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# THE GLOBAL IMPLICATIONS OF POPULISM ON DEMOCRACY

Task Force 2018

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## **Evaluator**

Sarah Repucci

*Senior Director of Global Publications, Freedom House*

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## **Advisor**

Robert Pekkanen

*Professor, Jackson School of International Studies*

---

## **Coordinators and Editors**

Cynthia Hannon

Quillan Robinson

Matthew Wellander

Mason Wolf

---

## **Task Force Members**

Dagny Anderson

Isabella Brown

Daniel Crowley

Kai Frenay

Amanda Mayberry

Luqman Rusli

Devon Stark

Kayla van Kooten

A. R. Y.

# ABSTRACT

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The election of Donald J. Trump as the U.S. President in 2016, Brexit, Hugo Chavez in Venezuela, Geert Wilders in the Netherlands and Marine Le Pen's National Front in France—these are just a few of the recent events that have focused the world's attention on populism. What is populism? What are the implications for democracy and foreign relations? This report documents the growing influence of populism through an examination of eight case studies—Brazil, Hungary, India, Italy, Poland, the United Kingdom, the United States, and Venezuela—in order to answer these questions for the think tank Freedom House. These countries were selected as they were all constitutional democracies when a populist politician or party gained national power or influence.

The definition of populism used for the report is as follows: populism is a mystically unified 'nation' against corrupt 'elites' and external enemies, and it claims for a charismatic leader the power to voice the will of the nation. It is therefore fundamentally illiberal, rejecting diversity of identity and of opinion within society and discarding basic principles of modern constitutional thinking: that democracy requires constraints on the will of the majority and checks on the decisions of the executive.

Through this lens, the report examines the impact of populism on four democratic institutions, which consist of judicial independence, political rights of disadvantaged people, press freedom, and gender equality. According to research highlighted in this report, the order that populist politicians attack these institutions is generally consistent, with varying outcomes depending on the strength of these institutions before populism rose to power. Populists also secure power through utilizing different veins of populism. These veins, based on religion, race, and class, involve populists abusing fissures related to these three categories.

As populist governments tend to display authoritarian traits, it is critical to limit their erosion of democratic institutions. In particular, governments should adhere more thoroughly to existing standards of judiciary independence, as it is paramount for maintaining democracy. Existing international standards, such as those laid out by the United Nations and the European Union, should be better enforced by these bodies and their members. Furthermore, the study and definition of populism must also be expanded to capture the various nuances of the concept, such as the economic pillar of democracy.

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# EXECUTIVE SUMMARY

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What is populism? Is it an antithesis to a critical civil society? This matches the definition provided by think tank Freedom House, which states that “populism is a mystically unified ‘nation’ against corrupt ‘elites’ and external enemies, and claims for a charismatic leader the power to voice the will of the nation. It is therefore fundamentally illiberal, rejecting diversity of identity and of opinion within society and discarding basic principles of modern constitutional thinking: that democracy requires constraints on the will of the majority and checks on the decisions of the executive.”

Or is populism a response to the illusion of the broken promises of democracy? Populism is strongest in states that experience historically-rooted anxiety due to colonialism, invasion, or a global loss of status. In the case studies explored in this report, Hungary, India, Italy, Poland, and Venezuela fit this description. All were forced to become democracies after culture-shattering change, and as a result, some may not believe their government is representative of their beliefs. Conversely, the United States and United Kingdom have some of the weakest cases of populism, and have traditionally acted as global leaders without a recent history of invasion. Brazil, while a former colony, also has a weak situation of populism, but this is due predominantly to the nature of Lula da Silva’s presidency.

Despite claims that populists are the true voice of the people, populism is not a more authentic version of democracy, nor is it a corrective measure to realign democracies with popular opinion. Populism, at its best, exposes existing fissures within a society based off religion, race, or class, generally caused by economic strain, cultural backlash, or both. It can also highlight a lack of representation in the political system. Most populist leaders, once they have secured some power, repeal institutions that might restrain their influence and exasperate divisions between groups to maintain a large support base through clientelism. Populists seek to strip four main pillars of democracy — judicial independence, political rights of disadvantaged groups, gender equality, and press freedom — from their positions of power to secure these outcomes.

Populism of Religion is based off a fear of “foreign” religions, as well as a harkening back to the perceived religious roots and values of a nation. Populism of Race pertains to fear and anger towards those who do not meet the physical standards of the unified people. The word “race” was chosen as it is a socially-imposed construct which implies a hierarchy of people. As the basis of populism is the creation of imagined communities, an imagined construct of ancestry made to create divisions between people best fits the overall ideology being discussed. It is often used to minimize the political rights of disadvantaged groups. Populism of Class is rooted in economic inequality and institutional classism. These three aspects

of populism, while they do not fully capture the complete essence of populism, emphasize fissures that populists commonly exploit to mobilize their support and ultimately, to demolish of the pillars of democratic institutions, a phenomenon which is discussed further in the following sections.

## **Judicial Independence**

Judicial independence is a vital democratic institution, present in virtually all successful democracies owing to its sustainment of the rule of law.<sup>1</sup> It can be defined as the existence of a judicial system which acts in a manner free of influence or interference from outside actors, whether public or private, institutional or individual.<sup>2</sup> Freedom of interference from the government is the most critical aspect of judicial independence, as the government is typically the appointer of judges and the enforcer of its rulings. A truly independent judiciary will, when merited, make consistent decisions against the government and against influential parties and actors. Moreover, these decisions will be implemented and respected. In short, an independent judiciary wields real power. A judiciary with autonomous practical power is said to hold *de facto* judicial independence. That is, in practice, the judiciary is free of outside interference. *De facto* independence contrasts and interacts with *de jure* independence, which is defined as the formal enshrinement of judicial independence in some sense of the concept within the law, typically within the constitution. *De facto* judicial independence is the core definition analyzed in this report. Nations with true *de facto* independence frequently have *de jure* independence as well, but not always.<sup>3</sup> The UK, for example, has no written constitution but a respected judiciary that consistently ranks among the world's most independent. Meanwhile, the status of judicial independence has grown to the extent that the majority of the world's written constitutions hold some formal guarantee of judicial independence.<sup>4</sup> The United Nations (UN) explicitly and with considerable detail enumerates judicial independence within their Universal Declaration of Human Rights, following reasonably closely with the definitions and theory given here. This close correlation, between theoretical academic definitions and the formal UN charter, is by itself a revealing insight on the origins of such charters.<sup>5</sup> It is also important to note that empirical evidence linking *de jure* judicial independence with *de facto* independence is lacking.<sup>6</sup> It turns out, as the UN discovered, that making real judicial independence a written formality is much easier than instituting the formalities themselves.

This report makes several conclusions regarding the impact of populist governments on judicial independence. Foremost, it finds that judicial independence is typically the first or one of the first democratic institutions to be targeted by populist governments. This is a finding present across regions, from Poland and Hungary to India and to Venezuela, as well as across different populist strains. Both

right-wing and left-wing populists demonstrate anti-judicial rhetoric and action, reflecting the populist idea that both versions paint the elite class as enemies of the people. Though this painting of the judiciary as elitist is common, these verbal attacks do not necessarily extend to an assault on the institution of judicial independence. The US and UK have not experienced any significant reduction in judicial independence despite rhetorical attacks from populist leaders.<sup>7</sup> Perhaps because judicial independence is so relatively revered in these countries, they have refrained from attempting any institutional changes as well.<sup>8</sup> Populist leaders in several other countries did attempt to make institutional changes and found varying degrees of success based primarily on the individual circumstances of the country and the underlying institutional strength of the judiciary. According to the World Bank measure of judicial independence, Poland, Hungary, Italy, and Venezuela all experienced noteworthy reductions in judicial independence owing to specific acts pushed by their populist governments. These acts variously targeted judges' retirement age, judicial appointment processes, and a general imposition of party hacks into the judicial system.<sup>9</sup> India's ranking improved in 2016 and 2017 during Prime Minister Modi's tenure, but a recently passed bill targeting the appointment process over mid-level judiciaries complicates this advancement. In another case, Italy recovered from their brief decline after its courts rejected the legal immunity sought by former Prime Minister Berlusconi in 2009.<sup>10</sup> This is one example of how executive intrusions onto judicial independence experienced meaningful institutional resistance in many of the analyzed countries.

The following instances illustrate the diversity of results studied by this report. The ex-communist countries of Poland and Hungary experienced successful attacks to their judiciary's independence despite boasting strong courts in their immediate post-communist years. Protests against these encroachments, particularly in Poland, have not succeeded in altering either public support or the institutional changes themselves. Attacks on judicial independence became framed as the people gaining power over a corrupt and totalitarian judiciary, whispering to their communist past.<sup>11</sup> India experienced a similar attack on judicial independence this past year through a bill which would grant broad judicial appointment powers to the executive. Significant challenges to the act, which will be heard by their well-regarded Supreme Court, were introduced and the process remains ongoing.<sup>12</sup> Finally, Brazil, despite rampant crime and corruption in lower level courts, boasts a judiciary willing to combat executive corruption and act independently of governmental pressures. The recent corruption trials over the Operation Carwash scandal illustrate this point. Its judiciary enjoys considerably higher popular support than the rest of the government and proudly trumpets itself as a defender of civil liberties and a foil to government overreach.<sup>13</sup> These cases reinforce the idea that institutional legitimacy and individual circumstance, admittedly two complex and difficult to measure criteria, are critical components in explaining the outcomes of interactions between populist governments and judicial independence.

The institutional strength of judicial independence is quantified through three sources. One is the World Bank's index of judicial independence. The second is an academic article called "A Global Measure of Judicial Independence, 1948–2012" by Drew A. Linzer and Jeffrey K. Staton, which uses a statistical measurement model drawing from expert surveys and other indices. The third is a ranking system developed by the CIRI Human Rights Data Project, which employs a 0,1,2 ranking based on several specific measures of judicial independence. Their idea is not a strictly quantitative one but is a useful framework to study and compare different countries while providing explicit information on how to look at a country's judiciary system. Regarding individual circumstance, this report employs two prominent theoretical frameworks called endogenous and exogenous explanations.<sup>14</sup> These provide context and rationales on how judicial independence is formed in a country. Though not all elements of judicial independence can easily be categorized within these ideas, they provide a logical means to analyze why some judiciaries resist executive intrusions and others succumb. This report uses this method, analysis of recent events within the discussed theoretical frameworks, and the quantitative information to inform the individual case studies.

Endogenous theory is characterized by the idea of electoral volatility, the tendency for power in a democracy to regularly shift from one party to another. Sufficient electoral volatility reduces the incentive for ruling parties to attack an independent judiciary because they genuinely fear losing power. Minority parties typically favor an independent and strong judiciary because it can check the power of the party in power.<sup>15</sup> Naturally, this democratic aspect vital to electoral volatility can be attacked through overtures against the other democratic institutions described in this report, a stepping stone strategy with the intent of reducing the likelihood that the opposition ever gains power. Venezuela most vividly illustrates this idea, though Poland, Hungary, India, Italy, and perhaps even the US also serve as examples. Venezuela and India incurred major threats to the political rights of disadvantaged groups, while Poland and Hungary suppressed press freedom.

Exogenous theory is characterized by the idea of public support for the judiciary. Judiciaries in countries like Poland, Hungary, Venezuela, India, and Italy, with variously corrupt and ex-communist judiciaries, experience more cynicism from voters and more ease from politicians in reducing their independence. Meanwhile, judiciaries in the US and UK, where judiciaries are perceived as a critical protector of civil liberties, are more resistant to executive and legislative intrusions.<sup>16</sup> Countries with a history of electoral volatility and public support for the judiciary appear more likely to survive populist attacks without fundamental damages to the institution.<sup>17</sup>

Overall, populist governments tend to negatively impact judicial independence, though the precise effect depends on the individual circumstances and institutional strength of a country and its

judiciary. This tendency reflects the fundamental populist tenet that the people act and rule as one entity. Attempting to dominate the courts through executive fiat is not anti-democratic but pro-democratic, reflecting the will of the people which the elitist judges serve only to hinder.<sup>18</sup> This idea provides the ideological basis for another finding. If judicial independence is successfully weakened, other democratic institutions tend to become more vulnerable, exhibiting the populists' desire to eradicate all barriers standing against the will of the people. In Poland, Hungary, and Venezuela, the countries affected most strongly, attacks on press freedom, disadvantaged groups, and gender equality which often followed the weakening of judicial independence found frequent success. The principle underlying each of these democratic institutions is equal rights under the law free of political influences. Populism, in its purest ideological form, seeks to place these institutions under the government's biased control and influence, a notion directly at odds with the fundamental idea of these democratic institutions. Judicial independence is critical because its function is to ensure that equal judgements under the rule of law are not affected by momentary political pressures, in these cases, populism.<sup>19</sup> It must be reiterated again, however, that populism and this stepping stone strategy is not inevitable, but rather is contingent on the institutional strength of the judiciary and unique circumstances of a country, both within the underlying political system as well as the leader and party bearing the populist mantle.

### **Political Rights of Disadvantaged Groups**

One's political rights refers to "the rights that involve participation in the establishment or administration of a government and are usually held to entitle the adult citizen to exercise of the franchise, the holding of public office, and other political activities."<sup>20</sup> Keeping with the definition coming from the United Nations, political rights include: right to liberty and security of the person, right to equal protection before the law, right to freedom of assembly, right to be free from torture, right to freedom of expression, freedom from discrimination, access to the judicial system, participation in political life, freedom of religion, access to information, right to private and family life, property rights, freedom of movement, and right to seek asylum. These factors were all used as indicators when evaluating the level of political rights of disadvantaged groups for each case in this study.

Many of the populist movements found in the cases focus in on different disadvantaged groups. Demographically, who is considered to be a part of a disadvantaged group depends on the country in question. More generally "disadvantaged groups are groups of persons that experience a higher risk of poverty, social exclusion, discrimination and violence than the general population. Disadvantaged groups include, but are not limited to, ethnic minorities, migrants, people with disabilities, isolated elderly

people, children, and political opposition groups in some cases. Their vulnerability to discrimination and marginalization is a consequence of social, cultural, economic and political conditions and not a quality inherent to certain groups of persons.”<sup>21</sup> This section looks at where these two concepts meet: how various populist movements have affected the political rights of disadvantaged groups in their country.

There was a diverse spectrum of effects on the political rights of disadvantaged groups from the actions taken by the populist movements in question. A number of cases found that the political rights of disadvantaged groups were targeted by the populist movement and their level of political rights decreased. One of the main goals of the Polish populist party, Law and Justice, is to keep Poland Polish. This is reflected in their strong anti-immigrant and anti-Muslim stances; both disadvantaged groups have been increasingly scapegoated and targeted with violence. For example, “In 2017, 70% of Poles either strongly or moderately disagree with Poland accepting refugees from Muslim countries”<sup>22</sup> and “hate crimes committed against Muslims have grown by more than 300 percent between 2013 and 2016.”<sup>23</sup> These actions and beliefs go against Poland-living Muslims’ and immigrants’ freedom from discrimination. Similarly, in Hungary, Fidesz is interested in keeping the nation a homogeneous Hungarian state. This is indicated in the disadvantaged groups Fidesz has chosen to target: Jewish people, Muslims, Roma groups, immigrants, and members of the LGBTQ community. Besides defaming rhetoric, Fidesz has taken direct action against these groups. Currently, there is a great lack of political representation of the aforementioned groups and they experience drastic political discrimination, “this coincides almost exactly with the onset of Orbán’s current term as prime minister and the rise of populism.”<sup>24</sup> Moreover, in 2016, “the government introduced an amendment with the budget bill which made it drastically more easy to deny many benefits to same-sex couples.”<sup>25</sup> With the onslaught of populism, disadvantaged groups in Hungary have experienced a decrease in political rights, as seen in an increase in discrimination and a decrease in representation.

