ask questions. All this takes a great deal of time and resources, making it more difficult for organizations to do their jobs (Ratzmann and Sommer, 2022). AfD threats and violence thus negatively impact civil society’s ability to function as an essential part of Germany’s democratic system while serving to empower their own policy and rhetoric.

## POLICY RECOMMENDATIONS

### **Create a European statute for associations and NGOs.**

As of now, civil society organizations have no legal status in the EU. To mitigate this issue, the European Commission must draft a statute for associations and NGOs that include provisions regarding the rights of organizations to be treated equally in matters such as accessing donations, associating, and engaging in civil dialogue. Additionally, it must set minimum standards on the conditions of civic space. Such legislation would remove various barriers imposed by member states such as Hungary, which keep organizations from doing international work, moving across borders, and relocating within the EU through unequal allocation of funds, attacks on those who associate with foreign organizations, and more. This protection would also curb threats to civil society by inhibiting governments and parties from acting illegally, or punishing them for doing so.

### **Create an EU alert mechanism to report, record, and respond to illiberal threats.**

The EU's current system for reporting and responding to threats on civil society is slow and inefficient. Therefore, the institution must create a mechanism allowing such groups to report attacks while simultaneously collecting data on such transgressions. The website "protectdefenders.eu" performs this function in relation to threats on the human rights activists outside of the EU, and so a similar or parallel system to support civil society within member states must be developed. This would allow the EU to have faster and more appropriate responses to such reports, allowing organizations to get the help and support they need and ensuring that the EU is holding illiberal actors responsible. Civil society groups affected by both illiberal parties and illiberal governments would benefit from this development, as it examines threats on a case by case basis and provides a defense mechanism when governments are unable or unwilling to do so.

**Create a partnership between liberal civil society actors and schools to present a positive narrative of a democratic civil society sector and increase trust.**

While illiberal parties and governments have attempted to control the narrative about civil society organizations, the groups themselves can provide an alternative view of their operations. As such, umbrella civil society organizations such as Civil Society Europe must set up multi-year or long-term programs that help to foster positive relationships between liberal groups and schools in order to highlight how their sector benefits the average citizen and country as a whole. Volunteer projects, field trips, and other events should be used to engage children and young adults in the positive work that civil society does on both local and national levels, creating a positive image and understanding of such organizations. These actions therefore make them less likely to support the conspiracy theories and policies that illiberal parties promote in regards to liberal groups.



## CHAPTER EIGHT

# Challenges to the Rule of Law

***Rei Ozawa***

Illiberal political forces have employed political patronage, clientelism, and other tendencies to erode democratic institutions and the rule of law. Liberal actors are aligned on the importance of the rule of law, with the European Commission defining it as it “[guaranteeing] fundamental rights and values, [allowing] the application of EU law and supporting an investment-friendly business environment” (rule of law, n.d.). The rule of law allows the citizens living in nations that are committed to upholding it to have protected civil liberties and a just government. It enables accountable and open government, as well as accessible and impartial justice.

This chapter will explain how the rule of law has been threatened by election interference, clientelism and patronage politics, which has allowed illiberals to gain and entrench their power. In turn, undermining the rule of law in some European countries has the power to further the illiberal drift therein. To show this, we will be focusing on two countries, Hungary and Italy, and how political patronage, clientelism, and media concentration have contributed to an illiberal drift within those electoral systems.

## **RULE OF LAW**

The rule of law is a “well-established and well-defined principle whose core meaning is furthermore shared as a common value among all Member States”

(Pech, 2022). Citizens attach great importance to rule of law issues. When EUpinions, an independent research platform for European public opinion, surveyed 12,000 citizens across the EU to ask about important characteristics of democracy in 2020, results showed that. “Government abiding by laws like everyone else” was rated the highest score of 9.1 out of 10 for importance. This was followed by “courts should treat everyone equally” at 9 out of 10 and “free and fair elections” at 8.9 out of 10 (Democracy and the rule of law in the EU, n.d. 2021). The importance placed by citizens upon these three issues shows how greatly citizens are affected by the rule of law.

The European Union has taken steps to defend the rule of law. The rule of law mechanism was developed in 2014 and is a relatively new concept to the EU (Gesley, 2022). In particular, the European Commission has the most jurisdiction over rule of law, as it proposes and enforces legislation within the EU (European Commission, n.d.). The European Commission and the EU oversee any rule of law violations and ask for compliance from all member states. Their annual report on the rule of law presents positive and negative aspects of the member states and their respective parliaments and further issues recommendations when there is a clear threat to the rule of law (Gesley, 2022). The goal of this communication between member states, the European Commission, and the EU is to create an open environment for the citizens to be able to act on their civil rights.

In order to protect the rule of law and the rights and institutions it supports, states that have breached the rule of law are punishable by the European Commission through sanctions or the implementation of preventative mechanisms. These include Article 258 of the Treaty on the Functioning of the European Union, which gives the Commission power to take legal action against member-states who aren't in compliance with obligations under EU law (Infringements, n.d.) and Article 7 of the Treaty on European Union, which allows the EU to execute mechanisms due to breaches of rule of law, with the most serious political sanction being a suspension of the ability to vote on EU decisions (“What Is Article 7, the EU's ‘Nuclear Option?’” 2018). To carry these out, there is a high decision-making threshold which includes

the approval of the Council (the political body of the EU) with four-fifths majority votes, the European Council (the legislative body of the EU) with unanimity, and the European Parliament with a two-thirds majority. If any one of these states or parliamentary groups blocks the procedure, it is ineffective.

Furthermore, in 2021, the EU established the Conditionality Regulation, which maintains that in cases where the rule of law is breached and it directly affects or seriously risks the EU's financial budget, the state in question could be punished financially as well. In this process, first, the European Commission articulates that a possible breach of the Law may exist through a qualitative assessment of the country under investigation, and proposes a mechanism against the said member state. However, due to it being a very thorough examination, with the European Commission, the Court of Justice of the EU, the European Court of Auditors, as well as relevant international organizations to gather data (rule of law Conditionality Regulation, n.d.), the time it takes is substantial. Once the Commission gathers enough information, it proceeds to have an open dialogue with said member state to address concerns and pursue sincere cooperation between the member state and the Commission. The Commission will then set a deadline for written clarifications on breaches seen in the rule of law, however, if the member state does not cooperate within the timeframe, they will send out a written notification to the member state. Compliance then proposes measures that these states must take to force compliance with the values of the EU, such as suspending payments (Gesley, 2022). Such financial consequences can be substantial, as seen in Hungary's case, where 6.3 billion euros were suspended, and thus present a significant incentive for the government to change the structure to meet the EU's demands (rule of law Conditionality Mechanism, n.d.). With these measures taken, this Conditionality Regulation is and can be used for any obvious and blatant rule of law violations, which include unjust election systems, and clear political patronage and clientelism.

## EROSIONS OF FREE AND FAIR ELECTIONS

Free and fair elections are pillars of democracy and closely connected to the rule of law. At the most basic level, democratic elections are “competitive, periodic, inclusive, regular elections in which persons to hold office at all levels of the government are elected, through the secret ballot, by citizens who broadly enjoy fundamental human rights and freedoms” (Democratic Elections Definition, n.d.). Unjust or unfair elections in illiberal democracies, by contrast, could include voting manipulation through the use of media, political patronage, and clientelism, as well as an election outcome that does not reflect citizens’ votes, especially in the parliament.

### ***Hungary: Illiberal Governments and Unfair Elections***

In 2022, the United Opposition party, consisting of multiple parties uniting to overthrow the Fidesz party, was looking towards not a victory in Hungary but to be able to turn over the Fidesz party’s two-thirds grip on the Parliament, as all predictions showed that this was a neck-to-neck election. That alone would have been a win for the opposition, as it might have loosened the grip of Fidesz on the legislature, the executive, and the court system. However, the reality was much different, as Viktor Orbán won his fourth consecutive election, this time with a 68% parliamentary majority. Orbán has stated time and time again that his government is an “illiberal democracy” where he wins “free and fair elections”(Apuzzo & Novak, 2022). However, when we look into what the Fidesz party has done to gain the upper hand in elections, using different illiberal tactics such as shaping the electoral system to the party’s advantage and using clientelism and political patronage to support it, Hungarian elections instead appear to be anything but “free and fair.”

After the fall of the Berlin Wall in 1989, with a new constitution and multiparty elections, the Hungarian election law and system were reformed. Hungarians cast two votes, one for a constituency representative and another for a party list. In the latest election in 2022, the Organization for Security and Cooperation in Europe (OSCE) deployed 200 formal observers to Hungary. Their report indicates that while

there were only a few procedural problems during the election, the context for fair and free elections once again was not guaranteed by the government and thus “marred by the absence of a level playing field.” The campaign was overshadowed by a “pervasive overlap between the ruling coalition and the government” and a “lack of transparency and insufficient oversight of campaign finances” (Hungary, parliamentary elections and referendum). The impact of voters abroad was also investigated in this report, as the different modalities for voters abroad, which depended on whether the voters retain a domicile in Hungary or not, challenged the democratic belief of equal suffrage. To ensure equal suffrage, voter registration and procedures for voters abroad must be made the same for all citizens abroad. Furthermore, the record for the voters who registered for postal voting remains active as long as they vote or amend their data at least every ten years. This goes against international good practice as it creates concerns about the accuracy of the data, especially for citizens abroad without domicile in Hungary.