The US has a history of the institutional mistreatment of disadvantaged groups; groups such as, African-Americans, Indigenous peoples and Hispanic peoples. Despite representation and conditions gradually increasing over time, the populist movement has been a strong factor in enabling violence and limitations of these disadvantaged groups.<sup>26</sup> For example, the Trump Administration’s statements after Charlottesville, the desire to disband Deferred Action for Childhood Arrivals (DACA), the proposed US-Mexican border wall, the rhetoric around immigration and undocumented immigrants, the Muslim ban, and the restart of the construction of the Dakota Access Pipeline, all present cases where the American populist movements’ interests affect the freedom of disadvantaged groups. However, the actions of courts and Congress have provided protections against attempts to continue and further the Muslim immigration

ban, but the proposal to remove DACA and to build a wall to prevent Mexican immigrants continues to challenge freedoms.<sup>27</sup>

In Italy, there has been a rise of xenophobia and anti-immigration rhetoric propagated by populism that has targeted and negatively affected Roma communities, immigrants and Muslims. Italy adopted “emergency” decrees to facilitate strong-handed measures against undocumented migrants.<sup>28</sup> Italian populist policies have not only restricted the freedom of disadvantaged groups, but has also contributed to creating a climate of widespread hostility in public opinion against immigration.

In India, the “political rights of disadvantaged groups” is arguably the democratic institution that has suffered the most both historically and under Modi’s populism. Muslims and the scheduled castes and tribes suffer the most discrimination under BJP leadership, but especially Indian Muslims. There is a perception in India that is perpetuated by the BJP that Muslims in India are anti-India or anti-national. This belief has done much to further damage Hindu-Muslim relation and increase the level of persecution and violence faced by Indian Muslims.<sup>29</sup> While the Scheduled Caste and tribes have constitutional protection as a disadvantaged group from the Protection of Civil Rights Act and the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act—even though both remain largely ineffective in their implementation—Indian Muslims are not even granted these same constitutional safeguards.<sup>30</sup> For example, they are not entitled to reservations in employment and education.

In the United Kingdom, several groups remain politically under-represented, including religious and ethnic minorities and impoverished peoples. Recent immigrants, especially refugee populations face discrimination as the media portray them as “unwanted invaders.”<sup>31</sup> The intensified discrimination worsened by this rhetoric coupled by a lack of formal recognition by the government seems likely to decrease the level of political rights for new immigrant groups, but there is no direct evidence. One could look to the vote on Brexit and the anti-immigrant rhetoric surrounding that decision, as a reflection of the influence of populist discourse on the people.<sup>32</sup> However, even though UK populist policies and rhetoric target anti-disadvantaged groups, this alone does not denote a significant effect on the political rights of British disadvantaged groups.

In the two cases of Latin-American populism that are looked at in this study, the political rights of disadvantaged groups were championed by both populist movements. This led to an increase in the political rights of some groups and changed what groups were considered to be “disadvantaged”. In Brazil, Indigenous and Afro-descent Brazilians have historically confronted institutional and systematic marginalization which has restricted their political and economic opportunities. A movement to address the existing injustices in the system was supported by de Silva and aided in his eventual election. Under

de Silva, Brazil sponsored affirmative action programs, social welfare policies, and established the National System for the Promotion of Racial Equality which mandated that all schools incorporate Afro-Brazilian history and culture into their curriculum.<sup>33</sup> All of these programs increased Afro-Brazilians' political freedom, economic freedom and educational freedom. In Venezuela, the effect of the Chávez government on the political rights of disadvantaged groups depended on whether the government deemed the group in opposition. For example, "the Indigenous peoples saw the most constitutional change over any other previously marginalized groups and brought Venezuela from having one of the most backwards to one of the most progressive policies for indigenous rights"<sup>34</sup> while the political rights of any groups in opposition to Chávez were completely undermined.<sup>35</sup> Groups that have historically faced discrimination in Latin America, such as Indigenous and Afro-descendant peoples, experienced an increase in their political rights under populism in Brazil and Venezuela.

Though the outcomes of populism's effects on the political rights of disadvantaged groups differs amongst the cases, there are a few apparent trends. There is a general decrease in the political rights of disadvantaged groups under right-wing populist movements. This is marked by anti-immigrant, as well as anti-refugee/asylum seekers, rhetoric and legislation, and a desire for country specific homogeneity, in culture, ethnicity and religion. In left-wing populist movements, as seen in the Latin American cases, historically disadvantaged groups experienced an increase in their political rights as long as they did not have dissenting views on the government. In Brazil and Venezuela, it could be argued that the reason both governments made constitutional changes to embrace the countries' respective marginalized groups was to broaden the voter base to a group that had rejected the prior government.<sup>36</sup> In all cases, the disadvantaged groups in question have been religious and ethnic minorities, which is unsurprising as these are the groups that have been historically marginalized and scapegoated in all settings. Also, in all cases, populist movements either help or hurt the political rights of disadvantaged groups out of the desire for a single national identity. Whether in Poland, where this national identity is based off of ethnic and religious factors and Muslim immigrants do not fit into this definition of what it means to be Polish, as well as actively challenges this "Polishness"; or in Brazil where the new Brazilian identity is more class based, with non-European and Afro-Brazilians easily embraced in this model of what it means to be Brazilian.

What motivates many populist movements to consistently scapegoat and further discriminate against certain disadvantaged groups? It is possible that the many contemporary populist movements the world is experiencing is due to a backlash against globalism. The current global system includes a system of sovereign nation states attempting to operate in a globalized economy. This collision of geopolitical roughness and geoeconomic smoothness has created new tensions for many states. Economic losses,

shifts in cultural dynamics and increased immigration have been blamed on globalism by many. In this new world which has brought about hardships for many, it is easy for one in a Western country to look around and ask what has changed? The change that people have found to be most noticeable, or most easily recognized, is an increase in ethnic and religious minorities, making these disadvantaged groups to be easily scapegoated as the problem with a country—due to their visibility and their unfavorable portrayal in the media. This can lead one into developing an ethnocentric view of one's country: that outsiders will never be able to grasp the standards and customs of one's own culture, blaming this on their current culture.<sup>37</sup> Ethnocentrism helps aid the nationalism that often arises out of populist movements. Nationalism is very interested in the full sovereignty over a group's homeland, developing and maintaining a national identity based on perceived shared characteristics and experiences and preserving a nation's culture.<sup>38</sup> By decreasing the political rights of disadvantaged groups and increasing levels of discrimination, it is very easy for populist movements to fulfill these nationalistic tendencies. By furthering the marginalization of disadvantaged groups, populist movements continue to develop the image of "the other", an essential component for populist movements to garner support and to get constituents to rally against. Creating this category acts as a foil and allows a populist movement to create the unifying identity of said movement, whether it be based on culture, language, race, religion, political goals or a belief in a common ancestry. Nationalism is necessary to maintain distinctions between citizens and non-citizens, as full citizenship includes much more than legal citizenship, thereby creating a flexible and legally subordinate population,<sup>39</sup> making these disadvantaged groups even more easily targetable. The process of decreasing the political rights of disadvantaged groups is as much about creating identity within as about excluding certain groups and creating the category of "other".

## **Press Freedom**

Freedom of the press refers to the freedom to criticize government without suffering official interference or punishment, before or after publication. "Freedom of the press," "freedom of speech," and "freedom of expression" are terms often used together, with "the press" primarily referring to print and electronic media. Since the advent of electronic media and of the internet and of other "new media" or "social media" during the 20<sup>th</sup> and early 21<sup>st</sup> centuries, the term "freedom of the press" has come to be used to cover mediated communication in general.<sup>40</sup> The clearest indicator of press freedom is that opponents of government or of government leaders, laws, or policies can publish effective criticisms without suffering government retaliation in the form of fines, imprisonment, or even death. Often, this very direct form of attacking dissenting media outlets does not occur and one needs to look to other factors involved in a state's press freedom. The communicator's sense of the community's range of

permissible expression, public pressures on communicators, affiliation of various media outlets, funding sources for media outlets, and the discourses a communicator utilizes are all important components to look at when assessing the press freedom of a country.

When considering all of the case studies, other important indicators of a state's press freedom were identified. The foreign influence over a state's press, the government influence over a state's press, self-regulation by communicators, attacks on communicators and media outlets—both verbal and physical—by either the government or the public, anti-media discourse used by the populist movement in question, a desire for complete domestic control of media outlets, legislation or government action to curb press freedom, government censorship, and the use of social media were all looked at and compared across all cases in order to build a better sense of what the current state of press freedom looks like in each country and to interpret similarities and differences amongst the cases. Moreover, Freedom House's Freedom of the Press Scores were employed when looking at the effects of populism over time on a country's press freedom.

Unlike the findings with the political rights of disadvantaged groups, in the cases discussed, populism's effect on the freedom of the press of a country was quite singular. Press freedom was generally targeted by the respective populist movement and decreased due to the actions of said populist movement. In Poland, almost immediately after assuming power, Law and Justice passed legislation giving political official significant oversight and control over all public media outlets.<sup>41</sup> Hungary is no longer considered to have a free press under Fidesz. Mainstream media outlets align their messages with the Fidesz party, while many independent or anti-government media outlets have been shut down.<sup>42</sup> In Italy, Berlusconi's government passed the controversial Gasparri Law that extended his power to control Italian media, effectively giving Berlusconi ownership over the media; much of his success has been attributed to this level of control.<sup>43</sup> In Venezuela, under Chávez, all media outlets that were critical of the government became a target and laws were passed that gave the government the ability to move against media groups that it determined were engaging in clandestine activities.<sup>44</sup> The U. is still one of the world's safest countries for freedom of press, but press freedom has declined slightly due to the Trump Administration's "fake news" rhetoric and succeeding at times in censoring dissenting opinions.<sup>45</sup>

Populist rhetoric is generally anti-media, but not all populist movement make direct legislative movements against media outlets and press freedom. In Brazil, da Silva's administration never constituted a direct threat of coercion to the independent nature of Brazil's press, but journalists face dangers from criminal threats, an unstable political environment, and from conflict with police authorities, leading to self-censorship and even murder. Though da Silva was not directly responsible for this decrease in press freedom—as his attempts to regulate Brazil's press were never sanctioned<sup>46</sup>—his administration did

nothing to ensure a safe environment for journalists and media outlets: “the Brazilian government ranks consistently low in impunity failing to deliver credible investigations and convictions to suspects of these murders.”<sup>47</sup> Similarly, in India, press freedom has been on the decline. BJP officials use anti-media rhetoric and press under the BJP government is not as vigorous as it used to be, but this is not due to government regulations but rather self-censorship out of fear of backlash from Hindu nationalists.<sup>48</sup> Though the freedom of press of these two cases has not decreased due to direct action taken against press freedom by the populist movements themselves, populism has still played a role in this decreasing trend. Whether by not offering adequate legal protections for journalists and media outlets and turning a blind-eye to censorship and violence, or building up anti-media sentiments in one’s base to the point where they then act upon these beliefs, this limits the practical freedom of the press.

Recently, there has been a global decreasing trend in press freedom. However, not all of these instances are due to a populist movements’ influence. For example, while freedom of the press indicators has generally declined in recent years for the United Kingdom, there is little evidence linking these changes to populist ideologies or parties. There have been a few legislative acts passed in the UK that restrict press freedom, but there exists little evidence supporting any strong role populist ideologies or parties played in institutionalizing these changes, especially as these parties held little real political power in recent years.<sup>49</sup>

It is interesting to note that press freedom in all cases decreased in one way or another, and by very similar tactics from the aforementioned populist movements. The two main ways press freedom was targeted and reduced, either directly or indirectly, was to delegitimize the mainstream media and/or to exert political influence over media outlets. Anti-media rhetoric works in two parts: it creates suspicion and a lack of trust in a very important institution meant to keep the government accountable to its people, removing its credibility as an important check to government power and action, and it empowers populist constituents to lash out against media outlets and change what is permissible to be said within a community, leading to the self-censorship of journalists and media outlets out of fear from backlash and violent actions taken against them. Self-censorship—as seen in the cases of the media in India, Hungary, Brazil and Venezuela—can become a useful tool for populist movements to indirectly have influence over media outlets; it becomes a form of policing that populist movements do not need to invest in. If a populist movement has control or influence over public broadcasters, it was always preceded by a de legitimization and attack of the media. Once a populist party has influence over the media, their mode of communication through their new legitimized media presence, as a strategy to maintain control, becomes important. Several academics have described how “populists use an emotional communication style,

especially in blame attribution: anger and fear are the frames commonly used to communicate that the people are threatened by elites or by ‘others’.”<sup>50</sup>

Besides the general decrease in press freedom due to the influence of populism found in the cases, a couple of other trends can be seen. The degree to which press freedom changes and the strategies utilized by the populist movements to institute this change is not dependent on the style of a movement’s populism, but rather the culture of media found in that country and the degree of press freedom prior to the populist movements rise. In cases where a low degree of media freedom existed, such as in the case of Latin American countries, “it is quite common to observe populist political leaders taking control of the media system to create a strong bond, silence the opposition and influence public opinion.”<sup>51</sup> This shift in the degree of press freedom with the introduction of a populist movement comes about through “strengthening the media power of the President, bolstering community media, and exercising tighter control of the press through legislation and judicial decisions.” In contexts characterized by a high degree of freedom of the press, such as the case of the United States, “the process of mediatization of politics is supposed to favor populism by generating alienation and cynicism,” which in turn are exploited by actors articulating a populist message.<sup>52</sup> This is seen perfectly in the sensationalism of the Trump campaign and the anti-media discourse the Trump Administration continues to propagate.

Attacks on the freedom of the press, whether direct or indirect, are seen across the board in the cases of populist movements in this study. A decrease in press freedom after the introduction of a populist movement or party seems to be a major unifying factor for all of the cases. Is it a unifying factor across all populisms? Is low press freedom necessary for populism to thrive? Quite possibly. As populism’s main goal with their purposeful discourse is to create an “other” to rally against, necessary as a foil to create a cohesive national identity, the need to ensure that said discourse continues to spread without interference is pressing. By controlling modes of communication, a leader or movement has complete control to continue their discourse and create a new sense of collective identity. Also, this ensures that the media reflects the movements’ values and social codes, helping to nurture the new culture of the movement and state. As culture can be seen as a reflection of a group’s contemporary power dynamics, using the media to enforce this new culture helps reify the creation of the “other”. Moreover, a lack of press freedom undermines journalists’ ability to keep the public informed and ruins the dynamic of the media scrutinizing government performance which ensures transparency and holds public officials accountable.<sup>53</sup> Removing this important check of the government adds significantly to the potential for exploitation and corruption.

## Gender Equality

Gender equality is often difficult for people to define as it can be culturally specific; however, there are various aspects that are universal. Gender equality is achieved when all genders enjoy the same rights and opportunities across all sectors of society. This includes economic participation and decision-making, as well as when the different behaviors, aspirations and needs of all genders are equally valued and favored. As of now, this is a non-existent ideal.<sup>54</sup> It is important to remember this when attempting to evaluate and measure gender equality, as it is unrealistic to compare the case studies to a level of equality that no state has reached. This study will take the various aspects of the definition into account, but will compare the countries to their level of gender equality prior to populism and to the current global trend of increased gender equality.

This study uses various important indicators to evaluate gender equality and decipher trends in each country and within each populist movement. Demographically, this report looked at the political engagement of women, women's education and literacy rates, women's labor force participation, the pay gap between men and women, and domestic violence rates. Institutionally the following were considered: if women's rights were constitutionally protected, if the economic development of women was a focus, and if women's social services were developed. Finally, the gendered rhetoric and actions of the different populist movements were evaluated. For this, the religious values of the movement, the importance of "traditional" gender roles, beliefs around abortion and discourses that center around the importance of family, were all noted.

Similarly to populism's effects on the political rights of disadvantaged groups, the outcomes of populist movements' influence over gender equality is on a spectrum. Poland, Hungary and Italy have all experienced a decrease in their level of gender equality. In Poland, post-communism, Law and Justice has shifted the national focus back to Catholic values and traditional gender roles with a strong emphasis on the importance of family. In accordance with these ideals of the party the reproductive rights of Polish women are under attack: The Law and Justice led government introduced a bill in January 2018 that would ban abortions due to irreversible damage to the fetus and women's rights organizations have been increasingly targeted by the government.<sup>55</sup> In Hungary, gender equality is steadily decreasing under Fidesz. Very similarly to Poland, Fidesz emphasizes the sanctity of family and heteronormative gender roles, discourses that are frequently used at political rallies and government events.<sup>56</sup> For example, "new school books contain numerous gender stereotypes, depicting women almost exclusively as wives and mothers and, in some cases, demeaning mothers as less intelligent than fathers."<sup>57</sup> This insulting rhetoric is paired with the fact that there is also a lack of complete constitutional protection for gender equality from the Fidesz government.<sup>58</sup> The situation in Italy is less drastic in comparison to Poland and Hungary,

but is still noteworthy. Similarly, to Poland and Hungary, there is a large emphasis placed on the maintenance of heteronormative gender roles, a stance supported by populist leader Silvio Berlusconi.<sup>59</sup> Some symptoms of this can be seen in the decrease of the labor force participation rate of women during the time of Berlusconi's administration, which decreased to less than half of working-age women were employed, and the stereotyping of women in Italian media.<sup>60</sup>

The state of gender equality in the United States is an interesting one, as it shares many of the same indicators seen in Poland, Hungary and Italy, but the effects are yet to be seen as conclusive one way or another. The rhetoric used by the Trump Administration does not reflect the support for gender equality that is expected from a developed western democracy. The Trump Administration supports conservative Christian values and heteronormative gender norms, views which have the potential to be detrimental to long-term gender equality. These views can be seen in Trump's vocal opposition to abortion and to the full participation of women and transgender people in the US military.<sup>61</sup> So far, no legislation to endanger gender equality has remained on the books due to the strength of other democratic institutions in the US.<sup>62</sup> However, based off of the divisive rhetoric used by the Trump Administration, their constituents and their attempts at passing legislation that does not support the freedom of all genders, the potential for the US to experience a decrease in overall gender equality seems plausible

In some case studies in this report, populism does not seem to be a serious threat to gender equality. Gender inequality exists everywhere, the level of which is constantly changing and different in every state, and does not appear to be due to the influence of a populist movement. India has a long and deep-seated history of gender inequality; however, it has followed the global trend of slowly increasing gender equality.<sup>63</sup> The Bharatiya Janata Party (BJP) has specifically addressed "patriarchal cultural norms that care more for the reputation of daughters while letting their sons do as they please",<sup>64</sup> but the implementation of anything to back these views is questionable. BJP has not added to the level of gender inequality currently existing in India, but it has done nothing of substance to aid it as well. In the United Kingdom, right-wing populist parties share many of the same views on heteronormative gender roles and family values as seen in Poland, Hungary, Italy and the US, "for instance, the [populist and right-wing] DUP supports restrictive policies on abortion and other reproductive health rights for women. Likewise, UKIP members have voiced a variety of [gender] discriminatory ideas/policies".<sup>65</sup> While populists have not caused any major policy changes with regard to gender equality—apart from where it relates to the Brexit vote<sup>66</sup>—they have the potential to influence mainstream party rhetoric and to draw attention away from efforts to increase gender equality.

Populism comes in many forms and iterations and it is not a trend in all populisms to disregard gender equality. In the two cases of Latin-American populism found in this study, an increase in gender

equality is noticeable. In Brazil, President da Silva concentrated governmental efforts to produce policies minimizing gender-based socioeconomic divides and increasing legal protections for women, as well as, the education of women.<sup>67</sup> As seen in the data presented in this study, there is a progressive pattern of growth for gender equality over the last decade in Brazil. In Venezuela, under Chávez, the State guaranteed “the equality and equitable treatment of men and women in the exercise of the right to work. The state recognized work at home as an economic activity that creates added value and produces social welfare and wealth”.<sup>68</sup> Moreover, the Chávez administration worked with women as both community leaders and politicians in high level ministerial positions. Due to constitutional and institutional changes, as well as the expansion of social services throughout the years of the Chávez government, there was an increase in legal gender equality, but due to poor implementation it is hard to say if the effect Chávez had on gender equality was significant.<sup>69</sup>

With respect to the effects of populism on gender equality, all of the cases discussed are different, but some do share quite a few similarities. In terms of the indicators previously discussed, Poland, Hungary and the US share the most similarities in regards to how their respective populist movements discuss and affect gender equality. All three movements emphasize the importance of religious values, heteronormative gender roles, traditional family values and have strong anti-abortion stances. Moreover, all three are right-wing populist movements that emphasize cultural differences that came out of developed democracies. However, the US populist movement has had less of an impact on gender equality, in comparison to Poland and Hungary, due to the strength of other US democratic institutions, mainly judicial independence.

Two other populist movements that share many similarities in the realm of gender equality are Brazil and Venezuela. As the only two cases to actively support gender equality, they shared similar strategies and outcomes. Both movements focused on the economic development, political involvement, social services and education of women; these progressive actions translated to increased political engagement, education rates and labor force participation for women.<sup>70</sup> It is notable that Brazil and Venezuela had lower levels of gender equality at the times of their populist movements in comparison to many of the developed democracies researched in this study. Furthermore, Brazil and Venezuela are both examples of socialist left-wing Latin-American populist movements focused on economic divides.

While evaluating gender equality in all cases there are some recurring discourses. Whether they wish to further or hinder gender equality, many populist leaders use the ideal of gender equality as a pawn to further their party’s discourse and increase their following. The need to maintain cultural heteronormative gender norms of a state are often used to help construct “the other” that the party is trying to rally supporters against, as populism is dependent on the construction of “the other” for the

identity and message of the party. For example, populist leaders/parties are often against same-sex marriage supposedly because it is an attack on traditional family values, as same-sex marriage clashes against the heteronormative family dynamic that the wife works in the domestic sphere while the husband goes out to work in the public sphere. This framing of the importance of heteronormative family values paints LGBTQ people as “the other” that is putting one’s way of life at risk. On the other hand, a populist group could also support gender equality in a way that too furthers their discourse. For example, a group that is anti-immigrant could bolster up the need for equality and say that “immigrants are hindering progress since they are bound by their culture to discriminate against women and LGBT people”. In these cases, supporting gender equality is not necessarily a movements’ goal, but rather a desire to further develop an anti-immigrant discourse. This strategy can be seen especially in the populist movements found in Poland, Hungary and the US. In Poland and Hungary, the populist movements show immigrants, especially Muslim immigrants, as a huge threat to the traditional religious family values that are so central to national identity. In the US, under the guise of concern for women’s sexual security and body autonomy, Donald Trump suggested increased border control along the Mexican border because some Mexican immigrants are “rapists”.<sup>71</sup>

A few common trends can be found after reviewing all cases. Most right-wing populist movements function in more equal societies, defend regressive heteronormative gender roles, and do not focus on the furthering of gender equality as a pressing issue. The movements often use gender equality to paint various groups as a further “other” category to rally against.<sup>72</sup> Usually, left-wing populist movements function in strong patriarchal societies and have relatively progressive legislation in support of gender equality. Often, gender equality is supported for as long as it helps achieve political gain.

## **Conclusion**

This report finds that populist governments, with all their circumstantial nuance, tend to erode the four discussed democratic institutions. Populists exploit underlying faults within a society to convey their fundamentally illiberal message and consolidate their own power. All the countries studied presented strong divisions along at least one of the three categories: race, class, and religion. Right-wing populists tend to employ religion and race while left-wing populists tend to focus on class. Populist politicians use these dividers to frame one group as the true people and the rest as enemies. They use social media and other new technology platforms to circumvent traditional press and communicate with the people directly, helping to craft their self-image as the true representative of the people. With this portrayal of themselves as the savior, they then manipulate these antagonisms to their favor and typically target judicial

independence and press freedom first. These two institutions play critical roles in fostering the equal application of the rule of law, and with their successful erosion populists then target the other democratic institutions. However, this stepping stone idea is not universal and was not seen in all the cases. Several institutions proved stronger than the populists attacking them, demonstrating an important foil to populist intrusions. Italy, as an example, withstood institutional assaults on their judiciary only to experience a strong response which weakened the leader attempting the attack. In the outlier country of Brazil, its populist leader did not truly attack democratic institutions. Despite these exceptions, the overall trend was a decline in these institutions, as most exemplified by Hungary, Poland, and Venezuela. Systematic attacks on the democratic institutions were broadly successful. In Hungary and Poland, their leaders continue to move aggressively to consolidate power and reduce even further any obstacles notionally blocking the will of their idea of the people. Even countries with strong liberal democratic foundations, such as the UK and US, were influenced by populist rhetoric and policy, albeit almost singularly with Brexit in the case of the UK. Moreover, they retained the intrinsic populist idea of pitting their idea of the people against their hypothetical enemies. Populism, as defined by Freedom House, is antagonistic to plurality and equal rights for all, and this found significant bearing within many case studies.

### *Recommendations*

This report recommends several actions to confront the challenge of populism and halt the decline of the four democratic institutions discussed. The United Nations Universal Declaration of Human Rights provides a democratic framework which should be more strongly enforced on its Member Nations. Hungary's case demonstrates that multilateral institutional pressure can have results if member countries feel real repercussions from violating standards. The United States, however, appears to be the only country which could conceivably lead such a charge, and their currently populist president expresses a distinct aversion to doing so. Therefore, working with regional organizations, such as the European Union, the South Asian Association for Regional Cooperation, or Mercosur in Latin America, seems imperative. Encouraging such organizations to strengthen their internal bonds is another important step. This would enable member states to more credibly pressure one another when populism appears to be rendering significant damage. Moreover, it would allow member states to support one another when situations arise conducive to populist leadership – such as economic crisis and widespread cultural backlash. Finally, the United States should use its global power and resources to encourage reinforcing these democratic institutions. This could involve favoring states which made concrete steps to strengthen judicial independence or reduce gender inequality, for example. As this report shows, institutions can resist populist intrusions, but they need the underlying strength and legitimacy to do so.

### *Further Research*

Further research must be done on a broader definition of populism to provide greater context and demonstrate the complexities of populism around the world. Social and economic progress was substantial under a populist leader in Brazil, while fourteen years of populism in Venezuela led to autocracy, oppressed opposition groups, and a toothless press. Does Brazil's Lula deserve the populist label as much as Venezuela's Hugo Chávez when the definition discussed in this report carries such negative connotations? Could populism potentially be a positive force, a means for forgotten peoples to reassert their opinions? Could politicians with positive ideas employ some of the methods of populists without degrading democratic institutions? The idea of populism as more a political strategy without the inherent illiberalism and opposition to democratic checks and balances should be debated. In addition, more research on economic rights and opportunities as an institution is necessary, considering this report's heavy focus on political systems and freedoms. Addressing the underlying faults which help propagate populist leaders is critical as well and demands further study.

# INTRODUCTION

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In the wake of Donald Trump’s victory in the United States presidential election, pollsters, pundits, and constituents alike are re-examining the scope and impact of populism. A populist future will mean a vastly different world order, and to map that trajectory, we must examine the past. What is populism? Is it good, or is it bad? Populist movements have come and gone, but what does populism in power look like? How does it affect the democratic institutions of our societies? Obtaining answers to these questions is critical for policy formation and political action, yet even the meaning of populism remains up for debate. Some, like political scientist Cas Mudde, qualify it as a “thin ideology,” while others, such as journalist John Judis, claim it is a political logic. However, only one definition will be discussed in this report. As defined by Freedom House, populism is a mystically unified ‘nation’ against corrupt ‘elites’ and external enemies, and it claims for a charismatic leader the power to voice the will of the nation. It is therefore fundamentally illiberal, rejecting diversity of identity and of opinion within society and discarding basic principles of modern constitutional thinking: that democracy requires constraints on the will of the majority and checks on the decisions of the executive. The composition of elites can vary depending on whether the populism being examined is left-wing or right-wing. Left-wing populists are generally dyadic, focusing on the antipathy between the upper class and the rest of society. Right-wing populists often exhibit an antagonistic triadic relationship between the liberal upper-economic class and those they perceive to be coddled, such as immigrants and recipients of social welfare programs, who they believe are taking advantage of the hard-working middle class.

No matter their antagonists, these imagined communities of a so-called pure, unified nation are necessary for the formation of a populist platform. Often, the rise of a populist party is due to a charismatic figure acting as the cornerstone of their beliefs — Viktor Orbán of Fidesz, Nigel Farage of UKIP, or Narendra Modi of the BJP. Each of these cases rely on different variations of populism to achieve their goals. Populism can be broken down into three veins — Populism of Religion, Populism of Race, and Populism of Class — which describe the main causes of schisms between the “chosen ones” and their opponents. These categories can be used singularly to describe different situations, but it is common to see them paired or even the presence of all three. Populism of Religion is straightforward and has been discussed thoroughly by the media. It pertains to a fear of Islam, Judaism, and other religions considered “foreign,” as well as a harkening back to the perceived religious roots of a nation and the need to reclaim those religious values. Populism of Race is based on fear and anger toward those who do not meet the physical standards of the unified people. The word “race” was chosen over “ethnicity,” as race is a socially imposed construct and often implies a hierarchy of people. As the basis of populism is the

creation of imagined communities, an imagined construct of ancestry made to create divisions between people best fits the overall ideology being discussed. Populism of Class is rooted in economic inequality and institutional classism. The schism is often present before a populist leader comes to power in the form of economic instability and is commonly attributed to pushing populist leaders into power.

In all veins of populism, there are existing fissures, which populist politicians exacerbate to secure their base or to push forward their preferred policies. Furthermore, these populist trends all find their roots in globalism and regional responses. The modern iteration of populism functioning within a democratic society has recurred in spurts with the spread of globalism. Its presence has been noted in Latin America since the early to mid-twentieth century and in Europe since the late twentieth century. These timelines directly correspond to a world increasingly interconnected through technology. The responding economic and cultural backlashes to globalism gave populism regional footholds. In modern populism, we see those regional footholds turning into national power when coupled with existing divisions regarding religion, race, or class. The following case studies present countries that have felt or currently experience the impact of populism on a national level, either through the indirect influence or direct rule of populist parties. By analyzing these cases, one can explore the effects of populism on democratic institutions and consider what can be done to preserve democracy. The aforementioned veins of populism will be used to describe these unfolding populist circumstances in an attempt to quantify nuanced situations. Certain case studies, such as Brazil and India, do not fit as neatly into boxes as one might like, but some generalizations must be made to grasp the growing global impact of populism.

Populism is a frightening practice, as it gains its power through democratic means, yet strips the values of democracy away as it becomes entrenched in a nation. This degraded version of democracy leads to decreasing freedoms and quality of life for those residing in countries ruled by populists, and should cause concern among political scientists, lawmakers, and constituents. The following countries — Brazil, Hungary, India, Italy, Poland, the United Kingdom, the United States, and Venezuela — are all roadmaps for how democracy can become distorted. At the same time, they also shed light on what can be done to preserve a democratic future.

# BRAZIL

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## Introduction

More than a decade ago, Luiz “Lula” da Silva became the President of Brazil. He was a socialist, workers’ union leader, and an advocate for welfare reform. Lula’s popularity arose from galvanizing immense support from poor, working class, and rural Brazilians seeking a new government based on the interests of the people. He understood the rift between the people and elites of Brazil. This constituted the core of Lula’s populism: a targeted people-based socioeconomic reform to increase opportunities for Brazil’s most struggling population. However, Lula’s left-wing populist message failed to win the presidency after three unsuccessful attempts. Lula won the presidency in 2002, after he moderated his initial socialist platform closer to the center by supporting pro-business interests. This softened Lula’s populist message and resulted in a constitutionally thinking presidency. Lula improved gender equality and political rights of disadvantaged groups. He also had a limited effect on judicial independence and press freedom. Lula’s populism was not innately illiberal or antidemocratic, but consisted of a thin, left-wing ideology that did not erode Brazil’s democratic institutions.