During the most recent national election, the OSCE received claims that campaign activities were hindered due to citizens being pressured (often by local mayors) not to attend opposition events, as well as allegations of vote-buying (Hungary, parliamentary elections and referendum). In this example, the complaints were addressed to the OSCE, but the legal framework of Hungary also allows citizens to lodge complaints and appeals regarding elections directly with the national legislature. However, when appealing to the legislature, there is no guarantee of a public hearing for election-related complaints. The complainants and respondents are also not notified in advance of whether their case will be reviewed by the election commission. The OSCE found that despite there being more than 200 complaints and appeals, only two cases were heard. Due to the lack of a resolution framework, all voters do not have the effective means to appeal against election disputes. Furthermore, the election commissions’ lack of sufficient examination produces subpar, unjust rulings.

With Orbán having two-thirds of the parliament under his control, contributing to the illiberalism that Hungary is facing, he is able to change the constitution and

laws as he pleases, completely breaking the rule of law and going against a just law that fairly depicts the wishes and votes of the citizens. This was illustrated in 2012 when the Parliament approved a set of amendments to the country's new constitution. These include limiting the power of the Constitutional Court and removing its right to strike out laws that have been enshrined in the constitution, restricting students who have received state grants to stay and work for Hungary for a period of time after graduating, as well as other provisions that have had an immense backlash. These changes were able to be implemented due to Orbán obtaining the majority of the Parliament. Therefore, if he decides to add new amendments, the majority of the Parliament would support him, allowing these amendments to be added ("Q&A," 2013).

Hungary's example demonstrates how unfair elections can entrench illiberal rule in Europe. Without credible elections, the country is approaching becoming a single-party state.

## CLIENTELISM AND POLITICAL PATRONAGE

rule of law mechanisms can also be upended by clientelism and political patronage. Clientelism is defined as "a political or social system based on the relation of a client to a patron with the client giving political or financial support to a patron (as in the form of votes) in exchange for some special privilege or benefit." ("Definition of Clientelism", n.d.).

Political patronage is defined as the "appointment or hiring of a person to a government post on the basis of partisan royalty" (Baracskaý, n.d.). Party clientelism refers to incentives to vote for or support a party, generally involving a reciprocal exchange of a power source and resulting in a win-win deal for both sides. The data on political patronage is limited. Petr Kopecný and Gerardo Scherlis have found that in countries like Denmark, Norway, Sweden, and Finland, parties have few opportunities to appoint beyond top positions, where patronage is geared towards sustaining party government. In these countries, strong bureaucratic

traditions and professionalized bodies that allow for a stable government can also be found. On the other hand, in some European countries, political patronage and bureaucratic clientelism are used as a means of ensuring control of the bureaucracy for governing parties. For example, in recent years, Serbia has shown clientelism through exchanges of monetary benefits, work, in-kind resources, laws and norms, and information. Additionally, the party-appointed managers of public enterprises have been heavily involved with these types of clientelism, as these enterprises support the government financially (Babovic, M., & Cvejic, S, n.d.).

The resources that are being exchanged through patronage and clientelistic networks are multifaceted, as they can consist of money, jobs, information, and governmental positions. All these exchanges can undermine the rule of law. This chapter will examine the illiberal drift of crucial democratic institutions such as elections, political patronage, and clientelism through the case studies of Hungary and Italy.

### ***Hungary: Clientelism and Patronage Politics***

During election season, one tactic that Orbán and his Fidesz party often use is the allocation of (explicitly or implicitly) conditional benefits in order to increase their votes. Some of these benefits, which were first introduced in 2010, include a thirteen-month pension for seniors, exempting people under the age of 25 from income tax, as well as a freeze on food and fuel prices. Orbán further introduced the National Public Employment Program in 2011, which offered public-sector employment in place of social welfare and unemployment benefits. This scheme employed about five percent of the entire labor force, with around 223,000 people relying on Fidesz-affiliated mayors to give them jobs in return for their support of Fidesz in elections. (Lane Scheppele, n.d.). In the 2014 election, Isabel Mares and Lauren Young discovered that these workers were explicitly threatened with losing their jobs if they didn't vote for Fidesz (Mares & Young, 2019). Another example of this occurred in 2014 in the village of Kispalad, which is on the border of Hungary and Ukraine. The mayor, who was part of the Fidesz party, said that if Jozsefne Sanko, a seasonal cucumber picker, signed a paper attesting that 135 Ukrainians

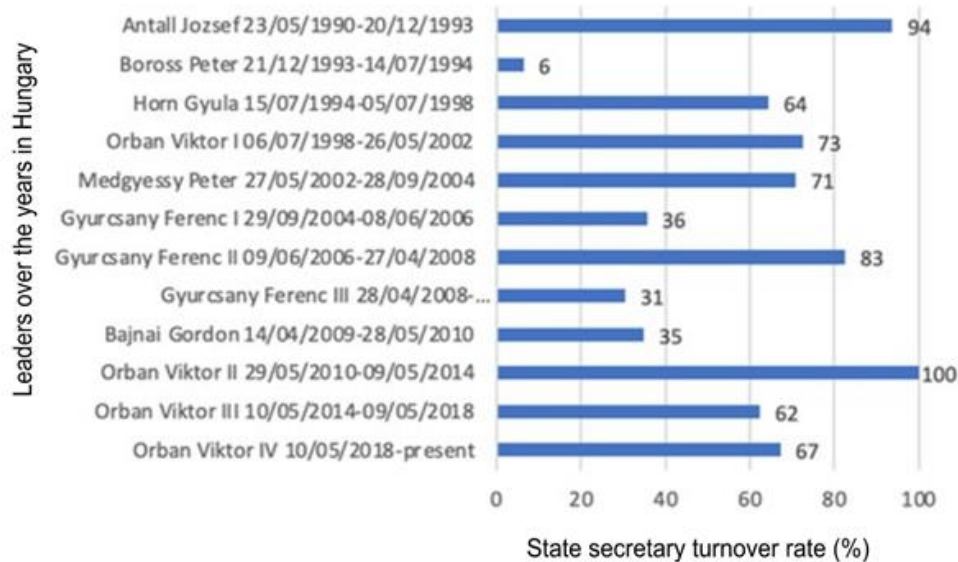
lived in her tiny home, she would be guaranteed public-assistance jobs for herself and her family. Despite the blatant absurdity of this claim, she signed her name due to the limited job opportunities in the small town, which made those 135 Ukrainians eligible to vote in elections. This is also known as voter tourism, where people who have addresses in Hungary are able to either come into Hungary and vote or vote by mailing (Apuzzo & Novak, 2022). In these ways, Orbán targets rural areas by allocating resources to their more vulnerable populations, knowing that it will win him additional votes even if the methods used to obtain them are antithetical to free and fair democratic elections.

Orbán has rewarded friends and followers have gained wealth and/or political power. The 2014 Bertelsmann Hungary Country Report states that “Hungary’s central and territorial state administration has been completely restructured by the Fidesz-led government, a system that has been associated with widespread patronage...” (Ágh, 2014). An analysis done by Kopecký et al showcases data from 1,633 officials appointed to top positions within the state administration from the years 1990 and 2019. The figure below shows the turnover in state secretary positions after changes in the government. As we can see from the chart, the rate in 2010 when Orbán took power was much higher in comparison to subsequent years. With a turnover rate of 100%, we can see that he had changed the appointment status of all ‘inherited’ state secretaries in the government within the first six months (Kopecký et al., 2022). This kind of extreme polarization is also predicted to lead to more strengthening of control by the government. There has also been evidence by Meyer-Sahling and Jager that has shown that political patronage in Hungary was generally delegated mainly to ministers and other heads of office. These senior officials would then recruit people from their own entourage so that they could dominate the party and control the people that believed in them and their mission (Kopecký et al., 2012).

Overall, Hungary presents an illustrative example of how the rule of law is completely breached in their country through electoral fraud and unfairness through things like benefits, as well as through political patronage where everyone

isn't offered a chance to have a say within the government and instead incompetent people are offered positions in exchange for their loyalty. These kinds of breaches, although perhaps not to the same level of severity, can be seen in other countries as well, contributing to the illiberal drift in Europe.

**Figure 1** | Turnover Rate in State Secretary Positions After Governmental Changes



Source: Kopecký et al., 2022

***Italy: Media Control and the Rise of Right-Wing Populism***

Since the 1990s, Italy's traditional political divisions between Christian Democrats and the Socialist/Communist left have been disrupted by the resurgence of right-wing populist forces. This has been aided by clientelism in the country's media politics, which abetted the rise of Silvio Berlusconi. Most recently, it has culminated in a far-right win by the Brothers of Italy party in the 2022 elections, led by Giorgia Meloni (DiDonato, 2022). In this case study, we will examine political patronage and relate it to the media sector and how these illiberal erosions have had a negative effect on the rule of law in Italy.