## *Background*

Lula began to gain popularity during the end of Brazil’s military dictatorship in the 1970’s. Born in 1945 in rural northeastern Brazil, Lula worked as a shoe-shiner, vender, and later a metal worker.<sup>1</sup> After rising through the ranks of the metalworker’s union, Lula played a vital role in organizing labor protests. Brazilian labor workers coordinated strikes to acquire increased wages and welfare benefits against overreaching government control that gave way to increased inflation, poor living wages, and widening economic disparity across Brazil.<sup>2</sup> As leader of the metalworker’s union, Lula served as the central figure in organizing protests that would mark “the beginning of the end of dictatorship” and military rule in Brazil.<sup>2</sup> In 1980, the protests led to the founding of Partido Trabalhadores (PT), known as the workers’ party of Brazil. With Lula as President of the party, the PT espoused a socialist ideology, with the platform of: welfare reform and regulation, fiscal and land redistribution policies, and rejection of capitalist business interests.<sup>3</sup> The PT aimed to invoke a “labor revolution” to ultimately establish a Brazilian socialist society.<sup>4</sup> In 1985, Lula’s PT amassed political control of Sao Paulo and 37 other major cities across Brazil, but Lula failed to win the presidency after three attempts.<sup>5</sup>

In 2002, on his fourth attempt, Lula successfully won the election for President of Brazil. Lula and the PT’s accomplishment was due to their strategic move towards the political center, he tempered positions on fiscal and land distributivism as well as rejection of capitalist interests.<sup>6</sup> In the 1990s, support for Lula’s PT came from the states of “Minas Gerais, Espirito Santo, Rio de Janeiro, Sao Paulo, and in the

south, especially in Porto Alegre in Rio Grande do Sul.”<sup>7</sup> The demographic of Lula’s supporters primarily consisted of younger and more educated Brazilians.<sup>3</sup> In order to expand the appeal of the party, Lula moderated “its political language, [seeking] closer relations with business groups, and began to make alliances with centrist and even conservative parties.”<sup>8</sup> This transition garnered multilateral support for the PT, and resulted in Lula winning 61.2 percent of the vote.<sup>9</sup>

Upon assuming the presidency, Lula continued to administer a political agenda relating more closely to his newly configured centrist message. Lula promoted neoliberal economic practices that favored capitalist interests, while evading radical socialist policies. At the onset of his administration, Lula appointed a Wall Street financier, Henrique de Campos Meirelles, to head Brazil’s Central Bank.<sup>10</sup> Lula’s administration allowed pro-capitalist interests to control Brazil’s monetary and fiscal policies, while also increasing social welfare programs. Lula undertook massive social welfare reform, through a program called Fome Zero. Fome Zero, or Zero Hunger, provided resources for reducing malnutrition and increasing food security for Brazil’s most struggling demographics.<sup>11</sup> The program consisted of three primary policies: Bolsa Familia, Alimentação Escolar, and Fortalecimento da Agricultura Familiar. Bolsa Familia linked social and fiscal welfare resources, providing direct income to poor Brazilian families on the condition these families utilized access to healthcare, education, and food resources. Alimentação Escolar targeted younger generations supplying “47 million free school meals every day.”<sup>12</sup> Lastly, Fortalecimento da Agricultura Familiar stabilized market prices for food in rural areas of Brazil.<sup>13</sup> Fome Zero created immediate relief for the 44 million Brazilians living below the poverty line. From 2003 to 2005, Fome Zero reduced poverty levels by 14.7 million people, initiating a 20.4 percent decline.<sup>14</sup> Lula’s social welfare efforts which coordinated direct resources for the poor, caused an increase in his support and public image.

During his presidency, though Lula’s populism failed to fully challenge elites, it also incorporated diversity of identity, and respected constitutional thinking. Prior to 2002, Lula’s populist message rallied against the Brazilian establishment, and championed the rights of workers. His strategic move to the center pacified pro-business benefits, but deviated from his radical populist platform. At the onset of Lula’s administration, his policies for welfare reform and neoliberal practices illustrate a combined strategy of his populist call coupled with elite interests. Further demonstrating this, Lula’s populism produced generally limited effect on the democratic institutions of judicial independence, political rights of disadvantaged groups, press freedom, and gender equality.

### **Judicial Independence**

During Lula’s Presidency, the judiciary acted independently of the executive branch of Brazil’s government. Lula’s populism did not seek out constitutional reforms to uncheck the power of the

presidency, rather he respected judicial independence. According to the World Bank, Brazil's judicial independence scores a "3.38 out of 7," the third best score in South America behind only Chile and Uruguay.<sup>15</sup> Additionally, the recent reaffirmation of Lula's corruption charges demonstrates the power and authority of the judiciary to maintain its autonomy.

In January 2018, a Brazilian court upheld the corruption charges against President Lula, sentencing him to 12 years in prison. Lula was also barred from running for the presidency in the upcoming Fall 2018 general election.<sup>16</sup> Operation Carwash, a largescale state bribery scandal implicated various governmental officials and business leaders who personally profited from a state-owned oil company<sup>17</sup>. This conviction signifies the first time in Brazilian history when an ex-President was charged and may potentially be imprisoned. Brazil's judiciary successfully acted as a constitutional check against Lula. Currently, Lula is publicly challenging his legal status barring him from running for President in 2018, but this only amounts to divisive rhetoric. Unless Lula's conviction is overturned, which is unlikely, he remains legally prevented from running.

During his administration, Lula's populism respected constitutional thinking, and the separation of governmental branches. Although, Lula presented a challenge for judicial independence, his administration did not threaten its ability to act as a check on presidential powers comparatively to Venezuelan President Chavez' acquisition of the court system. Consequently, Lula's populism valued rule of law and the role of the judiciary, as it was not seen as part of the Brazilian establishment.

### **Political Rights of Disadvantaged People**

Lula crafted his populist appeal to include policies which directly targeted disadvantaged indigenous and Afro-descent groups in Brazil. His movement sought to address these divides to create increased opportunities and improve their political status in Brazil.<sup>18</sup> Primarily, Lula expanded affirmative action and educational access for indigenous and Afro-descent Brazilians. These policies aimed to improve upward mobility and opportunity for these disadvantaged groups.

In 2000, 42 percent of Brazil's black population had no formal education, compared to 23 percent of white Brazilians.<sup>19</sup> In 2005, Lula initiated Programa Universidade para Todos, or "University Program for All," which offered private and public universities federal tax exemptions in exchange for increased scholarships for African-descent and indigenous Brazilians.<sup>20</sup> In 2007, 77.8 percent of Black Brazilians transition to secondary education following completion of primary schooling. Lula's affirmative action and quota policies for access to education improved the conditions for Brazil's disadvantaged groups.

Lula's populist message transcended racial and ethnic lines, and included all working class and poor Brazilians. Following his presidency, Lula's record on improving rights of disadvantaged people remained rooted in minimizing racial and ethnic divides. He was the first Brazilian President to introduce

socioeconomic programs to improve the upward mobility of indigenous and Afro-descent Brazilians. Lula's populism was inclusive, improving political rights and opportunities for disadvantaged groups in Brazil.

### **Press Freedom**

Lula's populism had a limited effect on Brazilian press freedom. While Lula's populism included efforts to curb press freedom, and allowed for the creation of a dangerous journalistic environment that limited journalistic ability, his administration never directly influenced or claimed control of the press.

During the first year of Lula's presidency, Freedom House's 2003 report on Press Freedoms indicate Brazil scored a 38/100, with 0 signifying "More Free" and 100 meaning "Not Free at All."<sup>21</sup> These findings further identify that "journalists reported censorship to be at the highest levels since the 1964-1985 dictatorship."<sup>22</sup> At the onset of Lula's administration, there were frequent attempts from governmental officials to censor and silence journalists. Although, there is no evidence to suggest Lula did direct these efforts, his administration was still a contributing factor. Evidently, the 2017 Freedom House report, scored Brazil with a noticeably deteriorated press freedom score of 47/100.<sup>23</sup> According to Freedom House, "media workers are frequent targets of aggression, intimidation, and judicial censorship." The collective decline over the past decade, suggests Lula demonstrated press freedom.

In 2004, Lula proposed legislation to establish a journalists' council "to regulate Brazil's boisterous press."<sup>24</sup> This legislation was expected to be "the most serious threat to freedom of expression since the right-wing military rule." Following introduction of the bill, Brazilian press immediately denounced the bill and Lula's efforts to create 'authoritarianism'<sup>25</sup> Public backlash, which forced Lula to veto the bill three months after it was introduced in the legislature.<sup>26</sup> This failed attempt demonstrates the minimal ability of Lula's government to control the media and public perception.

Lula's administration, despite demonstrating marginal impact on press freedom, did not assume complete control of Brazil's press freedom. In the case of Brazil, the media never epitomized the establishment or elite during Lula's campaign. Consequently, there was no need for Lula to control public perception. Rather, Lula's administration emphasized promoting policy, and not on conclusive efforts to affect public perception.

### **Gender Equality**

Lula's populism led to a general increase in gender equality in Brazil. Particularly, due to Lula's call for socioeconomic reform, which included progressive policies to improve the status of women. Lula's populist platform produced progressive policies to minimize gender-based socioeconomic divides, and strengthen legal protections for women.

Preceding Lula's administration in 2000, the United Nations' Human Development reports Brazil with a Gender Inequality index of 0.515. Additionally, the report finds in 2000 Brazilian: female life expectancy at 74.0 years, female labor force participation at 55.1 percent, population of females with a secondary education at 33.7 percent, and percentage of female legislators/managers at 74.0.<sup>27</sup> In 2003, Lula created the program Bolsa Familia to "focus on female headed households and the achievement of the target of 30 percent women beneficiaries."<sup>28</sup> Consequently, the 2013 report identifies Brazil's gender inequality index markedly improved to 0.441.<sup>29</sup> The 2013 report also lists further advancements with Brazilian: female life expectancy at 78.5 years, female labor force participation at 56.3 percent, population of females with a secondary education at 59.1 percent, and percentage of female legislators/managers at 37.5.<sup>30</sup> This demonstrates that Lula's Bolas Familia had a direct impact on improving gender inequality.

Lula's populist message for increased social welfare resources to poor and working class Brazilians also targeted women. Through Fome Zero and Bolsa Familia, Lula specifically supplied welfare and fiscal resources for women. This demonstrates improvements in gender inequality before and after Lula's presidency. Particularly, Lula's inclusive populist message of the people was gender inclusive, and incorporated poor and working women.

## **Conclusion**

Gender equality and political rights of disadvantaged groups improved during Lula's administration. His government policies improved the socioeconomic and educational opportunities for women, indigenous, and Afro-descent Brazilians. Lula demonstrated a minimal impact on press freedom as well as judicial independence. Although he affected these institutions, Brazil's judiciary remains independent, and the press is free. Substantively, Lula's type of populism did not erode Brazil's democracy. Lula's narrative was populist, but his policies were neither illiberal nor antidemocratic. Populism is a thin-ideology with few uniquely shared characteristics. In the case of Lula, political leaders can be considered populists without particularly administering radical reformative policies that dismantled democratic institutions.

# HUNGARY

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## Introduction

The Hungarian political climate under current Prime Minister Viktor Orbán and his party is the example *par excellence* of contemporary populism. Orbán is a demagogue who leads the right-wing conservative party, *Fidesz-Magyar Polgári Szövetség*, more commonly referred to as Fidesz. Fidesz (the Hungarian Civic Alliance in English) and Orbán have worked to consolidate power and push a nationalist agenda, most contentiously through the 2010 constitutional rewrite which adversely affected democratic norms and laid the foundation for future actions against individual freedoms and rights. Since the re-election of Fidesz in 2010, the party's new laws and regulations have sharply jeopardized democratic institutions. Press freedoms, gender equality, political rights of disadvantaged groups, and judicial independence have all greatly suffered under populism. The membership of Hungary in the European Union has provided one of the only restraints against complete power consolidation, but within Hungary itself, democratic checks and balances continue to be degraded.

Viktor Orbán is heralded as one of the most successful and systematic populist leaders due to his effective consolidation and entrenchment of power. The manifestation of populism under his party's rule aligns closely with the Freedom House definition of populism. The Freedom House idea of a "unified nation" that he plays off of to gain popular support is created by an accepted understanding of what it means to be Hungarian, and a rejection of all that falls outside of this national identity.

The Treaty of Trianon at the end of World War I effectively defined the borders of present day Hungary. World War II and the Soviet Union's dominance over Eastern Europe in the late 20th century gave rise to an interior "Hungarian" identity; Fidesz has manipulated this shared idea of a hegemonic community to attract votes and consolidate power through xenophobic messaging. Orbán himself embodies the "perfect" Hungarian identity as a white, Christian, conservative, ethnic-Hungarian strongman. Hungarian ethnic identity has become synonymous with what it means to be a true Hungarian, and diversity is rejected in political and public discourse.<sup>1</sup> Another thread runs simultaneously through Fidesz' ideology, alongside this harsh xenophobic, pro-nationalistic mindset. Hungarian voters are drawn to Fidesz because of its promise to right a perceived unequal balance that socialist elites created in the post-Communist years, and to restore the "missed opportunities of the freedom [Hungary] received in 1989" for the general public.<sup>2</sup> Although Fidesz was originally established as a democratic youth party, its loss to *Magyar Szocialista Párt* (MSZP or the Hungarian Socialist Party) in the 1994 elections triggered a recalibration of Fidesz. The party switched from liberally aligned to conservative in an effort to garner more votes in the next election. This effort was successful. Fidesz effectively created a caricature of the European Union power centers, such as Germany and Belgium, and also the interior socialist advocates

and politicians as elites who valued themselves over the welfare of the majority. Orbán now prides himself on being the voice of “those who are not usually asked, whose voices are not usually heard,” as he proclaimed in his 2017 State of the Union Address.<sup>3</sup>

The fear of social descent also manifested in a general trepidation of being anti-Hungarian as parties vied to make sense of a new, non-Communist Hungarian identity. This nationalistic insecurity is currently expressed through xenophobia, and turning a blind eye to political corruption in favor of supporting the state at all costs. Approaching the 2006 election, the nation’s politics became incredibly stratified, a trend which has since continued. Research published in *SEER: Journal for Labour and Social Affairs in Eastern Europe* found that “it was and still is Fidesz which has polarized the political culture of Hungary, even after 2006, via its obstructive politics...”<sup>5</sup> Fidesz strategically used language which labeled those in support of MSZP as “anti-Hungarian” and “communists.” Both labels were used in an effort to discredit the opposition party and create an “otherness,”<sup>6</sup> signifying the polarization between the elite and majority that populists often utilize to fuel antagonistic discourse and justify its actions.

This report has theorized economic turmoil of the past decade, beginning with the Great Recession, as a potential contributor to the global rise of populism in the cases of Brazil, Italy, the UK, the US, and Venezuela. In Hungary, there is evidence that this was a significant factor, as Orbán was re-elected after the economic downturn and has maintained popularity at least in part by working to turn the economy around. Fidesz offered voters a promise of economic revitalization, citing in contrast the failure of the Soviet Union and the more recent economic downturn of 2008 under socialist MSZP control. The election and economic failures of MSZP during the Great Recession added justification to the ideologies of Fidesz, and have been wielded along with the era of Soviet dominance to consolidate and maintain power with the intention of characterizing MSZP and socialism to be an economically destructive force. Orbán’s authority as a populist leader was legitimized through the trust he garnered with a majority of Hungarian citizens in reconstructing the country’s economy in the wake of the 2007-2012 recession. In 2007, real earnings and wages went down by 5 percent, unemployment up by 10 percent and inflation rocketed up by 7 percent. By 2008 Hungary was forced to take emergency loans from the International Monetary Fund and World Bank in the amount of about 20 billion USD.<sup>7</sup> Unlike many nations, however, Hungary was able to repay these loans in under a decade, with the credit largely being given to Viktor Orbán.