During his time in public life, Berlusconi was able to create a near-monopoly of commercial TV through political patronage and clientelism. James Walston, an international relations professor at Rome's American University, states that it's an open secret that "Berlusconi entered politics to avoid trials and safeguard his empire" (Poggioli, 2011). With Berlusconi being a media mogul, the explicit power that he had over the media during his time in office was vast. He also used underhand tactics such as lawsuits, patronage, and intimidation of Italian journalists to exert control, and further used his power over all commercial TV channels to bolster support for his political campaigns. Bill Emmott from the *Guardian* states that one of the reasons why Berlusconi lost so narrowly in 2006 despite having led a corrupt government with no economic growth was because he had so much power over the media at the time that no negative, that is, honest, portrayals of him were being published. The Constitutional Court in Italy has ruled that this kind of media control and ownership is illegal due to a conflict of interest with the political agenda, however, this ruling has consistently gone unenforced (Berlusconi's Chilling Effect on Italian Media, n.d.). Berlusconi's practice of leveraging his media control for political ends presented a clear subversion of the rule of law in Italy, as he was able to undermine free and fair elections and exempt himself from constitutional law without any repercussions.

When Berlusconi first rose to power in 1994, he promised to modernize bureaucracy and end old practices. Instead, he pursued nepotistic and clientelist policies in both government and business, which were increasingly difficult to distinguish. In his government, "merit is less appreciated than personal connections" (Weststejin & Corduwener, n.d.). For example, in 2011, Berlusconi wanted a 41-year-old lawyer, Angelino Alfano, to succeed him as the next prime minister, not due to Alfano's experience in politics but more because he was a loyal supporter of Berlusconi. Alfano had supported Berlusconi since the beginning of the media mogul's political career, and, as a Berlusconi loyalist, was awarded the position of Justice Minister in May 2008 (Berlusconi Heir Is Cautious Contrast to Patron | Reuters, n.d.). With the parliament filled with "beautiful girls and fashion models

and TV stars and showgirls in parliament”, the parliament turned into “one big reality show,” making it fall apart.

While taxes were lowered, tax evasion and corruption soared as Berlusconi’s personal wealth at least tripled (Poggioli, 2011). These kinds of patronage and clientelism acts go against the foundation of what makes up a government or parliament that is just, qualified to lead, and held accountable for its actions. Without these foundations, not only are political patronage and clientelism illiberal, but when these people are put in high positions in the government, it could lead to an even bigger illiberal drift if different laws or constitutions get approved by them when they have no experience. The prevalence of political patronage in Italy has played a significant role in shaping the country’s media landscape, where media ownership is highly concentrated in the hands of a few powerful individuals with close ties to the political establishment.

Today, Brothers of Italy, a far-right party, are once again leading Italy towards an illiberal drift. With party leader and Italian prime minister Giorgia Meloni singling out of the EU and multinational corporations and decrying globalization, there is more pressure than ever upon the EU to keep governments like these accountable for their actions and try to counter their illiberal ideas that threaten the citizens’ rights (Donadio, 2023).

## CONCLUSION

This chapter highlights how the rule of law, defined as a set of laws and institutions that protect the citizens to deliver a just law, an open government, and accessible and impartial justice, is under threat to varying degrees across Europe. Some of the institutions that counter the rule of law include illiberal contexts for elections, as well as clientelism and political patronage. Overall, the rule of law offers somewhat of a sanctuary for citizens to lean towards within their government or the EU. Ideally, citizens can hold their government accountable so that their rights and freedom can be protected. However, with the illiberal drift of the institutions that

support the rule of law, and an insubstantial effort to enforce the rule of law, that sanctuary is under threat.

## POLICY RECOMMENDATIONS


### **Increase incentive for the protection of the rule of law within member states by adjusting the processes associated with the EU's Conditionality Regulation.**

Due to member-states such as Hungary that do not allocate their funds from the EU to the institutions they are for, including non-profit organizations, strict implementation of the Conditionality Regulation is important to make sure there aren't breaches to the rule of law. It has only been implemented in Hungary even though countries like Poland have also had rule of law violations in terms of funding. The rules of implementation at present are unclear as to when the implementation on different member-states can occur. In order to do this, the reports used when member-states are under investigation, such as the rule of law report, must have more in-depth and transparent assessments and provide more analysis so that new procedures can be implemented, protecting the rule of law.

### **Establish an EU commission to assess influence on media companies in member states, either via media ownership concentration or via patronage from political institutions.**

While the European Media Freedom Act aims to encourage transparency of media ownership and safeguard against political interference and surveillance in the media, its goals concerning media freedom are not comprehensive enough in the face of illiberalism, nor are they effectively upheld by EU actors or regulatory forces. Along with the institution of expanded EU-wide regulations to counter ownership concentration and patronage in media, the new EU commission can take on the task of ensuring that media is not being weaponized for political or illiberal ends and thus undermining fair election and the rule of law in any member states. One way that the EU Commission can do this is by limiting the amount of control over how much media one person can own. Especially in countries like Italy where the Legislation doesn't enforce the media control of the prime minister, this EU Commission can step in to oversee media control and impose warnings and

sanctions in order to control the amount of power one can hold over media companies and what messages they can send out to the public. Furthermore, if there are signs of that media being controlled or biased to a very suspicious degree, this new EU Commission could come in to survey the media to see what is being said and impose necessary measures.



## CHAPTER NINE

# Civil Liberties and Academic Freedom

*Jasmine Ogaki*

Liberal democracy relies on the protection of civil liberties such as freedom of speech, freedom of assembly and organization, and freedom of the press. However, illiberal parties across Europe have re-framed some aspects of these civil liberties as threats to their national identity. In power, they use restrictions on civil liberties to achieve political and social control. When in government, illiberal leaders tend to curtail or co-opt media, orchestrate attacks on journalists and liberal academic institutions, and reframe collective memory according to nationalist ideology. Hollowing out civil liberties more specifically targets those who are in opposition to and prominently articulate the failures of government. This chapter will showcase the processes by which civil liberties currently are eroded in parts of Europe with two case studies: the policies of the Law and Justice (PiS) party while in government in Poland and the erosion of the freedoms of assembly and press under the current center-right government of Greece. The focus of our recommendations will be on how academic, press, and other organizations can improve resilience in the face of government pressure.

## **CIVIL LIBERTIES UNDER THREAT**

Civil liberties are a central attribute of liberal democracies and a core precondition of citizens' participation in government. Whereas most North and West European democracies have substantial legacies of constitutional civil liberty protections, East

and Central European countries work off of a different past. After 1989 and the fall of the wall, post-communist states faced considerable challenges in establishing and stabilizing civil liberties. The communist system had valued the collective good more than individual freedoms, and such freedoms were only granted when the whole system would benefit (Bajomi-Lázár, 2014). Journalists in communist states often acted as party agents, and media systems operated under tight government control. Academic freedom in CEE states existed only as long as party and system loyalty were not challenged. Along similar lines, individual freedom of expression was curtailed and citizens expressed their political views only in the confines of their private homes, if at all. The transition to a system with democratic protection of civil liberties meant ‘learning’ to abide by and use these protective norms. This was a difficult process across most of East and Central Europe.

Civil liberties, however, are also fragile in Western European countries.

Infringements on the freedom of speech are debated in regard to data privacy, media concentration, the workplace, and migrant protection, amongst many other areas of concern. Whereas formally European citizens are constitutionally protected in their civil liberties not just by national constitutions, but also by the European Convention on Human Rights and the Charter of Fundamental Rights in the EU, the reality is different. Greece, for example, while not building on a post-communist legacy, had to consolidate its democracy after a military dictatorship from 1967 to 1974. The realm of civil liberties is not exempt from subtle symptoms of illiberalism, as government or private political control over media is an extremely effective though not always overt illiberal tactic. Illiberal forces and regimes do not need to forbid media if they can control it, nor do they need to forbid freedom of speech if they can successfully institute mechanisms of self-censorship. Clark & Grech define self-censorship as “the control of what one says or does in order to avoid annoying or offending others but without being told officially that such control is necessary” (2017, p. 11). When journalists and others feel the need to censor themselves because of a perceived or actual threat surrounding their free speech, the essential function of the media to act as a scrutinizing check of power upon elites and government is compromised or even removed entirely. Recent efforts to intimidate

journalists and censor media as well as illegal wiretaps on oppositional politicians indicate that a slow erosion of civil liberties can happen even in consolidated democracies. Courts and judicial systems are generally seen as the institutions that ultimately defend civil liberties, as citizens can seek recourse in case of infringement. These very same defenders of civil liberties, however, are also under attack in some parts of Europe. Some governments have relied on other units to provide citizens with counsel and voice in case of civil rights violations, such as Ombudspersons or Anti-Discrimination Offices. Democratic actors such as ombudspersons have the capacity to play a critical role in protecting human rights and the rule of law, although as “independent state actors, they have to speak and act freely in order to protect those whose rights have been violated by wrongdoings committed by the state,” and thus, such institutions may need protections themselves from illiberal tactics (Glušac, 2020, p. 3).

## ILLIBERAL STRATEGIES

Having a high concentration of ownership in private and state media has arguably proven to be detrimental to free and accurate press and to pluralist expression in society. When a government intervenes in the market of news and media to effectively disseminate state-approved propaganda and limit diverse voices, a democratic public sphere is gutted. Opposition to government policies becomes much more difficult if the state or a small set of private, politically biased actors control the media. A lack of competition between media outlets, moreover, diminishes incentives for quality media that is impartial or accurate. Party-colonization of media is a similar process in which media resources and coverage are co-opted by political parties to advance their own messages and reward party supporters (Bajomi-Lázár, 2014). Italy under Silvio Berlusconi presented such a case. Frequently, ideological supporters and ‘friends’ are recruited into positions of power in media organizations while critical reporters or editors are removed. Finally, violence against media operations or individual journalists is an obvious way in which freedom of press is subverted. Intimidation of journalists as well as violent

attacks, whether online or in person, have increased over the past decade across Europe. In a 2017 study which included almost 1,000 journalists from across Europe, 38% of those journalists reported being worried about their personal safety due to their occupation. The study found that as a result of intimidation and other illiberal tactics to influence and control media, self-censorship has increased significantly, with 31% of the journalists surveyed reporting that they regularly tone down sensitive and critical stories, 23% reporting that they withhold information during the reporting process, and 19% reporting that they explicitly shape reporting content to suit company interests (Clark & Grech, 2017). Journalists who are afraid of retaliation for reporting against government policy are deterred from truthful reporting, with self-censorship becoming a self-preservation strategy and posing a significant threat to the ability of the media to act as an effective check on governmental power.

The cases we present here might be seen as ‘specific’ to particular countries; combined, however, they stand for an overt or implicit hollowing out of essential civil liberties in Europe. There are many examples of civil liberties being eroded in Europe. This chapter will focus on Poland, where citizens’ civil liberties have not been protected to the standard of other European nations and the EU, and Greece, where freedom of media especially has eroded in recent years, as seen in the Freedom House and Reporters without Borders reports.

## **POLAND: PARTY COLONIZATION OF THE MEDIA**

Although the Polish constitution guarantees freedom of expression and press, these freedoms have come under attack due to the illiberal nature of Poland’s current national government. Lawsuits against independent media and journalists have been filed by the government and its allies (Broniatowski, 2019). There is monopolization and party colonization of media in Poland, meaning that political parties control the majority of media companies to push their political narrative or co-opt media sources to promote their political agenda. Party colonization of media, a tactic which may allow illiberal parties to “mobilise their inactive supporters, to address undecided voters, to deploy new resources for party

funding, to engage in party patronage, to paralyse their rivals by means of limiting their visibility, and to influence decision-making processes” can also include extracting resources of the media company after gaining control of it to funnel to supporters of the party and further enforce party loyalty through media (Bajomi-Lázár, 2014, p. 23). In 2015, after PiS took power, the state broadcaster and largest television network, TVP, began promoting party propaganda. During this time, some opposition parties were blocked from appearing on the network, and there was a purge of editors (IPI, 2022). In 2020, the state-controlled oil refiner, PKN Orlen oil, bought Polska press (Banasiński & Rojszczak, 2022). This deal shows the control of many media companies, especially on a vertical level, by PiS as PKN Orlen already owns other media organizations such as Ruch and Sigma Bis (Giannasi, 2022). The term “media orlenization” (orlenizacja mediów) is often used to describe the consolidation of control over media by Orlen in Poland, as the Orlen CEO appears on front pages of newspapers doing interviews and gains more share of control over the media market. Following the Polska Press deal, there was a purge of critical editors in the company. The new board of Polka press consisted of candidates that were connected to media companies already allied with PiS, and it became difficult for journalists to represent the regime critically in their reporting. There have been direct and immediate effects after the illiberal party of PiS and Kaczyński took power, as seen in the changing media landscape inhibiting freedom of speech and press in Poland. Party colonization of the media was most evident in the tone of coverage for the TVP evening broadcast after PiS came to power and overhauled the service. For example, when covering protests against the regime, they covered much smaller counter protests and portrayed them as equal, described previous Polish Prime Minister Donald Tusk’s reappointment as president to the EU council as helmed by “European elites”, and linked Polish NGOs to George Soros and delegitimized them as tied to the previous ruling party (Chapman, 2017). This problem is exacerbated by the fact that there is little regulation or institutional protection of media freedom in Poland, despite the constitution naming it as a right and promising to “ensure freedom of the press and other means of social communication” (1997, Article 14). Although the National

Broadcasting Council has legislative and licensing powers, it has no real power to prosecute cases of media freedom being denied. This is due to the fact that leaders of the Council are under political pressure from PiS, and they lack actual independence and decisive decision-making ability (Ananicz, 2021). The Competition and Consumer Protection Act, the purpose of which is to prevent monopolization and protect consumers, has no mention of media organizations even though media pluralism is a huge problem in Poland. Many of the mergers and changing leadership in media companies have occurred after the PiS party took power, meaning that the erosion of freedom of press in Poland has become endemic. Furthermore, without significant protections for media pluralism and freedom of press, illiberalism in Poland will continue to worsen.

### ***Academic Freedom in Question***

Since PiS won the majority in the Polish parliament, academic freedom as outlined in the Polish constitution has become less protected. When, in 2020, judges appointed mainly by PiS outlawed abortions and universities canceled classes to allow students to protest, the Education and Science Minister Przemysław Czarnek stated, “Please do not forget that I am competent to distribute investment funds for universities, research funds, and other grants. The ministry will take into account the recent actions of the authorities of these universities.” (Wolska, 2020) This was not only a threat against academic freedom but also freedom of assembly. There is, moreover, a larger trend of the academic sphere becoming more partisan in Poland. Copernicus Academy, a state funded and managed scientific institute, has its members directly appointed by the government and therefore the ruling party, and the Academy, a part of the larger National Copernicus Program, has the power to dole out grants and various funds to academics, meaning research the party supports is ultimately funded (Rzhevkina, 2020). The president of the Polish Academy of Sciences (PAN) criticized the founding of this program, saying it was a “threat to the community” as the structure and agenda mirrored that of PAN’s and he felt the its founding would detract funding from PAN (Bucholc, 2022). Therefore, the Copernicus Institute would be a way for the government to accomplish the

same goals as PAN but to control the outcomes and academic discourse more directly and detract influence from the more critical research of PAN. PiS also attacks individual faculty, as exemplified by the party filing a defamation lawsuit in 2019 against Wojciech Sadurski, a professor at the University of Warsaw after he called the party a “criminal group” on social media (Ramanujam, & Wijenayake, 2022). Poland’s national broadcaster, TVP, also filed a suit against Sadurski for criminal defamation for a similar comment against “government media” (Scholars at Risk, 2019). The use of lawsuits and criminal repercussions for scholars as harassment and retribution for offenses against the party is a clear suppression of academic freedom. Not only is the government becoming more involved in academic research, processes, and findings through founding institutions with leadership appointed by the party and threatening academic institutions through government funding, but significantly, the party uses the justice system and law enforcement to make criticizing the party punishable. Autonomous universities and academics, which are being threatened by illiberal policies of the Polish government, are necessary in preserving other civil liberties and ensuring a liberal democracy.

Academic freedom and freedom of speech are also threatened by memory laws in Poland, especially those defining the historical memory of WWII and the Holocaust. In 2021, a Canadian historian and a Polish historian writing about Edward Malinowski, a Polish village mayor who turned in Jewish villagers to Nazis, were sued and found guilty of defamation by a district court in Warsaw and then ordered to write a formal apology, publish a statement on their website, and correct all future editions (Csillag, 2021). Although the ruling was later overturned by the court of appeals, this shows that there is a particular sensitivity surrounding the Polish role in the Holocaust and the larger crimes in WWII, extending to academic freedom. Similarly to this incident, historian Jan Tomasz Gross was investigated by the government for his controversial statement that “Poles killed more Jews than Germans during the Second World War” (Henley, 2021). PiS has partly gained their legitimacy by promoting and institutionalizing a popular, nationalist narrative that helped them gain their majority. Such efforts to control academic assessments of

history for political ends are inherently detrimental to academic freedom. Dissent and discussion of historical events should be encouraged. Academic freedom needs to be protected in order to allow free research into historical events and oppose the government-defined record of history.

### ***Laws Inhibiting Free Speech***

The memory laws also affect freedom of speech. A 2018 Amendment to the 1998 law that created the Institute of National Remembrance criminalized the propagation of statements contradictory to the state version of history, mainly surrounding Polish responsibility or victimhood for Nazi crimes (Belavusau, 2018). This limits people's freedom of speech and expression and relates to media propaganda and freedom as well, as media propaganda can help institutionalize the accepted version of history that is promoted by memory laws. This supports PiS's nationalist and populist rhetoric, which allowed them to come to power and continues the process of illiberalism. The law is unnecessarily vaguely worded and could be applied outside of the original scope of the law and severely limit freedom of expression. Even U.S. President Barack Obama was denounced by the Polish government and media when he referred to Nazi death camps as "Polish death camps" (Sink, 2012). This is a very controversial area of history, and the law limits academic discussion and promotes a single version of events that is not comprehensive.