Second in size to Fidesz is Jobbik, a party that claims to exemplify the will of the people using nationalist and anti-immigration populism. The parties both align on the right-wing side of the political spectrum, and it has been suggested that competition to gain far-right voters drives Fidesz further towards xenophobia.<sup>8</sup> For example, Jobbik was the first party to suggest a border fence to reduce immigration in 2015, but the policy was implemented by Fidesz.<sup>9</sup> Jobbik has since strategized to soften their right-wing

politics to capture the moderate voters that Fidesz alienates. However, the majority of Hungarians still reflect the Fidesz viewpoint, not a more moderate stance.<sup>10</sup> A Pew survey found that 52 percent of Hungarians said that being born in Hungary was very important for being truly Hungarian (much higher than other nations' answers, such as 42 percent of Italians, 42 percent of Poles, and 13 percent of Germans).<sup>11</sup> So, Jobbik's softening has thus far been unsuccessful in unseating Fidesz.

The political, cultural, and economic maelstrom that followed the fall of the Soviet Union, the discontinuous elections of Fidesz and MSZP, and the Great Recession have spurred Fidesz to create a nationalistic Hungarian identity and a promise to reclaim missed opportunities the "liberal elite" had harnessed for themselves. This message resonates with voters, and supports many academics' theories on the rise of populism. As a backlash to cultural repression, while under control of Nazi Germany and later the USSR, Hungarian post-liberation nationalism was kindled as Fidesz worked fervently to harness and expand populist sentiment through propaganda and media control. This is a major contribution to the rise of populism in Hungary, as "The hegemony of the political right and formation of its antagonistic bloc are based on [the] vacuum"<sup>12</sup> that occurred after the fall of the Soviet Union. The vacuum was cultural and political in nature, as the meaning of the nation itself and its population was thrust into uncertainty as Hungary became its own independent nation-state for the first time in centuries. Hungary faced economic turmoil under the leadership of left leaning groups that followed historical trends of socialism, which to many signified an elitist class coordinating the nation for its own gain at the cost of the masses, and Fidesz promised to restore economic control. Finally, years of turmoil and Hungarian ethnic homogeneity fueled pride in its borders and sovereignty and have fueled the nationalistic identity that Fidesz uses to gain mass appeal. The result has been the rise to power of Fidesz, and the ability of the party to consolidate power and threaten the nation's democratic institutions to protect its own power. The next sections of this chapter discuss how Fidesz policies and actions have negatively affected different democratic institutions under the guise of protecting Hungary and ethnic Hungarians.

## **Judicial Independence**

Fidesz has continuously attempted and at times succeeded to undermine a fundamental pillar of democracy, judicial independence. Despite the many attempts to undermine judicial independence, regulations by the European Union and rulings from the UN have sometimes curbed the extent of the damage of policies influencing the judicial system.

In 2013, the National Judicial Office (NJO) was created in Hungary as a new administrator of law courts, and courts were re-regulated. This became a justification for the termination of the mandate Supreme Court President, years earlier than scheduled. However, on June 23, 2016, the European Court of Human Rights ruled that the early termination of the mandate violated the right to access to a tribunal

court, because it could not be challenged.<sup>13</sup> The right to distribute caseloads and cases to different courts was also rewritten, however the law did not specify or exclude the transferring of cases for arbitrary or politically motivated reasons. As such, the Venice Commission of the EU ruled that due to the lack of exclusion of these undemocratic reasons for transfer, the right to a lawful judgement, part of the fair trial principle was violated. As such, the rewrite was abolished in 2013 due to the EU backlash as well as an independent Hungarian investigation findings (independent in the sense that they are not directly officially affiliated with the government or a majority party).<sup>14</sup> This is one instance in which due to EU rulings and independent Hungarian investigations, the Hungarian judiciary succeeded in withstanding attempts to harm its integrity. However, the changes made in the Fundamental Law continuously threaten and undermine the reliability and attitudes surrounding the court. More often than a direct and obvious degradation of the judicial system, the independence of the courts is thrust into doubt.<sup>15</sup>

Additional rewrites to the Hungarian Constitution permitted the new president of the National Judicial Office the ability to cancel any application procedure for a judge and call for a new one. Although an independent body decides the appointees, this mandate gave the President of the NJO undue influence over these applications. Perhaps the most blatant example of judicial interference was the introduction in the Fundamental Law (the new Hungarian Constitution) of a lowered mandated retirement age for judges of 62 years, previously set at 70 years.<sup>16</sup> This caused the immediate and sudden dismissal of 270 judges, a significant number of which were skilled senior judges and leaders of the courts. Due to the appointment process described above, the filling of these posts was not guaranteed to be impartial of Fidesz or other influence. Although the European Union once again attempted to hinder this threat to democratic practices and the EU Court of Justice ruled against Hungary, the affected judges remain in retirement.

The prosecution is one such example of doubt that cannot directly be shown as an undermining of independence. The Prosecutor General (PG) leads the prosecution services in Hungary, and exercises powers and influences that go unchecked. Since prosecution services are not directly a part of the court system, at first glance it is not as clear that the judicial branch is being threatened. However, the PG may instruct prosecutors, reassign prosecutors, and take over any case at any stage of a legal proceeding without justification and therefore this ability is in fact a threat to judicial independence. There is also no legal way to unseat a PG once they are in power.<sup>17</sup> This is in stark contrast to the general view of Hungarian courts before the major onset of populism (in the window after the transition from communism) which was described in the *Michigan Journal of International Law* as having “operated with surprising independence, forcefulness, and insistence on protecting human rights and the rule of law.”<sup>18</sup> The courts after the election of Fidesz have time again been harmed by the new constitution, and yet there are certain instances of protection due to Hungary’s obligations as an EU member state.

## Political Rights of Disadvantaged Groups

There are a wide variety of groups which have been politically disenfranchised by the policies and discourse put forth by Fidesz. Most recently, a renewed wave of anti-Semitism has emerged, characterized by the Hungarian government's public persecution of globalization proponent George Soros. Orbán's campaign has had a multifold effect, vilifying not only the Jewish community but also that of other communities, exemplified in the "While propagating anti-Semitic stereotypes, Orbán has also managed to accuse Soros and the EU of wanting to "Muslimise" Europe" thereby additionally creating political discrimination of Muslims additionally exemplified by the xenophobic treatment of migrants.<sup>19</sup> Orbán has described the arrival of asylum seekers as posing a "public security and terror risk" and stating, "For us, migration is not a solution but a problem... not a medicine but a poison, we don't need it and won't swallow it."<sup>20</sup> Hungary, in defiance of the EU, has refused to take a single one of the 1300 asylum seekers it was allotted in the EU's quota solution as response to the migration crisis of the past decade.

While the above-mentioned waves of ethno-nationalism may be the most recent backlash against publically disadvantaged groups, the LGBTQ community has seen even more intense and long-standing political discrimination. Although discrimination based on sexual orientation is legally banned in accordance with the Hungarian Act on Equal Opportunity, the Hungarian government introduced an amendment with the 2016 budget bill which made it drastically easier to deny many benefits to same-sex couples.<sup>21</sup> Although this amendment was eventually withdrawn to be in accordance with Hungarian policy on separating church and state, the same constitution which technically guarantees this separation has in its preamble a multitude of direct references to Christianity, including statements in favor of religious interference such as its recognition of "the role of Christianity in preserving nationhood."<sup>22</sup> And while Hungary saw discrimination based on sexual orientation before the uprising of populism (likely due to the nation's history of religiously influenced politics), within the past 5 years especially the Fidesz government has become more publically open about their prejudices. A recent example is a 2015 landmark case in which the courts decided that referring to someone as homosexual in public is grounds for a case of "defamation of good character."<sup>23</sup>

The group which has perhaps seen the most marked changes in discriminatory policy in at least an official capacity is the Roma. The Roma are an ethnic minority spread across the globe but especially concentrated within Europe, and have faced intolerance for hundreds of years. Although the Roma are the largest ethnic minority in the nation, discrimination against them has always been prevalent in Hungary. During the Russian occupation from 1949 and 1989, there was a measurable abatement in discriminatory policies in a governmental capacity across multiple platforms, especially with regards to education and employment opportunities. Even after the post-occupation transition there was a general acceptance of the

Roma community, evidenced politically by their representation in government. In the first post-communist free elections in 1990 there were two Roma representatives elected to the Hungarian National Parliament and a third representative was elected in the following parliamentary elections in 1994<sup>24</sup>. While Viktoria Mohacsi, who is ethnically Roma and nationally Hungarian, was elected to the European Parliament in 2004, there has been no federal representation of the Roma in either governments since the completion of her term<sup>25</sup>. The lack of representation coincides almost exactly with the onset of Orbán’s current term as prime minister and the rise of populism. This timeline is unsurprising given the exceptionally open discriminatory rhetoric used by both Orbán and members of his cabinet, exemplified most obviously by Orbán’s protection of a Zsolt Bayer, who is also a founding member of Fidesz, after he publicly demanded a “final solution to the gypsy question” in 2014<sup>26</sup>. This public discrimination and discourse by respected politicians has created an atmosphere in Hungary, and similarly with other nations influenced by populism, wherein prejudice against the Roma and other minority groups has become significantly more acceptable in both official and unofficial capacities. This is best understood by examining the education system in Hungary. Although a 2002 amendment to the Public Education Act requires integration of Roma and ethnically Hungarian pupils, the Hungarian school system is exceptionally decentralized, making cases of segregation difficult to identify or resolve even with public or governmental support.<sup>27</sup>

While each of the aforementioned groups has seen drastic political discrimination with the onslaught of populism, many voters in general became disadvantaged with the application of Fundamental Law which gerrymandered voting districts in favor of Fidesz. In Figure 1, we see the multitude of districts during the 1998, 2002, and 2006 elections as they compare to the image in figure 2; which shows the results of the 2014 parliamentary election (the first after the constitutional redraw) and drastic simplification of districts in favor of Fidesz.

Figure 1. Graphic by L. Gergo 2006.

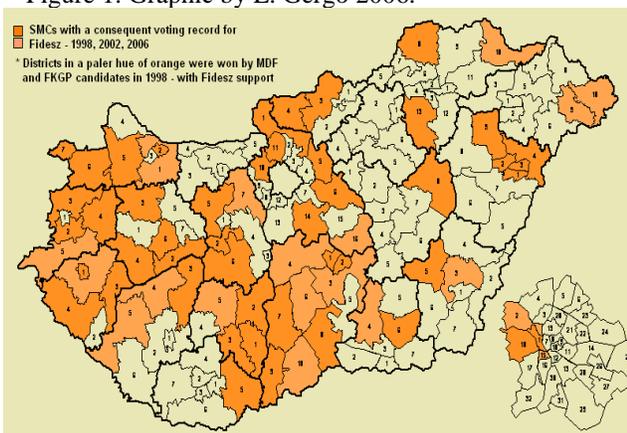
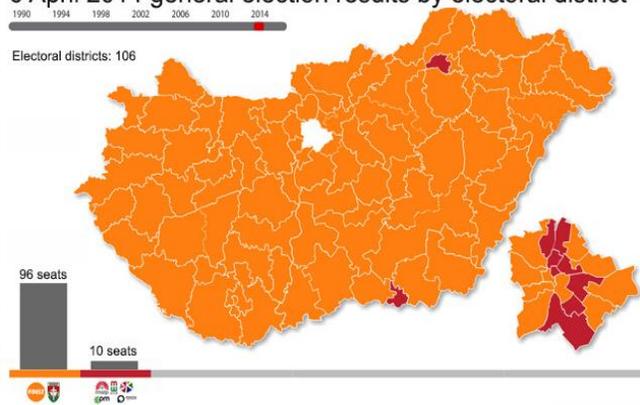


Figure 2. Budapest Beacon 2014. 6 April 2014 general election results by electoral district



The re-drawing of voting districts, combined with the aggressive rhetoric concerning the above-mentioned disadvantaged groups exemplified a marked increase in attempts and successes of power consolidation. By creating an “otherness” about certain groups, Orbán and Fidesz are utilizing salami tactics (a process of using divide and conquer practices to consolidate power in small increments at a time) and scapegoat techniques similar to other authoritarian leaders of history. The continued vilification of these groups has not only created a vacuum in which Orbán broadcasts his leadership as Hungary’s saving grace, but has subsequently greatly affected these groups’ democratic rights and freedoms and therefore has drastically corrupted democratic institutions within the nation.

## **Press Freedom**

The freedom of press in Hungary is extremely threatened by the populist government and has suffered directly and negatively as a result. There is international outrage against the actions of the government in stifling free speech and free publications, despite protections in the law. Freedom House has published very clear empirical data about freedom of the press in Hungary, with a clear fall from Hungary’s 2009 press status of Free and Press Freedom Score of 21 (0 being the best, and 100 being the worst). This is one year before Fidesz returned to power. The 2010 report shows Hungary falling to a score of 23, but still with a designation of Free.<sup>28</sup> However, by 2017 the Press Freedom Score fell to 44 and Hungary lost its status of a Free press. Reporters without Borders has also researched press freedoms, with data as far back as 2015, showing a fall from a rank of 65 with a score of 27.44 in 2015, to a rank of 71 and a score of 29.01 in 2017.<sup>29</sup>

The trend established by the 2010 fall and continuing into recent data was caused by myriad reasons. In 2010, media laws were amended by Orbán’s government. Changes included holding journalists accountable for publishing libelous comments even when made by others (such as when directly quoting an interviewee), the creation of a mandate for reporters to divulge sources if the government deemed the issue threatening to the state, and the creation of the National Media and Infocommunications Authority. This Authority has a Fidesz-appointed president with a nine-year term, and chair members appointed by the Fidesz-controlled parliament. The Authority also held the power to fine media for “unbalanced coverage.” These moves are deemed by the international community and much of Europe as dangerous to the press.<sup>30</sup>

In 2012, the designation for Hungary’s press freedom changed from Free to Partly Free.<sup>31</sup> Major events that motivated this designation include the creation of the National Agency for Data Protection, the shutdown of an anti-government radio station Klubradio, increased censorship as well as self-censoring due to fear, and the economic hardship faced by media channels in general. In 2014, Hungary experienced

an increase in government influence over media owners to influence coverage, as well as new taxes put into place that targeted a major television company that was not always pro-government.<sup>32</sup>

In 2016 Freedom House reports found that the police had paid television workers to avoid photos depicting women and children in their programming on the refugee crisis.<sup>33</sup> This action is linked directly with government messaging against immigration. As discussed in the section on the political rights of disadvantaged groups, Hungary embraced nationalism rather than inclusionary policies during the refugee crisis that swept over Europe. The identity of the nation was directly linked to a posited need to exclude “others,” and media that diverged from this messaging was fined. Consequently, media outlets began to align messaging with the Fidesz party, while simultaneously many independent or anti-government media outlets shut down due to economic hardship or outright government censure. Any pro-government sources continued to receive funding from the government, giving them a clear leg up over impartial or diverging news outlets. Additionally, a new amendment was passed that gave public agencies the right to charge for information requests, essentially destroying free access to information that the government or agencies held.<sup>34</sup>

Most recently, Hungary in 2017 received a score of 44.<sup>35</sup> It was discovered that 91 percent of coverage of the refugee crisis showed refugees in a negative light, reflecting Orbán’s sentiments. Pro-government media groups worked to purchase outlets and pressure was put on anti-government media. *Népszabadság*, a leftist newspaper, was shut down and then sold to a Orbán ally. When it reopened, its pieces were entirely in line with the Fidesz party ideals. Police frequently diminish a free and open press by banning reporters from certain areas, and seized cameras and drones used by reporters, claiming that they violated “aviation rules.”<sup>36</sup> “Orbán and the politicians and publicists close to him have encouraged fascist-like media such as *Sajtóklub* (in English: Press Club) or the weekly newspaper *Hungarian Democrat*, in which not only an anti-Semitic, gypsy-hostile agitation was being practiced but which also called to mind the foundation of a movement of ‘citizen circles’ e.g. the ‘national self-defense’ movement in which Gabor Vona and other right-wing extremist ideologues cavorted in 2006.”<sup>37</sup>

It is clear that especially after the re-election of Fidesz, which represented the full swing of populism, the press freedoms of Hungary suffered a tremendous blow. This troublesome trend helps Orbán and Fidesz maintain power, as their own citizens are unable to fully see and understand the political and judicial reshaping occurring in their nation.