Finally, there are several laws limiting freedom of speech focused on insulting the president or religion (Moran, 2018). Citizens have been charged with insulting the president on social media, adding LGBT imagery to the flag, or defacing monuments of the president. Compared to other insult laws in the EU, the Polish one is much broader and more comprehensive, relating to a vast range of topics and more severe punishments. Although these laws have been passed before the current administration, the regime has taken unprecedented steps to utilize these laws specifically for ideological opponents to PiS. The laws also target artists and musicians, who are an essential aspect of freedom of expression. Freedom of

speech needs to be protected in order for illiberalism to be curbed. PiS have used legislation specifically targeting freedom of speech in order to stop opposition to their civil liberties abuses. The party in power in Poland appears to have little incentive to protect the citizens' freedom of speech and civil liberties, and therefore change must come from dissidents and civil liberties organizations domestically, or from outside states or the EU.

## **GREECE: MEDIA INTIMIDATION**

Compared with the previous case study of Poland, the examples of subversion of different civil liberties in Greece represent latent or covert tendencies, as opposed to institutionalized policies.

### ***Violence and Intimidation in the Media Landscape***

In the recent international press freedom index published by Reporters Without Borders, Greece fell to last place among EU countries, falling almost 30 places from the year before (Reporters without Borders, 2022). There has been a trend of violence towards journalists, lack of political will to bolster freedom of press, and a decline in media freedom, particularly in the aftermath of the pandemic. Although there is a regulator, the NCRTV has been criticized for a lack of divisive action and inefficiency. There have been several incidents where journalists were subject to assault or mistreatment, especially when covering issues surrounding migration or refugees (Freedom House, 2022). When covering the refugee crisis, journalists have reported a lack of access to migration hotspots and surveillance or harassment (ECPMF, 2022). For example, reporter Giorgios Karaivas was assassinated in 2021 while covering organized crime in Greece, and his death is believed to be the 45<sup>th</sup> killing in Greece recently carried out by organized crime groups (Malichudis, 2021). This case has yet to be solved and there is a lack of transparency in the investigation, which is very concerning. Reporter and Newspaper owner Kostas Vaxevanis has been placed under police protection following a discovery of an

assassination plot in 2021, however, no charges have been filed. Again, there is a lack of decisive police action on violence and intimidation against media officials. Because of the recent attacks against journalists in Greece, obstacles preventing reporting surrounding migration issues, and state surveillance; the European Centre for Press Media and Freedom (ECPMF) has sent a mission to investigate the state of media freedom, showing that the watchdog agencies of the EU are operating, and monitoring civil liberties effectively.

The decline of media freedom has worsened through many dimensions with the COVID-19 pandemic as well. A support package by the government meant for COVID-19 stimulus purposes allocated €20 million to public health advertising, but media monitoring institutes have found that these funds were allocated unequally. For example, a popular newspaper, *Documento*, received no funding, which is likely a result of its critical coverage of the governmental policies and investigations into the current administration. 200 of the 1,232 media companies that did receive aid were not listed in the national media register and included inactive or non-existent companies (International Press Institute, 2020). Clearly, media outlets that report favorably on the country's policies were the ones that received funding. This is detrimental to media pluralism and freedom of press, as the media landscape becomes more constrained for outlets who report on controversial topics or negatively towards the administration. With movement and work becoming restricted during the pandemic, journalists were unable to report to the same extent as before, especially concerning asylum seekers and the refugee crisis (Stamouli, 2022). Press conferences were canceled, and the practice still has not returned. The government has used the pandemic as an excuse to increase restrictions to press and stifle coverage surrounding controversial issues such as the refugee crisis.

## *Inhibiting Freedom of Assembly*

We observe an increasing concern about the status of freedom of assembly in Greece. There have been several recorded incidents of police overstepping their purview and exhibiting unwarranted brutality against protesters. In 2021, Greek citizens protested against COVID-19 lockdowns, the hunger strike of Dimitris Koufontinas because of his treatment in the prison system, and previous occurrences of police brutality and anti-junta sentiment. During these protests, police used water cannons, tear gas, and stun grenades to break up the demonstrations. Amnesty International characterized these measures as “arbitrary arrests, blanket bans, unjustified fines and unlawful use of force to curb peaceful protest” (Amnesty, 2021). Using the extraordinary circumstances of the global pandemic, the Greek government denied the right to peaceful protest using new legislation regulating demonstrations, requirements for notification of assembly, and increased surveillance of demonstrations (O.G.G. Issue A' 131/10.7.2020). The blanket bans on assembly were disproportionate to the situation and were a clear overreach of government powers. They also represent a threat to press freedom, as it limited the access of journalists to demonstrations and delegated them to a specific area with a intermediary (Amnesty, 2021). The use of force and surveillance allowed in this legislation clearly inhibits Greek citizens' freedom to assembly. The civil liberty of freedom of assembly is additionally inhibited when police intervene against protests or demonstrations, especially violently. Police do have a right to facilitate protest and de-escalate, but the types of police brutality in the examples of Greek protests is excessive and not beneficial in dispersing protests. This creates a culture of fear and intimidation, discouraging peaceful protest.

## CONCLUSION

Almost every state in the EU has recently experienced some kind of symptom of illiberalism, as maintaining a perfectly liberal democracy is a daunting task. There are specific methods that illiberal leaders employ to solidify their power and erode the civil liberties that pose a threat to that power. These include violence and intimidation against journalists and party colonization, police brutality, and laws prohibiting speech on certain topics to inhibit freedom of press, assembly, and speech respectively. Civil liberties help form the bedrock of democracy, and when they are undermined by illiberal tendencies and regimes, it can pose a threat in turn to democracy itself. However, there are certainly preventative and protective measures that the EU, member states, and local organizations can take to defend the citizens' civil liberties, and doing so should be a priority in curbing the illiberal drift in Europe. Furthermore, external pressure by foreign governments can also influence the state of civil liberties, with countries in which the GDP is highly dependent on exports being more susceptible to foreign influence on the level of civil liberties through sanctions or other trade pressures. Countries which are members of international organizations with binding laws and standards, conversely, are often less susceptible to foreign influence in this respect. Out of these arguments, we have developed the following policy recommendations.

## POLICY RECOMMENDATIONS

### **Enact legislation at the EU-level that delineates repercussions to specific actions that subvert civil liberties in member states.**

The EU already has several directives and commitments honoring the protection of civil liberties in their member states. However, breaches of these values are rarely enforced. To promote these values, the EU funds civil society organizations, projects and grants to protect civil liberties. But the aspect that is missing is direct repercussions for the governments responsible for endangering those civil liberties in the first place. Without financial repercussions, illiberal leaders have no incentive to stop policies that hamper civil liberties. There are several member states in the EU that are displaying illiberal tendencies, therefore, it is the EU's responsibility to prevent this within their powers. For example, preventing freedom of assembly, prosecuting attacks against journalists within a timely manner, not preventing freedom of speech against party leadership, or that contradict with the party accepted narrative of history. We have already seen that the process of withholding funds has a legal basis as the European Court of Justice upheld the EU's ability to withhold funding to member countries if they are violating EU rules and regulations and the European Commission recommending that billions in funds be withheld from Hungary due to rule of law breaches. For example, some funds that have not been disbursed yet such as COVID-19 recovery funds would be subject to being withheld from countries that have been found to violate civil liberties. This resolution should be extended to include the specific breaches of civil liberties. The process of illiberalism within the EU discredits the entire organization and the EU must take more decisive actions on this issue.

### **Strengthen the ombudsman institution within member states.**

States like Greece and Poland have institutions that investigate complaints of human rights or civil liberties offenses by the government in the form of the Ombudsman office which is an important aspect of democratic checks on executive

authority. As much of the subversion of civil liberties is coming from governments themselves, this office is critical as a watchdog over government policy and action. Although in theory, this office should be independent and nonpartisan, in most states the official is elected or appointed by the parliament. This signals inherent bias towards the party in power. For maximum transparency and accountability, ombudsmen must be directly elected by the people and have regular financial audits to ensure there is separation from the parliamentary body determining their budgets. The budgets should be stable and not be able to be controlled by changing party or legislative trends. For example, in Poland in 2016, the Ombudsman's office's budget was reduced by 20% after a scathing report by the office. The budget should remain independent from the administration's interference. Also, most of Ombudsman policy recommendations are not binding to the government. Committees with diverse party affiliations and backgrounds to review Ombudsman recommendations and propose legislation to fulfill the recommendations would make the institution more binding and effective.

A crowd of people at a protest, holding European Union flags and signs with the word 'KON'. The scene is outdoors, with buildings in the background.

## CHAPTER TEN

# Judicial Independence and the Courts

### *Cale Fuoco*

A free and independent judiciary, as a crucial check on executive and legislative powers, is a crucial democratic institution. However, there is a common pattern emerging in Europe, with the rise of far-right political parties across the continent threatening the democratic judicial institutions that safeguard the ideas and values of liberalism. This chapter will look into the tools and mechanisms with which illiberal parties and governments subvert courts and undermine the judiciary.

To begin our investigation into the challenges courts face, it is necessary to define key terms and concepts. Constitutionalism shall be defined as the adherence or allegiance to a country governed by a written constitution and a system of constitutional government (Boryslavska, 2021). The judiciary shall be defined as a court system that adjudicates legal disputes between two or more parties (Boryslavska, 2021). Separation of powers shall be the dividing up of political power among various branches of government. For the purposes of this paper, the judiciary shall be one such branch. Judicial independence signifies a court that is “organizationally, structurally, and functionally separate from other public authorities, a sovereign court in which impartial judges adjudicate” (Moliterno and Čuroš, 2021, p. 1161).

Illiberal governments and parties employ different strategies and tactics to undermine public trust in the judiciary. Moliterno and Čuroš (2021) state that they use either direct, or subtle and indirect attacks on the court’s legitimacy. Direct attacks challenge the legitimacy of judges or the institutions themselves, while

subtle and indirect attacks are more nefarious as they attempt to “fly under the radar” when pursuing their political agenda. Indirect attacks can occur when illiberal governments or parties propose judicial reforms to improve the efficiency and accountability to the political branches. However, these reforms exert control and influence over the judiciary. This method often follows established democratic procedures and processes, making these judicial changes more difficult to disrupt. These reforms have specific targets depending on the challenges faced by either the ruling party or government, such as changing the process for the appointment or dismissal of judges to circumnavigate the established democratic norms and precedent. Generally speaking, changing these judicial rules can solidify the political position of the illiberal governments by eliminating dissent and bureaucratic roadblocks.

Romania and Spain are formidable examples of blatant attacks and subversion of courts and the judiciary. Romania is a case in which a country faced an illiberal drift and countered it. This case provides examples of both direct and indirect attacks on the judiciary by the government of then Prime Minister Victor Ponta. His government attempted to enact judicial reforms that sought to limit scope and jurisdiction of the Romanian Supreme Court. Further, his party directly attacked the judiciary by calling into question the court’s legitimacy. In countering these attacks, we can see how the EU, Council of Europe, and civil society act in relative tandem to pressure Ponta and his ruling party. This case offers a significant example of a country countering their illiberal drift with the support of different actors, and can provide insights into how multiple actors can coordinate to repel illiberalism. In the case of Spain, the center-right and right-wing coalition parties have been pulling the Spanish Constitutional Court and the Judicial Council into the political arena. Furthermore, this increased political attention has led to the high court being politicized. This case is important to investigate as it provides a unique example of an indirect attack on the judiciary, and highlights potential institutional weaknesses of the courts system. Given the various mechanisms and methods at play, Spain can provide an opportunity to develop effective policies in strengthening and reinforcing the independence of the judiciary.

## THE ROMANIAN COURTS: A CAUTIONARY TALE

In the early to mid-2010s, Romania experienced an illiberal drift under then Prime Minister Victor Ponta. In 2012, Ponta was elected Prime Minister by the Social Democrats Party (PSD) during the Romanian general elections that year. Since the beginning of his tenure, Ponta frequently challenged the decisions of the courts, beginning with a case in Romania's Constitutional Court regarding who would be leading the Romanian delegation to the European Council meeting in late June 2012 (Perju, 2015). The Constitutional Court ruled that the President, as the head of state, has the responsibility to represent Romania in foreign affairs and that the Prime Minister must be given a mandate to represent the country by mandate of the sitting President (Constitutional Court of Romania, 2012), yet Ponta complied with only a portion of it. At a press conference in June 28 2012, he was quoted saying, "[...] if the president does not come today, on the basis of the mandate given by Parliament, I will represent Romania [...]" (Ponta, 2012, par. 1). This disregard for the court's decision contradicts his later commitment to observing the Constitutional Court's decision. He was quoted twice during the press conference stating that, "I will always observe the Constitutional Court's decision" (Ponta, 2012, par. 1). These contradictory statements are concerning because it shows his lack of respect for the authority of the court. This affront to the court was not an isolated incident. Changes would be made institutionally that would circumvent judicial review of the court by Ponta and his party in Parliament.

### ***Restriction of the Court's Jurisdiction and Power***

On July 3, 2012, Ponta called an emergency session of Parliament during the summer recess that made drastic changes to the Romanian Ombudsman's office and the powers of the court. Under Romanian law, the Ombudsman has the authority to challenge the constitutionality of emergency ordinances made by the Prime Minister (Law No. 35, 1997). However, the Constitutional Court refrains from adjudicating the constitutionality of emergency ordinances due to its political nature. After this session of Parliament, the Ombudsman was removed and an

interim was put in place as well as an emergency ordinance that prevented judicial review of the parliamentary resolutions (Executive Ordinance No. 38/2012, 2012). The interim Ombudsman was not independent nor hearing challenges in an objective manner. It was found that the interim Ombudsman declined to challenge executive ordinances that followed weeks after the promulgation of this parliamentary session, including an abrupt change to referendum voting that lowered the voter turnout required for valid results (Perju, 2015). Ponta and his party used existing democratic procedures to curtail the abilities of the Constitutional Court to check the powers of the Parliament, successfully co-opting the Ombudsman and bringing it under his control.

During the same period, Ponta sought to enact measures that would curtail the powers of the Romanian Constitutional Court. He was quoted saying that he would replace judges on the accusation of political bias (Tomiuc, 2012). This explicit threat made by Ponta presents serious concerns for the judiciary. Threatening the removal of judges undermines the independence of a judge's decisions and prevents them from adjudicating cases in an impartial and objective manner. Furthermore, documented threats were made by government officials against the judiciary and the presiding judges (Traynor, 2012). This demonstrates the explicit illiberal tendencies of ex-Prime Minister Ponta, which created a precedent for future Romanian leaders to challenge the judiciary.

On July 4, 2012, the Romanian Parliament issued an executive ordinance that restricted the court's ability to adjudicate parliamentary resolutions and allow for the dismissal of judges (Executive Ordinance No. 38/2012, 2012). This ultimately sidelines the courts and restricts their ability to exercise their constitutional duties. Furthermore, it prevents the courts from reviewing internal parliamentary decisions such as the removal of opposition leaders from their assignments or reviewing the removal of the Ombudsman (Neilson, 2012). In doing so, the executive branch grants itself power to exert control over another branch of government, effectively removing the democratic system of checks and balances. Remarks made by Crin Antonescu, a stalwart supporter and outspoken ally of Ponta, confirm this disregard

of democratic institutions and the independence of the judiciary. He was quoted saying that the Senate had the right to remove judges and that the composition of the Constitutional Court was a 'disgrace' (Falasca et al., 2016). This reinforces the ideas of illiberalism in politicizing the judiciary so that it is unable to act impartially. In response to the emergency parliamentary session on July 3, 2012, the Constitutional Court issued a statement accusing Ponta and the PSD of dismantling the judiciary, and further calling on, "[...] both Parliament and the Romanian president to take actions against the planned measures which are blatantly against the constitution, democratic norms and principles of rule of law" (Cage, 2012, par. 5). It was further reported that the court has notified the EU authorities and the Council of Europe's Venice Commission on these attacks (Tomiuc, 2012). The EU Commission issued a report that rebuked Ponta and his party's attacks on the judiciary on July 18, 2012. In the report the Commission stated, "Political challenges to judicial decisions, the undermining of the constitutional court, the overturning of established procedures, and the removal of checks and balances have called into question the government's respect of the rule of law and judicial review" (EU Commission, 2012, par. 5). This report put pressure on the Romanian government at the time to reverse course and not enact the measures proposed by Ponta. Furthermore, we can see criticism by the Commission on Ponta for undermining and challenging the judiciary and democratic institutions. Not only did the Commission vehemently condemn these actions, the Venice Commission of the European Council was involved in pressuring the Romanian government. The Venice Commission issued a report highlighting their concerns and overall opinion on the issue. The report finds that "these measures, both individually and taken as a whole are problematic from the viewpoint of constitutionality and the rule of law" (Venice Commission, 2012, p. 17). This concerted effort made by the Council of Europe and the European Commission in reporting on the attacks of the judiciary effectively shames Romania and highlights in detail the problems of the judiciary and the specific actions taken by Ponta and his party in Parliament.

Romanians took to the polls in 2014 general elections and after a second round of voting, Ponta lost this re-election bid (Falasca et al., 2016). Subsequently, the new

Prime Minister, Dacian Ciolos, saw improvements to the judiciary through their Cooperation Verification Mechanism that seeks to address issues of judicial reform. It was reported that the Commission stated, “the track record of the key judicial and integrity institutions in addressing high levels of corruption remains impressive” (Falasca et al., 2016, p. 39). In more recent news, it was reported that the Commission will lift the Cooperation and Verification Mechanism due to the satisfactory progress made by Romania in addressing its judicial issues (Wigand, 2022).