## **Gender Equality**

The World Economic Forum (WEF) provides clear comparisons of women’s rights and women’s participation in politics before Fidesz regained power in 2010 - represented by the 2009 report - and after - represented by the 2017 report, which is the most recent data available. Reviewing this empirical data,

there is clear evidence that the gender gap has widened in Hungary since the 2010 election of Fidesz. The gender gap is essential to address when discussing democratic institutions because a fundamental tenet of democracy is equality, as it allows full optimization of potential by all citizens and the opportunity to engage in the political system. The WEF ranked Hungary as 65th out of 134 countries in 2009 for gender parity.<sup>38</sup> However, by 2017 Hungary fell to a rank of 103 out of 144 countries.<sup>39</sup> This is an extremely telling statistic, because the major political change in this time period was the regaining of power of the Fidesz party in the 2010 elections.

There was an empirical decrease in gender equality in the fields of economic opportunities, political empowerment, and salary for equal work. Hungary fell from a rank of 55/134 for Economic Participation and Opportunity for women in 2009<sup>40</sup> to 68/144 in 2017.<sup>41</sup> Labor force participation statistics show a better story, but upon further analysis the evidence is not compelling: participation in 2009 was 56 percent for women, but 68 percent for men.<sup>42</sup> In 2017 this rose to 61.6 percent for women and 74.4 percent for men.<sup>43</sup> Although women's participation rose, the growth rate for men's labor force participation was approximately equal to that for women's participation, 0.09 to 0.10 respectively. A United Nations (UN) Working Group on the issue of discrimination against women in law and in practice reported in their findings from a 2016 mission to Hungary that "new school books contain numerous gender stereotypes, depicting women almost exclusively as wives and mothers and, in some cases, demeaning mothers as less intelligent than fathers."<sup>44</sup> This depiction in all compulsory state education programs weakens the ability for women to visualize and reach their full potential, and adds to the pervasive gender gap. The Working Group's analysis included empirical evidence as well as interviews with male and female citizens of Hungary.

Analysis of political representation also showed a marked decrease. The female to male ratio in parliament fell from 0.12 in 2009<sup>45</sup> to 0.11 in 2017, currently the lowest proportion in the EU.<sup>46</sup> Hungary ranked 81 out of 134 in 2009,<sup>47</sup> and currently is down to 138 out of 144. These dismal numbers are indicative of an obvious hit to women's political engagement since the election of the new party. Hungary's salary for equal work between men and women fell from 113rd out of 134 in 2009<sup>48</sup> to 124th out of 144 in 2017. The European Parliament Commission found that the Fidesz government has no programs in place to address this problem, despite criticism from the rest of Europe for their status.<sup>49</sup> The UN Working Group on women's observed in 2016 a "pervasive and severe gender stereotyping of women which undoubtedly contributes to their low level of political participation" on their mission to Hungary, and also documented a number of instances of speeches at both political rallies and government events that utilized this stereotype.<sup>50</sup> The UN Working Group on the issue of discrimination against women in law and in practice also expressed concern about politicians inciting hatred against gender minorities, an

institutionalized sexist culture for the gender minorities who do enter politics, and the emphasis on traditional gender roles in government ideologies.<sup>51</sup>

There is also a lack of complete constitutional protection for gender equality from the Fidesz government. The Fundamental Law of Hungary, the new constitution passed by Fidesz on 25 April 2011, did not include a requirement of equal wages, unlike the previous constitution. It does guarantee equal rights<sup>52</sup> and prohibits discrimination on the basis of characteristics including gender.<sup>53</sup> These constitutional protections therefore do exist, but fail to fully protect gender equality.

The UN also compiles a Gender Inequality Index that measures the inequality between genders based on reproductive health, empowerment, and the labor market. In this report, Hungary's inequality score has also shown an increase in inequality since the election of Orbán. In 2000, the index was 0.260. By Fidesz' election in 2010, the score had dropped to 0.255. However, in the first year of Orbán's leadership, the score rose to 0.261, then to 0.259 in 2012 and 2013, and then fell to 0.249 in 2014<sup>54</sup> due to public pressure to finally sign the Istanbul Convention to protect against violence against women. This signing was done despite public officials commenting that "the problem of domestic violence could be resolved if women did their societal duty and gave birth to three or four children."<sup>55</sup> However, the inequality indicator rose again to 0.252 in 2015 despite the signing,<sup>56</sup> signifying that even the official public moves towards equality were nothing more than symbolic.

## **Conclusion**

The actions of Orbán and his party have become a model for other populist leaders consolidating power around the world as global populism continues to rise. Orbán holds this distinction due to his contemporary status as a populist as well as his ability to successfully consolidate and maintain power, even in the face of liberal democracy put forth by the European Union. Even as recently as February 2018, Western media has declared Orbán as a representation of a broader decline of democracy.<sup>57</sup> Orbán's ability to read the zeitgeist of his nation and shift from a young liberal to a conservative authority propelled him to power, and he has used the populist tide to stay there. As long as Hungary continues to feel the sting of lost land after the World Wars and the lost years of cultural and economic development under the Soviet Union and subsequent socialist parties, Orbán's base will remain supportive. Additionally, Fidesz has at this time created a political environment where even when public opinion shifts, change may not be possible. The judicial system has been degraded and is now wrought with political cronies, so the legal avenues for change may be difficult. The rights of women and gender minorities as well as disadvantaged groups have been severely harmed, especially through gerrymandering. This effectively has constrained the power of entire classes of voters to demand change against the populist tide. Media freedoms have been effectively curtailed, so existing media is nothing

short of propaganda. With these democratic institutions weakened, Orbán is more likely to be able to maintain power even if public opinion shifts.

One hopeful note for the fate of Hungary is its membership in the European Union. Hungary and Poland, a nation facing a similar tide of populism, “are net recipients of EU funds and among the largest beneficiaries of cohesion funding from the bloc.”<sup>58</sup> However, the EU has often threatened economic pressure and publicly criticized Hungary without pulling funding. In addition, other European states are drawing inspiration from Orbán. The leader of Poland’s governing party has said of Orbán in 2016, “you have given an example, and we are learning from your example.”<sup>59</sup> No matter if the European Union effectively can curb and even reverse the harm to democratic institutions that have been underway, the effects have already reverberated across the nation, and across all of Europe.

The initial attacks on democratic institutions were through the constitutional rewrite of 2010, in which the foundation for rewriting the judicial system was created. The next attacks were on the free media starting with the 2011 law to create the National Media and Communications Authority, which could impose fines for coverage deemed unbalanced or offensive to common morals. This allowed Fidesz and Orbán to carry out the next steps of de-democratization and consolidation into one party rule without the loss of support. Media groups were either state-run or unable to cover without extreme bias due to both lack of funds as well as threats of fines and shutdowns. The demonization of the media and of the elites has been a common thread in other nations facing populism. The steps of altering the judicial system and even the political system into voting blocs that sustain power were all the more achievable due to the lack of clear media coverage. Orbán’s example has put forth a guide for future right wing populists to consolidate power in liberal democracies.

# INDIA

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## Introduction

India's case of populism is unique. Unlike many Western countries, populism rhetoric is not about Muslim immigration or refugees, but about long-established Indian Muslims belonging to a religion considered foreign. The nature of populism in India is Hindu nationalist, which uses religion to mobilize large numbers of people and unite a fragmented population. While there are many ethnic, cultural, linguistic, and differences between Indians, what unites different groups of people from across India is that the vast majority share a common religion: Hinduism. Utilized by India's ruling party, it is a "way of life" that brings different ethnolinguistic groups together. Populism in India that presents itself in the form of right-wing Hindu nationalism threatens not only minority groups ideologically opposed to Hinduism, but also anything that runs counter to the traditional "Hinduness" of the nation.

## *History*

Throughout history, the word "Hindu," has been used inclusively to refer to the native traditions and people of India. It was only with the arrival of the British that the word "Hindu" came to be used exclusively in regards to certain religious practices.<sup>1</sup> In their two centuries of rule, the British did little to promote either democracy or secularism. While the Indian National Congress, the party of Mahatma Gandhi and Jawaharlal Nehru that initiated Indian independence, tried to unite a deeply fragmented post-colonial India, it never quite succeeded in bringing every group under its umbrella or in bridging all the major divisions in Indian society. The Hindu caste system riddled Indian society with deep divisions, and aggravated Hindu-Muslim relations. Certain colonial practices, some adopted to divide and rule and others for reasons of administrative convenience, exacerbated the splits among Indians. As independence approached in 1947, the demands of electoral politics led Congress to compromise its secularist principles. By introducing Eurocentric morals, customs, and values, British colonial rule inadvertently stimulated various Hindu revivalist movements that sprang up in reaction. From the newly formed Hindu revivalist movements then came the concept of "Hindutva," meaning "Hinduness." Hindutva was popularized by Hindu nationalist Vinayak Damodar Savarkar in 1923, and is the predominant form of Hindu nationalism in India.<sup>2</sup> The ruling right-wing Bharatiya Janata Party (BJP) and its parent organization, the Rashtriya Swayamsevak Sangh (RSS), both profess dedication to Hindutva ideology.

The Partition of India that followed independence outraged many Hindu nationalist supporters. Many were extremely critical of Mahatma Gandhi's leadership, accusing him of trying to appease Muslims, and by extension, Pakistan. Nathuram Vinayak Godse, Gandhi's assassin, belonged to the RSS.

While the RSS was not involved in Gandhi's assassination, they were subsequently banned.<sup>3</sup> The partition displaced over 14 million people along religious lines, creating overwhelming refugee crises in the newly constituted dominions. Partition was plagued with large-scale violence, and while estimated of loss of life disputed, it varies between several hundred thousand and two million. As the constitution of newly independent India was being drafted (ratification came in 1950), disagreements over secularism intensified. The framers had to confront the challenge of creating a secular constitution to govern a society rife with a variety of religious sentiments. The end result was a constitution that recognized the rights of religious minorities without privileging the Hindu majority, and granted freedom of religion to all citizens. Framers of the constitution, who were also members of the ruling Congress party, introduced legislation that sought to modernize Hindu personal law; i.e., laws that deal with religious matters relating to family affairs, marriage, divorce, inheritance, etc.<sup>4</sup> At the same time, these legislators made a conscious effort to avoid changing Muslim personal law, concluding that the still-fresh trauma of partition made it advisable to defer legal reform of Muslim religious practices to a later time. This decision would later play into the narrative of Hindu nationalists, who argued that the officially secular state was actually pandering to minorities. Many modern advocates of Hindutva use the phrase "pseudo-secularism" to refer to policies that they believe unduly favor Muslims.

### *Modern India*

In 2014, the BJP won the Indian national election, which was the largest election in human history. It became the leading party of the largest and most diverse democracy in the world, winning 51.9 percent of seats in India's lower house, the Lok Sabha.<sup>5</sup> It was the biggest victory since the Congress Party won in 1984.<sup>6</sup> On May 26, 2014, Narendra Modi was sworn in as the 15<sup>th</sup> Prime Minister of India. This was a historic win for the country, as it was the first instance since 1984 in which a single party had achieved an outright majority in the Indian Parliament, and the first time that it achieved a majority in the Lok Sabha on its own strength. The BJP was very successful at mobilizing its supporters, and raising voter turnout among them, with support concentrated in the Hindi-speaking belt in North-central India. The magnitude of the victory was not predicted by most opinion and exit polls. Political analysts have suggested several reasons for this victory, including the popularity of Modi, weak opposition from the Congress Party, and corruption scandals within the Congress Party's previous term. Its support among Muslims remained low; only 8 percent of Muslim voters voted for the BJP.<sup>7</sup>

For Hindu nationalists to define Hindutva, or "Hinduness," as the basis for nationalism and thus recent populist movements in India, the first step needed was to redefine what counts as religion. In a pre-election interview Modi parroted the RSS line "Hinduism [is] not a religion, but a way of life." In the

modern BJP, the equation of Hindus as Indians is intended to sound welcoming, but in that, there is a contradiction—one that Muslims and lower castes feel most sharply.

Modi is an avowed Hindu nationalist and populist. Born as a “chaiwala” or a tea vendor, he has been a member of the RSS since the 1970s when he joined at the young age of 8.<sup>8</sup> Modi being a “chaiwala” is a key part of his narrative and cult of personality, as is a photoshopped picture of him sweeping a floor. These two strategic symbols show the frequent populist narrative of the leader being a “common-man.” The RSS had been previously banned for violence, once during British rule, another time after Gandhi's assassination, and one last time in 1992 following the demolition of a mosque.<sup>9</sup> Modi himself was once barred from entering the United States on religious grounds for his involvement with the 2002 Gujarat riots.<sup>10</sup> Since taking office, the BJP government has done little to implement the promises made by Modi to improve religious freedom, protect the rights of women, and end abuses against minorities.<sup>11</sup>

## **Judicial Independence**

The judiciary in India is independent of the executive branch, with the doctrine of the separation powers written into the constitution. However, the integrity of the judiciary has come under question in recent years; four of India's most senior Supreme Court judges have warned that democracy is under threat because of the way the court is being run.<sup>12</sup> According to data from the World Bank, judicial independence in India was on the rise, peaking in 2014 (the year Modi was elected), when India was rated 4.74 out of 7, where 7 is the best. However, in 2016, two years after Modi's election, India's score dropped to a 4.02.

The legal system is notoriously overburdened, with the chief justice of the Delhi High Court announcing it would take 466 years for the courts to clear the existing backlog.<sup>13</sup> Citizens have reported that they offered bribes to move their case through the courts. However, there is usually an exception for high profile cases such as the Delhi Rapes. Even then, legal protections are not always sufficiently upheld by the courts or respected by government officials. One former judge of the Supreme Court, Justice Markandey Katju, claimed in 2015 that 50 percent of the higher judiciary, which consists of the Supreme Court and high court judges were corrupt, and criticized the trend of judges and their relatives practicing in the same court.<sup>14</sup> Lower levels of the judiciary in particular have been rife with corruption. India's Supreme Court has a history of judicial activism that is often a nuisance for governments. During the last administration, it took the long-established Congress Party government to task over corruption and human rights. However, since taking office, Modi's government has been criticized for deteriorating judicial independence and for seeking the resignation of state governors appointed by the last government.

In 2017, a provision in the 2016-2017 Finance Act by the Department of Revenue, Finance Ministry gave the Central government the power to “make rules to provide for qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service” for judges appointed to 19 tribunals.<sup>15</sup> The manner in which these rules have been drafted gives undue power to the central government and leads one to assume that the judicial independence of these 19 tribunals will be compromised because of the excessive influence of the central government in appointing and removing judges. It is worth noting that the current Finance Minister Arun Jaitley, who was appointed by Modi in 2014, is a member of the BJP and is a Senior Advocate of the Supreme Court of India.