The reasons for Romania’s success in countering its illiberal drift lies in the participation of civil society and EU-level institutions. The political participation of Romanians relied heavily on access to information provided by these actors. Not only did we see Ponta’s party lose their majority in the 2014 general elections, we also saw nation-wide protests following allegations of corruption and judicial attacks (Walker, 2015). These protests called for the resignation of Ponta as he was facing prosecution and the courts. Despite Ponta’s attempts to co-opt the judicial brand and subvert the rule of law to do so, various actors working together in tandem put enough pressure on Ponta to effectively curb his illiberal tendencies.

## **SPAIN’S CONSTITUTIONAL CRISIS**

Current events unfolding in Spain present a unique opportunity to examine the politicization of its court system. As identified before, politicizing the judiciary is one of the ways in which illiberal parties and actors use to diminish public trust and legitimacy. This case study will pay close attention to the actions and statements made by the center-right People’s Party (PP) and the right-wing Vox Party. The politicization of courts is cause for concern as it can show a growing crack in the democratic institutions. Placing courts in the political limelight calls into question whether or not the judges are adjudicating legal disputes in an unbiased and objective manner.

Spain faces a crisis in overhauling judicial appointments to the Constitutional Court (CC) and the General Council of the Judiciary (GCJ). Since 2018, the CC and GCJ have been in a state of limbo as their mandate to operate expired. According to the EU's 2022 rule of law Report, this has created the potential for the politicization of the judiciary (Directorate-General for Justice and Consumers, 2022). This crisis has caused a partisan deadlock between the left-wing and right-wing political parties. The court is unable to properly function as the appointment of new judges has stalled in parliament. Political tensions between Prime Minister Pedro Sanchez's party, the Spanish Socialist Workers' Party (PSOE), and the coalition right-wing parties have caused significant delays in the appointment process. Furthermore, this creates issues of politicization of the judiciary in how the CC has become the center of national politics and scrutiny. It is reported that the judicial reform proposed by Prime Minister Sanchez would simplify the appointment process for the CC and the GCJ (Hedgecoe, 2022). However, this has met fierce opposition from conservative party coalitions as they accused the government of attempting to stack the courts.

The crisis facing Spain's judiciary has the potential to cause further polarization if the Spanish Parliament cannot come to an agreement on judicial appointments and judicial reform. It is clear that the current laws on judicial appointments to the CC are complex and create vulnerabilities to politicization. Spanish law requires the Congress of Deputies to nominate four magistrates, the Senate to nominate four, the Executive Branch to nominate two, and then the GCJ nominates two (Part IX Section 159, 1978). This complex system of having different branches of government nominating magistrates to the CC presents an unsustainable environment. To further add to this confusion, the GCJ consists of the President of the GCJ and twenty members—twelve magistrates or judges nominated by the legislature, and eight jurists or lawyers nominated by the legislature (Part IX Section 159, 1978). The system of nominating members creates opportunities for partisan deadlock and subsequent politicization of these crucial institutions.

The conservative People's Party (PP) along with its allies states that the judicial reforms would fill the courts with leftist allies and argues that the judges should vote for new judges (Keeley, 2022). However, the main issue in this scenario stems from the unprecedented intervention of the CC ruling in favor of the right-wing parties, thus blocking the judicial reforms Sanchez has attempted to instate. This effectively gives the Constitutional Court a measure of control over its own branch of government, undermining the liberal checks and balances inherent in a multi-part government.

The issue of the Constitutional Court intervening was unprecedented in Spanish history, considering that the court has not preemptively struck a bill down before it was promulgated (Giles, 2022). What is significant is that the court's intervention was during the legislative process which clearly violates the principles of separation of powers. Seeking to strike a bill before it becomes law sets a dangerous precedent. It was reported that the court is currently majority conservative and accusations of political alignment of the judges were made. There are six conservative leaning judges and five progressive judges on the bench for the Constitutional Court (Jones, 2022). However, no matter the political leanings of the judges in question, the overarching concern is the court's departure from precedent. Their decision oversteps their judicial mandate and contributes to the court's own politicization.

## POLICY RECOMMENDATIONS

### **Strengthen the Judicial Council's powers and functions at the EU-level.**

Throughout the EU, judicial councils were established to act as another check on the judiciary. Their main function is to ensure the independence of courts and judges under their authority (Ortiz, 2017). There is a noticeable lack of cohesion across the member-states in terms of the power and authority of these judicial councils. There needs to be a common framework across the EU in which the judicial councils operate within and give specific guidelines on their scope of power. This chapter recommends that the EU creates a common basic framework that encourages member-states to reform their judicial councils (Ortiz, 2017):

1. Safeguard the independence of the judiciary and the judges
2. Ensure the appointment process to the judiciary is free from partisan politics
3. Maintains a level of accountability and transparency within the council and the courts & judges under its authority
4. Have a uniform process for the dismissal of judges who do not act in accordance with judicial standards set by the council or other regulations

### **Establish a EU-level/transnational commission tasked with reporting annually on rule of law and judicial independence violations.**

This commission shall be comprised of members from the ECJ, EU Commission, and the Consultative Councils of European Judges. This commission shall meet on an annual basis and produce individual reports on EU member-states rule of law and the independence of the judiciary. Furthermore, this commission can issue advisory opinions on disputes regarding the constitutionality of judicial appointments and dismissals, allegations of attacks on the judiciary, and judicial conduct. Funding for this commission shall be borne by the EU and CE equally with the budget proposal made by the members of the commission.



## CHAPTER ELEVEN

# Media Institutions and Misinformation

*Jack Kaiser*

Today, Europeans have more news options than ever before. Digital and social media have emerged as significant additional sources of information. Yet despite the ready access to information, trust in news sources is markedly lower, selective avoidance of news sources is high, and more people have difficulty comprehending the news they do read (Newman et al., 2022). As a result, news and headlines must become ever-more eye-catching, simplified, and bias-confirming to engage and entice media consumers who have become disconnected. This, combined with a lack of protectors for factual accuracy within digital media platforms, leads to the opportunity for illiberal actors to spread “false news” and untrue narratives. This chapter will describe how right-wing populist leaders leverage disinformation—the deliberate spread of misleading information (Butcher, 2019)—to build support for their political agendas. A case study focusing on Hungary provides an example of how illiberal governments manipulate the media to encourage the spread of disinformation favoring its political allies and agenda. Conversely, Finland’s successful media literacy campaign designed to educate the public about media consumption offers insight on a potential solution.

## CHANGES IN THE MEDIA LANDSCAPE

The decline of traditional media has been especially impactful in creating opportunities for misinformation and disinformation. While traditional media outlets typically employ fact checkers to verify the accuracy of their claims, acting as a “gatekeeper” on false information, digital media is not generally held to the same standard. Recent data shows that people spend several more hours a day on the Internet and social media than they do consuming traditional media sources such as newspapers, television, and radio (“Digital vs Traditional”, 2019). Furthermore, polls indicate that around 90% of Europeans access online news at least sometimes (“Media & News Survey 2022”, 2022). People who consume some or all of their news through online platforms are thus at risk of absorbing information that is untrue and inaccurate.

Illiberal actors take advantage of digital media’s low priority on rational, fact-based reporting by spreading disinformation on social platforms. Without proper context or background, citizens can misunderstand a particular news event or policy decision. Deliberately withholding details of a story or incorrectly framing an issue can impact readers’ perception of it. For example, in 2017, an online Hungarian news outlet ran a story commenting on an increased number of crimes by immigrants in Germany—without mentioning that the overall proportion of immigrants in the country had increased as well (Juhász, 2017). Readers of this article could easily misinterpret it to think the overall rate of immigrant crime in Germany is on the rise, even when that is not the case. By using digital media to offer a one-sided version of current events, politicians and government leaders can shape their own narrative “truth” and exert influence over citizen opinions and beliefs.

Media consumers are also becoming more selective in their choice of media companies, focusing on media sources that are more dramatic and enticing. Click-bait headlines exaggerating news events, sensationalizing stories, and promoting untrue claims compete with factual news articles for consumer attention (Butcher, 2019). Right-wing populist leaders use emotional stories to hook their audience’s

attention and promote instinctive reactions and emotional outbursts. Triggering emotions like fear and contempt can prompt powerful responses, shifting public sentiment against opposition parties or political figures and changing voters' views on key issues (Neidhardt and Butcher, 2022). In Poland, disinformation about Ukrainian war refugees portrays them as “invaders” or “freeloaders”, contributing to negative attitudes towards—and discrimination against—the refugee population (“Ukrainian refugees and disinformation”, 2022). Politicians can then use these and other news stories to cultivate views that support their own political strategy and platform. A Polish politician with an anti-immigration platform, for example, could benefit enormously from news articles that speak against Ukrainian refugees. In appealing to a range of emotions that align with their own goals, right-wing populists weaponize news stories and information for their own political gain.

Not only does emotion-based disinformation shift public sentiment regarding hot-button political topics, but it encourages consumers to seek out other news sources that confirm their existing views. Emotion heightens a person's commitment to strongly held beliefs, meaning they are less willing to consider alternative perspectives or narratives and prefer to select sources of information that corroborate their own ideas (Britt et al., 2019). This cycle of confirmation bias continues the spread of disinformation, increases political polarization, and sidelines facts and data in favor of emotional appeal (“Confirmation Bias”, n.d.). Once a person is enmeshed in disinformation, confirmation bias makes it difficult for them to see the flaws in untrue information.

Right-wing populist actors have a direct hand in crafting and disseminating disinformation that impacts public opinion. By accusing political opponents or news outlets of spreading “fake news” and disinformation, right-wing politicians can destroy the credibility of their rivals without affecting their own public trustworthiness (Egelhofer et al., 2022). Right-wing politicians also leverage conspiracy theories to “undermine political institutions and boost their own claims to legitimacy” (Puschmann et al., 2022, p. 1146). These conspiracy theories are used to explain events and political issues as the result of powerful yet unknown actors.

Conspiracy theory believers are typically populist supporters who tend to mistrust government, institutions, and traditional media and consider them part of “the establishment” (“Conspiracy Theory”, n.d.). Politicians who encourage conspiracy theories position themselves as knowledgeable and credible figures of authority, while diverting attention from the facts that would undermine the conspiracy.

## **HUNGARY: FIDESZ AND ITS MEDIA ‘EMPIRE’**

Under Prime Minister Victor Orbán and the right-wing populist Fidesz party, Hungary has seen significant erosion of media freedom, resulting in significant state-controlled media and a dearth of trustworthy and reputable news sources in the country. By manipulating media content and controlling citizens’ access to information, Orbán is able to create a favorable media environment that portrays Fidesz in a positive light and bolsters his political support.

Through its networks of wealthy political allies who buy and invest in media companies, the Fidesz party has been able to tightly control the content of media in Hungary (Bárd et al., 2016). In 2018, the Central European Press and Media Foundation (KESMA), a Hungarian pro-government organization, took ownership of many of these oligarch-controlled news outlets and consolidated them. KESMA controls over 470 news outlets, including most traditional media sources such as television, radio, and print news (Brogi et al., 2019). With Fidesz’ political links to KESMA, the party can influence the type of content and media published in the news and use media outlets to promote right-wing viewpoints and political agendas (“Media Freedom in Hungary”, 2022). The lack of independent media means Fidesz can freely spread disinformation without journalists and reporters to hold the party accountable for its deliberate manipulation of the press.

The Hungarian government not only has close ties with media ownership, but directly impacts media funding and regulation. The government is, in fact, the largest media advertiser in the country, contributing to approximately one third of Hungary’s advertising revenues (“Media Freedom in Hungary”, 2022). In this way,

Orban's government is able to promote news sources that are friendly to the Fidesz party platform with the promise of financial gain in the form of advertising money. Whether or not the public at large would continue to purchase from these outlets and pay for these news sources hardly matters, since Orban's government will continue to essentially subsidize it (Enyedi and Krekó, 2018). Through laws Fidesz passed in 2010, the party also has significant control over Hungary's Media Council, which in theory independently regulates media content. However, Fidesz nominated and elected all five members of the Council, giving them a high degree of influence over their media assessments and decisions ("Media Freedom in Hungary", 2022). The Council has the ability to decide on media and broadcasting licenses, giving it the ability to restrict the publishing ability of media companies that do not align with party politics ("Hungary: Fidesz Media Council", 2022). In doing so, the Hungarian government effectively prevents alternative perspectives on news stories or events, cutting out different viewpoints and broader contexts to limit the availability of information. The Hungarian government's ability to control both funding and regulation of the media industry incentivizes it to use the news media to spread its own political propaganda at the expense of the free press.

Given the government's dominance over the media landscape, social media and online news is actually more independent in Hungary than traditional news sources (Newman et al., 2022). Nonetheless, the Fidesz party has spent more than \$1.5 million on Facebook advertising in an attempt to leverage social media for its own political gain (Rutai, 2022). This includes sponsoring online influencers who post content disparaging Fidesz' opponents, promoting right-wing populist views, and amplifying Hungarian nationalist voices (Rutai, 2022). Influencers are able to provoke emotional responses by touching on controversial topics or leveraging humor to create pro-government memes. In branching out from traditional media, the Fidesz party is able to have a wider, more complete grasp on all forms of news media and have more direct influence on the disinformation targeted at the Hungarian public.

Without access to credible information from credible news sources, Hungarians have no choice but to consume government-sponsored media for a highly biased version of news and events. While only 15% of the Hungarian public believes their news sources are free from political influence (Newman et al., 2022), the lack of access to alternative news sources means Hungarian citizens are still subjected to widespread disinformation directed by the government. Orbán's dominance over sources of news enables the Fidesz party to maintain its authority and political power, keep its citizens ignorant of the extent of political meddling in the news media, and spread untrue narratives supporting the Fidesz party platform.

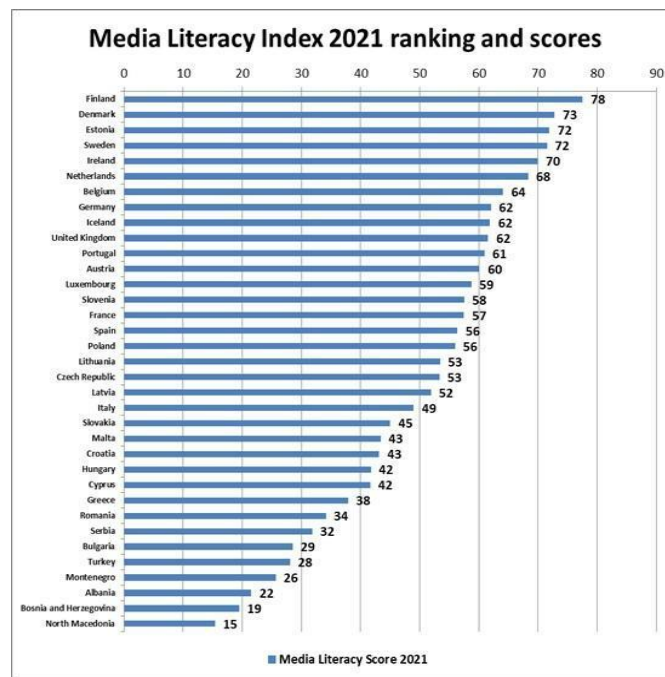
## **FINLAND: SUCCESSES AGAINST DISINFORMATION**

Finland used to be subjected to numerous forms of disinformation, primarily from Russian-backed media campaigns, which affected the democracy and quality of life of its citizens (Rosendahl and Forsell, 2016). However, Finland has taken action to prevent disinformation through education in media literacy, and with the programs initiated, Finland has become the country with the highest media literacy rates in the European Union (see Figure 1). The ability to identify credible sources of information also correlates with increased levels of trust in media platforms. With the Finnish strategies in place, 69% of the Finnish public now trusts the news media, which is an increase from preceding years (Newman et al., 2022). When Finnish citizens encounter disinformation in day-to-day life, they have the ability to recognize the manipulation of information and find a news source that is reliable.

Finland has improved media literacy through programs informing and educating students about media and information. By learning how to identify propaganda, conflicts of interests, and citation issues, students are able to analyze the credibility of the information they consume to make educated decisions on how to respond. In classrooms, Finnish teachers conduct media literacy projects asking students to edit their own photos and videos as an exercise demonstrating how information can be manipulated (Gross, 2023). The Finns celebrate Media Literacy Week each

year in an effort to raise awareness about media freedom and the importance of critically thinking about news and information (Salomaa and Palsa, 2019). Although these programs tend to focus on school systems and a younger demographic, the Finnish government and civil organizations act together to offer additional media literacy programs at libraries, universities, and NGOs to cater to a wider public audience (Cord, 2022). These efforts across Finland have been highly successful, demonstrating how proper education and awareness about media education can contribute to a more knowledgeable public and encourage the production of credible, accurate media.

**Figure 1 | Media Literacy in Europe**



Source: Lessenki, 2021

## POLICY RECOMMENDATIONS

### **Initiate media literacy campaigns in schools and businesses.**

Media literacy would allow the education system and businesses to receive a process of how to research ideas and problems along with checking for trusted sources and calling out untrustworthy sources. The funding would allow both schools and businesses to create educational curriculum emphasizing critical media literacy skills and analysis. Investing in media literacy funding will decrease the spread of disinformation and reduce its impact by encouraging citizens to think critically for themselves.

### **Incentivize the growth of the fact-checking job industry.**

Another policy that can help prevent the spread of modern misinformation is to initiate jobs involving the work of fact-checking. The growth in technology jobs has improved dramatically. Hiring technology jobs that allow citizens to fact-check news articles and information will raise awareness in the EU and countries about sources that have manipulated information. Civil society organizations can initiate fact-checking job growth as well through their own watchdog efforts to hold news agencies accountable for their reporting. Fact checking can help assuage citizen concerns about the reputability and validity of their news sources.

### **Fund initiatives protecting journalists.**

There has been a lot of concern over the guarantee that journalists are safe when sharing their sources and news of events occurring in the country. If more funds are created to protect journalists from violence and fear-mongering, the message would increase throughout countries to promote the press freedom of journalists and their right to not be scared to speak freely about causes. Securing more funding within the journalist freedom organizations signals to national governments the importance of freedom of the press while raising public awareness about the issue. The more attention there is to the issue, the more can be spread to counter the violence.

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