### **Political Rights of Disadvantaged Groups**

Of the four pillars of democracy outlined in this report, the political rights of disadvantaged groups has suffered the most both historically, and under Modi’s populism. India could, in many ways, be described as a nation of minorities, with a multitude of different intersecting ethnic, linguistic, religious, and class differences. India is a signatory of the United Nations charters on minorities, which advise that states should take measures required to ensure that persons belonging to minority groups may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.<sup>16</sup> However despite this, two groups remain disproportionately discriminated against to this day—Muslims and the Scheduled Castes and Tribes. Scheduled Caste and Tribe voters remain deeply skeptical of the BJP’s agenda. Many lower-caste elected politicians have joined over a common cause with the Muslims against the BJP.<sup>17</sup> Incidents of violence against religious minorities spiked in 2013 in the run-up to national elections; 133 people were killed and 2,269 injured in 823 incidents.<sup>18</sup> LGBTQ rights in India remain an issue to this day, generally unchanged by populism. Same-sex relationships remain illegal, albeit contested by activist groups.<sup>19</sup>

The Scheduled Castes (Dalits) and the Scheduled Tribes (Adivasis) continue to face discrimination and social segregation in many aspects of public and private life. The latter—Indigenous peoples in India who have historically been deemed outside the scope of the Hindu caste system—consistently face discrimination and suffer from socio-economic marginalization. Dalits are often the victims of social ostracism, having inadequate access to health care and poor working conditions.<sup>20</sup> The constitution requires the government to define a list or schedule of the lowest castes in need of compensatory programs. In India, seats are reserved for these historically disadvantaged groups in federal or state legislative assemblies; out of 543 seats in India’s parliament, 84 (15.47 percent) are reserved for Scheduled Castes and 47 (8.66 percent) for Scheduled Tribes.<sup>21</sup> However, the Protection of Civil Rights Act (1955/1976) and the Scheduled Caste and Scheduled Tribes Act (1989) remain largely

unimplemented.<sup>22</sup> RSS representative Mohan Bhagwat questioned the efficacy of the policy and called for its review in September 2015, which has caused many to assume the BJP supported this view. In response however, Modi has reiterated his commitment to keeping the policy in place.<sup>23</sup>

Indian Muslims, the second largest Muslim population after Indonesia, are not granted the same constitutional safeguards as the Scheduled Castes and Scheduled Tribes, and they are not entitled to reservations in employment, education, and government. The Minorities Commission, set up after the election of the Janata government in 1977, monitors the position of the non-Scheduled Caste and non-Scheduled Tribe minorities such as Muslims, although it has no power to implement changes.<sup>24</sup> There have been several Muslim chief ministers and two Presidents have been Muslim, although the latter position holds little real power despite high visibility. Many government commissioned studies, the most prominent being the Sachar Committee Report and the Justice Ranganath Mishra Report, have underlined that the position of Indian Muslims is systematic in nature.<sup>25</sup> While the constitution approved an affirmative framework, with a 15 percent quota for Scheduled Castes and 7.5 percent quota for Scheduled Tribes for all government posts, university education, employment and election constituencies, there is no similar legislation for religious minorities. In the absence of any such affirmative action for Muslims, as the Sachar Committee Report and other reports have observed, their participation in government jobs has been declining since independence. In India's elite civil services, Muslims comprise 3 percent of the workforce in administrative services and 1.8 percent in foreign services.<sup>26</sup>

In the Hindutva populist political discourse, it is projected that Muslims are getting more benefits from the political system and that political parties appease and unduly favor Muslims in what many call "pseudo-secularism." However, the Sachar Committee Report proves this portrayal of Indian Muslims is incorrect. For example, there are 16 constituencies in the largest Indian province, Uttar Pradesh, where the Muslim population is above 20 percent. However, not a single Muslim won a seat in the 2014 general elections. There are only 22 Muslims among 543 member parliaments elected in the 2014 general elections, which is 4.05 percent lower than their population ratio of 14 percent.<sup>27</sup> One Georgetown University study finds that increasing BJP representation in India's state legislative assemblies results in "a large and significant decrease in the likelihood of Muslims being employed in both the public and private sector."<sup>28</sup> The subject of a Uniform Civil Code, which would remove special religion-based provisions and personal laws for different religions from the Constitution of India, is thus one of the main agendas of the BJP.<sup>29</sup> The Uniform Civil Code is opposed by Muslim leaders and the Indian National Congress.<sup>30</sup>

Having secured his political power in Gujarat through religious polarization, Modi, and more broadly his BJP government, exacerbates Hindu-Muslim tensions.<sup>31</sup> Modi is often criticized for turning a blind eye in 2002, while he was chief minister in Gujarat, to anti-Muslim riots, due to which anywhere

from 2000-3000 Muslims died following a train car explosion.<sup>32</sup> While officially condemned by the BJP, a BJP office holder offered a bounty of 1.5 million USD for the head of the lead actress of *Padmavati*, a recent Bollywood movie that depicted a romance between a Hindu princess and a Muslim invader.<sup>33</sup> Cow vigilantism, a practice among mobs attacking Muslims and Dalits in the name of protecting cows (a venerated symbol in Hinduism), also remains a huge issue in India, typically going unpunished. There has been a rise in the number of incidents of cow vigilantism since the 2014 elections, with the frequency and severity of such violence described as “unprecedented” by human rights groups.<sup>34</sup> Some see cow vigilantism as just an excuse to exacerbate the already tense relationship between religious communities.<sup>35</sup>

## **Press Freedom**

India ranks only “partly free” (43/100, with 100 considered “least free”) according to Freedom House data. This has gone up since the 2014 elections where India was rated 39/100. This follows the country’s general trend; since 2010, when India had its best score of 33/100, its press freedom has continuously declined. However, India has a vibrant media that still remains the freest in South Asia. While Modi claims to be committed to a free press, his actions sometimes imply differently.

After taking office, the Modi government reportedly told senior officials to avoid media interviews and channel communications with the press through official spokespeople. Journalists complained that the new leadership relied on one-way formats—such as social-media posts and the prime minister’s monthly radio program *Mann Ki Baat*—to communicate with the public instead of granting access to the press.<sup>36</sup> Modi’s radio show closely resembles those of Viktor Orbán and Hugo Chávez.

The press, under the BJP government, is not as vigorous as it used to be, not because of government regulations but rather the fear of backlash from the Indian people. Many media outlets have fallen into place without the government demanding that they toe the line. Although the constitution guarantees the freedoms of speech and expression, legal protections are not always sufficiently upheld by the courts or respected by government officials. A number of laws in India can be formally used to restrict media freedom, such as the sedition law (Section 124A of the 1860 penal code), which outlaws expression that can cause “hatred or contempt, or excites or attempts to excite disaffection” toward the government.<sup>37</sup> The 1923 Official Secrets Act gives government authorities the right to censor security-related articles and prosecute members of the press.<sup>38</sup> In addition to threats of legal action and government pressure to report news favorable to the government, self-censorship imposes a legitimate threat to the plurality of views in national discourse. Journalists also self-censor to keep the public interested and avoid losing revenue from public-sector advertising purchases, which is often essential to journalists’ livelihoods.<sup>39</sup> So far, no journalists have been convicted of sedition, which is punishable by life

imprisonment, but the threat encourages self-censorship. With Hindu nationalists trying to purge all manifestations of “anti-national” thought from the national debate, self-censorship is growing in the mainstream media. Journalists critical of the BJP government have also faced pressure in the form of online harassment and threats from supporters of the BJP, particularly on social media. According to the Freedom House Freedom of the Press Report, violence against reporters is encouraged by a “prevailing climate of impunity,” with at least one journalist killed in connection with his reporting.<sup>40</sup>

Members of the press are particularly vulnerable in rural areas and insurgency-wracked states such as Chhattisgarh, Jammu and Kashmir, Assam, and Manipur, where they continue to face physical violence, harassment, and censorship from the government or militant groups.<sup>41</sup> In Kashmir there was a temporary suspension of all television, print, and internet services. Many students, activists, lawyers, journalists, and academics have been punished for speaking out. In the period surrounding the May 2014 elections, authorities at the state and local level reportedly brought defamation charges against students and professors for criticizing the then-incoming prime minister Modi.<sup>42</sup> The BJP has succeeded, with the help of Hindi-language media, in portraying universities as places where leftists are creating and spreading anti-national ideas and conspiring to break India into pieces.

## **Gender Equality**

Violence against women remains a huge issue in India. Modi has stressed protection of women from violence, but assault rates have increased 34 percent over the four years leading up to 2015, according to the latest data from the National Crime Records Bureau. The rate of crime against women—the number of crimes against women reported divided by total female population—has gone up from 41.7 to 53.9 per 100,000 population between 2012 and 2015. The higher rate could be explained by increased crime, but some activists claim that the apparent rise in crime rates is due to increase in reporting rather than an increase in crime.<sup>43</sup> Many high profile rapes and assaults on women have led to huge protests in India, but have never resulted in government action. While greater publicity has led to greater consciousness of women’s positions in society, especially caste society, change is slow at both a societal and governmental level. In 2015, the government banned filmmaker Leslee Udwin’s documentary *India’s Daughter*, which chronicled the 2012 gang rape and death of a medical student in Delhi.<sup>44</sup> Legislation regarding crimes against women calls into the question the value of women in India. For example, in the Indian state of Haryana, the maximum sentence for a convicted rapist is three years less than for a cow-slaughtering offense.<sup>45</sup>

Followers of Hindutva and the BJP have questioned differential religious laws in India which allow polygamy and “triple talaq” divorce, an instant divorce banned by many Muslim countries in which the declaration of divorce is repeated three times. Triple talaq thereby compromises on the status of

Muslim women and marginalizes them. Some see the BJP push for the banning of triple talaq as a political weapon for the BJP to gain the vote of Muslim women and further criminalize Muslim men, as the contents of the bill allow anyone, not only the wife, to lodge a complaint. While the BJP takes credit for this legislation, it is important to note that the bill was, at least in part, the result of decades of campaigning by Muslim women's groups and victims against the practice.<sup>46</sup>

Dalit and Muslim women have been particularly affected in recent times. They are discriminated against not only because of their gender, but also because of religious, social, and cultural structures which have given them the lowest position in the social hierarchy. In areas of health care, education, housing, employment, wages, and political participation, these women have been almost entirely excluded from development policies and programs. Under the BJP government, there has been little change in attitudes of society towards these women, who continue to be oppressed, marginalized, and violated.<sup>47</sup>

Under BJP leadership, there is some degree of female representation in government. Modi's cabinet includes six female ministers.<sup>48</sup> Female quotas of 33 percent representation are currently in place for elected positions in India's three-tier local government system.<sup>49</sup> However, India still ranks 148<sup>th</sup> globally in terms of representation of women in executive government and parliament, according to a report published by the Inter-Parliamentary Union and UN Women. It ranks 125<sup>th</sup> overall in gender inequality according to the UN's Gender Inequality Index.<sup>50</sup> In the 2014 elections, women made up only 12.15 percent of the Lok Sabha, with 62 women in the 543-member Lok Sabha. This is the highest number of women MPs elected to the Lok Sabha in the history of India, but only by a small margin as in the 2009 elections there were 58 women elected, making up 10.87 percent of the total Lok Sabha.<sup>51</sup> As for the Rajya Sabha, the less powerful Upper House of Parliament, of the total 239 members only 28 were women.<sup>52</sup> While women are not equally represented in the parliament, voting rates between men and women are generally equal. During the 2014 Indian parliamentary general elections, women turnout was 65.63 percent, compared to 67.09 percent turnout for men.<sup>53</sup>

## **Conclusion**

In the case in India, a history of violence against women, religious communities, and lower class citizens makes a comparative portrait of the BJP's effect on democratic institutions difficult to discern. Populism did not come out of nowhere, but rather exploited and then thrived off of the cracks already in Indian society. While populism has certainly exacerbated tensions, the alarming discrimination and violence against women and minorities remains a consequence of a fractured past from which India has yet to heal and a broader symptom of economic underdevelopment. 200 years of British imperialism and the manner of partition left a bitter legacy, and the perception of Muslims in India as anti-India or anti-national has done much to damage Hindu-Muslim relationships. The rise of populism in India overtook

the secular attitudes and policies that were evident in the first decades of independence, have become an issue with which Muslims must contend.

Despite the uncertainty of a liberal, secular democracy in India, all might not yet be lost. Followers of Hindutva ideology have been trying to create a Hindu monolith; however, such exertions are unlikely to go much further, for Hinduism is inherently pluralistic. Hinduism does not have a common sacred text, lacks a centralized hierarchical, and sacerdotal authority. Different regions in India also put emphasis on different deities and religious holidays.<sup>54</sup> While 79.8 percent of Indians are Hindu, a Hindu from Tamil Nadu and a Hindu from Uttar Pradesh could not be more different.<sup>55</sup> Just as India is religiously diverse in its practices of Hinduism, many Indians also deeply identify with their respective region that may include a distinctive language and cultural identity. Not only Tamils, the most vociferous example, but Bengalis, Biharis, Punjabis, and Gujaratis (to name a few) have regional and in some cases ethnolinguistic identities that they embrace along with their identities as citizens of India. If the BJP government goes too far in promoting a North Indian Hindi-centric Hindutva, regional and ethnolinguistic identities could become focal points for political opposition to BJP policies. India's sheer diversity could be its own form of checks and balances.

# ITALY

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## Introduction

Over the past few decades, the Italian political climate has been fertile ground for populism. This was particularly true in the late 1990s when Italian political institutions, known as the First Republic, were in a poor state. The widespread national corruption scandal involving the then-dominant Christian Democrat and Socialist parties had weakened the First Republic. Following the Clean Hands (Mani Pulite) investigation, major political parties disappeared and subsequently created a power vacuum in Italy which allowed populist actors to take over the political scene with their anti-establishment agenda.<sup>1</sup> At the same time, the Italian economy was not doing any better due to the foreign exchange crisis and the financial quasi-crisis of September 1992.<sup>2</sup> The populism that subsequently developed in Italy is multifaceted. There are three major populist parties: a regionalist populist party founded by Umberto Bossi called Lega Nord (Northern League); Forza Italia, founded by Silvio Berlusconi, a populist party that revolves around himself; and the latest addition to populist movement in Italy, the 5 Star Movement (5SM) party founded by a former comedian, Beppe Grillo.

Lega Nord, the regional populist party which came into existence as a result of the merger between the Lombard League and other regionalist movements in 1991, is a classic example of right-wing populism with its strong anti-immigration stance and aggressive attitude towards the political and institutional elites.<sup>3</sup> According to the Oxford Handbook on Populism, Lega Nord exemplifies the “fusing of sub-national identity politics with populism.”<sup>4</sup> As a result, there is a trend of proliferation of the regional movements and parties in Italy, seen in the political ideologies in LN’s election campaign. Regionalism is a channel that the populists use to express their frustration towards the inefficiencies of the central state and is often the center of debate among the politicians. Aside from a rather conservative take on social welfare, state bureaucracy, and anti-immigration stance, regionalism is a persistent theme in LN’s populism. This essentially divides Italy into the North and the South. The election campaign consists of strong opposition to increased government spending in the South. The failure of Italian central structures coupled with the high level of corruption called for “greater autonomy for the North to free itself from the ineffective Italian state and from the need to support the South.”<sup>5</sup>

In the case of Forza Italia, a party founded in 1993 by populist actor Silvio Berlusconi, the expression of populism was “entirely delegated to [Berlusconi], who made it a trademark of his political style.”<sup>6</sup> Italy had a populist government for eight and a half years under Silvio Berlusconi from 1991 to 1995, 2001 to 2006, and 2008 to 2011. In 2009, Forza Italia merged with other non-populist parties to form the People of Freedom party (PdL) which remains under Berlusconi. This leader-centered populism sets Berlusconi apart from other populist actors in Italy. His power has been attributed to his control over

the media, allowing him to effectively communicate his messages to the masses and manipulate them according to his personal interest.

Meanwhile, the period of world economic recession in 2008, which coincided with a political crisis due to the lack of a majority win by major parties, facilitated the addition a new populist party called the 5 Star Movement. Even though Beppe Grillo's 5 Star Movement is relatively new in Italy, it has already become the most popular one. The party's platform does not only include right-wing populism ideologies such as anti-European and anti-immigration sentiments, but it also includes left-wing ideologies in consideration of its pro-environment and anti-corruption stance. 5 Star Movement's success in the 2013 election was a wakeup call to older populist parties and has been attributed to the founder's ability to mobilize young voters and representatives.

### *The Effects of Populism*

The populist actors have collectively undermined Italy's democratic institutions. Berlusconi imposed great restrictions on press freedom in Italy. As a media tycoon, he controlled both the way media content was communicated to the masses and who was appointed to positions for the state network. Populism has also compromised judicial independence in Italy. Under Berlusconi's administration, the state passed laws which granted immunity to the Prime Minister and his anti-judiciary rhetoric painted the judicial system negatively. Next, populism contributes to the oppression of marginalized groups. Populist parties like Forza Italia and Lega Nord have collectively passed laws which oppressed the Roma community. These parties are also responsible for the propagation of anti-immigrant ideology which impacted immigrants and the Muslim community. Meanwhile, the LGBTQ community has not received equal rights and protection from these populist parties. Finally, populism posed a threat to gender equality in Italy, seen in the increasing magnitude of inequality between men and women especially in terms of female employment and women's political representation. This is strengthened by traditional patriarchal and machismo attitudes, and supplemented by populist actions. Despite all this, populist parties continue to gain strong support in Italy, as seen in the last Italian general election in 2013 where major populist parties like People of Freedom, Forza Italia, Lega Nord, and the Five Star Movement gained over 50 percent of the vote.<sup>7</sup> Therefore, populism in Italy is an important case study due to its strong continuous force in Italian politics.

### **Judicial Independence**

Judicial independence is a crucial part of Italy's political and institutional system. The 1948 constitution stated that "the judiciary constitutes an autonomous and independent branch of government not subject to any other" (Article 104 Section 1).<sup>8</sup> Silvio Berlusconi, the Prime Minister of Italy for three

terms, repeatedly undermined this institution. Constitutionally, the judicial system possesses a high level of independence from political power, which was historically used to separate the judiciary from influence after the rise and fall of Italian fascism. The Italian judicial system is known to be critical of its government. For instance, judges exercised their power to prosecute politicians during the Clean Hands investigation (Mani Pulite) in the 1990s, which ultimately took down the First Republic.<sup>9</sup>

Berlusconi's administration passed *ad personam* (personal) legislations, that were intended to shield Berlusconi from prosecution and trial. The label *ad personam* was coined by journalists to describe Berlusconi's abuse of executive power by passing laws to avoid his legal troubles.<sup>10</sup> In 2003, the Italian Parliament reinstated immunity for the president, the prime minister, two parliament speakers, and the chief of justice. This privilege was revoked after the Clean Hands investigation in the 1990s.<sup>11</sup> The law that was passed when Berlusconi was in power granted him immunity from prosecution while he remained in office, which officially put him above the law. The immunity law violated Article 3, which guarantees equality before the law, and Article 138, which sets out the procedure for a constitutional change.<sup>12</sup> He was again granted the same privilege when he resumed power as Prime Minister in 2008. The law was overturned in 2009, as it was proven unconstitutional and to violate the principle that all citizens are equal. This abuse of power by Berlusconi was reflected by the World Bank's Index on Judicial Independence. In 2008, Italy scored 3.60 and in 2009 the score went down to 3.14, on a scale of 1 to 7, with 1 being not independent at all and 7 being entirely independent. The score increased to 3.48 the year after the law was overturned and peaked at 3.99 the following year.<sup>13</sup> Even though the legislation was overturned, demonstrating the independence of the judiciary as well as its resilience against executive intrusion, Berlusconi benefitted from these legislations while they were in place.

Berlusconi also used anti-judicial rhetoric to attack the judicial system. His defense mechanism against any criminal trials since 1994 has been to accuse the judiciary of being politically biased against him personally. The former Prime Minister made sure to use his advantage as a media tycoon to communicate to the masses about this purportedly unfair judicial system that he claimed was politicized.<sup>14</sup> Berlusconi accused the judicial system of not being apolitical, and claimed that the system's unbalanced left-wing political power targeted him. Consequently, this made a significant impact on public opinions and attitudes towards the judicial system and caused deep distrust of the judiciary power which would be a major threat to the stability of the democratic institution. When Berlusconi was found guilty of tax fraud and charged in 2014, he stated the ruling was "a political sentence, the way so many other trials invented against [him] have been political."<sup>15</sup> Some critics theorized that Berlusconi abused his control over media for his own benefits to stay out of jail by intimidating the judges. Defense lawyer Markus Wiget stated that "Berlusconi has been judged by so many magistrates and more recently the supreme court that it is difficult to believe that all of them were biased in analyzing these crimes."<sup>16</sup> Despite the right-wing

populist's persistent attempt to undermine judicial independence by modifying the judicial procedures to benefit himself, the strong institutional framework of the judicial independence often managed to overturn these actions. Berlusconi's successful attempts to avoid prosecution when he was in power clearly displayed manipulation and abuse of power.

### **Political Rights of Disadvantaged Groups**

Political rights of disadvantaged groups in Italy have deteriorated over the years. The Roma community, immigrants, Muslims and LGBTQ community are among the minority groups that are affected negatively by populists' anti-immigration sentiment and xenophobic propaganda. In 2002 and 2006, The European Commission against Racism and Intolerance (ECRI) denounced Lega Nord's "intense use of racist and xenophobic propaganda."<sup>17</sup> Populist pressure increased after 2007, when Lega Nord formed part of the national government headed by Berlusconi. The exacerbation of the xenophobic campaign of the right-wing coalition government not only resulted in laws discriminating against immigrants, but also created a climate of widespread hostility in public opinion against the idea of immigration and immigrants themselves. Notably, in 2006 Lega Nord promoted a law that "significantly weakens the penalties against incitement to hatred and racial discrimination."<sup>18</sup>

The Roma community, an ethnic group spread across the globe, has a long history in Europe. They have attracted considerable public attention and negative media coverage, and are often blamed for criminal activities in Italy. According to an opinion poll done during the administration of the right-wing government coalition in 2008, 68 percent of Italians wanted to see the country's 150,000 Roma expelled, ignoring the fact that many of them are Italian citizens.<sup>19</sup> The survey was published as mobs in Naples burned down Roma camps following the news that a Roma couple was arrested on suspicion of attempting to kidnap a 3-year-old girl. The media has also worsened discrimination and racism against the Roma community by portraying the community negatively in television and in print. Anti-Roma language and discrimination were used particularly during the kidnapping attempt, where major newspapers carried stories with headlines like "Two Nomads Arrested, They Wanted to Kidnap A Girl" (Il Corriere della Sera), "Roma Try to Kidnap Girl Grabbing Her Away From Her Mother" (Il Giornale), and "There's No Doubt It Was Attempted Kidnapping" (La Stampa).<sup>20</sup> Even though the Roma couple was acquitted, these reports fueled the anti-Roma sentiment among the people.

The discrimination against the Roma people reached a new peak in 2008 under the coalition government of Forza Italia, led by Berlusconi with the openly anti-immigrant party, Lega Nord. The government imposed harsher immigration legislation to make an undocumented entry in Italy a criminal offense, and attempted to impose harsher penalties for crimes committed by undocumented migrants. On May 21, 2008, Berlusconi approved a State of Emergency Decree in three regions (Lazio, Campania and

Lombardy), which later extended to other Italian regions. The “Roma Emergency” decree singled out “nomad camps” as engendering “serious events that jeopardize public safety...”<sup>21</sup> Berlusconi pledged to deport 600,000 immigrants in light of upcoming elections, claiming immigration as “a social bomb ready to explode” and linking it to the rise of criminal activities in Italy.<sup>22</sup> In the campaign leading up to the April 2008 national elections, which brought Berlusconi back to power, Berlusconi’s Forza Italia and coalition party Lega Nord focused largely on issues of security and immigration. Since 2008, national and local officials within or aligned with the governing coalition have consistently linked immigrants and the Roma community with crime, and addressed immigration issues through the prism of security. This has compromised Roma community’s social mobility and deprived them of basic rights like proper housing with basic necessities.

The rise of xenophobia and anti-immigration rhetoric propagated by right-wing populists have also negatively affected the Muslim community. Italy, home to around 2.2 million Muslims, is found to be a non-welcoming country for them. A recent study shows that Muslim immigrants living in Italy feel much less attached to the country than their counterparts in other EU nations due to the discrimination that they face.<sup>23</sup> This report by the European Union Agency for Fundamental Rights (FRA) surveyed more than 10,500 people in 15 EU member states including Austria, Belgium, Cyprus, Germany, Denmark, Greece, Spain, Finland, France, Italy, Malta, the Netherlands, Sweden, and Slovenia. 31 percent of those surveyed were Muslims from North Africa who reported the highest level of discrimination based on religion. Additionally, the survey noted a separate EU study which showed that almost one in four Italians (24 percent) said they would not like to have a Muslim as a neighbor, one of the highest figures in the EU.<sup>24</sup>

The LGBTQ community has also faced numerous challenges in Italy under populist leadership. The long support of the traditional and conservative system especially by Berlusconi’s administration has suppressed the rights of the LGBTQ community. Same-sex couples are deprived of equal rights due to traditional family values in Italy, which emphasize the traditional composition of opposite gender partnership. After many years of motion, a civil unions law providing same-sex couples with many of the rights of marriage was finally passed in 2016.<sup>25</sup> The LGBTQ community’s acceptance in Italy was reflected in a poll published after the civil union law was passed, showing that a large majority favored civil unions (69 percent) and a majority favored same-sex marriage (56 percent). However, only a minority approved stepchild adoption and LGBTQ parenting (37 percent).<sup>26</sup> This explains why the adoption clause was eventually dropped in the final version of the bill. Prior to this, Italy was the only major Western European nation which did not provide rights and protection for the LGBTQ community. There were multiple times where a similar law was attempted but failed due to conflicting opinions of Members of Parliament. For example, after Berlusconi’s exit in 2007, Romano Prodi from the Democratic

Party resumed office and introduced a bill to grant equal rights in areas of labor law, inheritance, taxation, and health care to same-sex and opposite-sex unregistered partnerships.<sup>27</sup> This bill was not made a priority and was eventually dropped when a new parliament was formed when Berlusconi resumed office in 2008. Grillo of the 5 Star Movement announced his opposition to the bill, which critics saw as a desperate strategy to appeal to conservative voters.

## **Press Freedom**

Press freedom in Italy has been a long struggle. Mussolini's fascist regime introduced harsh laws against journalism. Particularly harsh, the defamation law proved to be a harbinger of what press freedom would look like for the next few decades. Populism in Italy has spread through the media in all forms. The level of press freedom was compromised over the past two decades whenever Italy's most prominent populist figure, Berlusconi, held power. His rise to power and success in maintaining that power is attributed to his control over the media.

Berlusconi's control over media is termed as telepopulism, characterized by the idea that he who controls the media, controls the minds.<sup>28</sup> For example, in 2002 Berlusconi criticized the behavior of some journalists and TV stars, which led to the removal of three journalists who were critical towards Berlusconi himself.<sup>29</sup> Berlusconi's media control was useful to silence dissenting voices and was particularly instrumental in manipulating information broadcasted by mainstream media. In 2003, Berlusconi's government passed a controversial law that extends his power to control Italian media. Under the Gasparri Law, Mediaset, the media company owned by Berlusconi, was entitled to buy another three TV channels as well as national newspapers.<sup>30</sup> Berlusconi's power was not only restricted to the media companies that he owned. The Gasparri Law also affected Mediaset's competition, the state's broadcasting company, namely the RAI. The law increased "the number of political appointees on the state broadcaster's board as well as requiring that the RAI president be voted into office by parliament's state TV commission."<sup>31</sup> This political interference in the media, which enabled Silvio Berlusconi to serve as the Prime Minister and the owner of the media networks simultaneously, has jeopardized media freedom in Italy. Italy's press freedom was demoted to partly free in 2004, with the score of 33 out of 100 (100 being the worst) by Freedom House.<sup>32</sup>

Italy's press freedom was mainly rated as partly free until the Berlusconi exit in 2006. "In April 2006, Romano Prodi's center-left Union bloc narrowly won parliamentary elections, putting an end to Silvio Berlusconi's long premiership." Italy's press freedom status improved in 2007, when Berlusconi was not in power. The status change from partly free to free with the score of 29 out of 100 was influenced by Berlusconi's exit. According to Freedom House, Italy suffered from an unusually high concentration of media ownership by European standards. After the 2006 election of Romano Prodi as

prime minister, overt government interference in media content began to diminish.<sup>33</sup> However, that did not last long as Berlusconi resumed office in 2008. On top of that, the media often reinforces the government's populist sentiment. For example, during Berlusconi's 2008 administration, the reporting of the Roma couple accused of being involved in a kidnapping case mirrored the government's anti-Roma stigma. As a result, they were crucified by the media before proven guilty.

On top of the restrictions and manipulations faced by the press in Italy, the newer populist parties shifted communication trends from mainstream media to social media. This form of media populism in Italy is termed as webpopulism, a situation where the world wide web and social media function as a medium of communication between populist leaders and the masses.<sup>34</sup> Beppe Grillo deliberately avoided using the mainstream media, preferring instead to post on his blog. This not only undermines the press but also leads to harmful consequences. In this case, Grillo used his blog as a medium to publicly denounce the journalists he dislikes. A report by Reporters Without Borders linked his criticism of specific journalists to an "alarming" rise in violence and threats against those journalists.<sup>35</sup>

Recently, Italy's press freedom faced a decline due to threats faced by journalists from mafia-controlled crime groups. According to Reporters Without Borders, "six Italian journalists were under 24-hour police protection due to death threats from organized crime groups, most famously Roberto Saviano, whose book *Gomorra* examined the grip of the Camorra mafia group on Naples."<sup>36</sup> However, there is no evidence to link these mafia-controlled crime groups with populist actors, despite numerous allegations linking them together.

## **Gender Equality**

Italy's patriarchal society has influenced gender equality in Italy, especially during Berlusconi's administration. According to the UN Gender Equality Index, the labor force participation rate of women in 2008 was 51.6 percent.<sup>37</sup> However, within two years of Berlusconi's administration, the number went down to 38.4 percent.<sup>38</sup> After Berlusconi's exit, the labor participation rate of women increased. The latest data gathered in 2015 shows that the labor force participation rate of women was 39.3 percent, compared to the male figure which stands at 58.1 percent.<sup>39</sup> There is an 18.1 percentage point difference, but it is an improvement from previous years. However, inequality in the Italian labor force is still a problem. According to the World Economic Forum, 62 percent of Italian women's work is unpaid in comparison to only 30 percent for Italian men. Additionally, women are prone to be unemployed or only hired for part-time employment.<sup>40</sup>

During Berlusconi administration, women's representation in parliament was low. In 2008, when Berlusconi returned to power, women filled 20.2 percent of the seats in parliament, and the figure only increased by 0.1 percent during the four years he was in office.<sup>41</sup> Ever since Berlusconi stepped down as

Prime Minister, there has been empirical evidence which shows that women's representation in parliament has improved significantly. When Enrico Letta from the Democratic Party became the head of the government in Italy in 2013, he managed to increase "the percentage of female ministers from 20 percent to 30 percent and women are beginning to take more powerful and visible position in his government such as the Minister of Justice and Internal Affairs."<sup>42</sup> It is important to consider female representation in politics to compare the political situations before and after the rule of a populist actor. In this case, women's representation in politics has increased since Berlusconi left office in 2011.

During 2016's Mayor of Rome election, Berlusconi made sexist comments about Giorgia Meloni, a candidate who was heavily pregnant, calling her unsuitable for the job and stating that she should be focusing on raising her child instead.<sup>43</sup> Berlusconi has also been associated with the act of stereotyping women in media. Through his private television channels, young women are exposed to the objectification of their bodies as a measure of their value and success rather than their knowledge and skills. The impact of years of brainwashing can be seen in research which demonstrated that "the most popular ambition among female teenagers is to become a "velina" which is a showgirl."<sup>44</sup> This has resulted in the rise of a feminist movement in Italy. For example, the If Not Now, When? (Se Non Ora, Quando?) movement has denounced the "repeated, indecent, flamboyant representations of women as naked objects of sexual trade, produced by newspapers, television and advertising" in Italy.<sup>45</sup> Berlusconi's sexist remarks are not new. In 2009, he stated that "[Italy doesn't] have enough soldiers to stop rape because our women are so beautiful."<sup>46</sup> Infamously known for hosting sex parties referred to as *Bunga bunga*, Berlusconi got into another legal trouble when he was accused of soliciting prostitution with a minor in 2011.<sup>47</sup>

## Conclusion

Populism has been a persistent force in Italy since the 1990s, with few factors playing a major role in this. Berlusconi's media control and abuse of power contributed to his long-lasting position as the head of government. Lega Nord's North-South debate kept the party relevant among the populist party's supporters, while the 5 Star Movement's mobilization of youth voters and mass general dissatisfaction led to its recent victory. Consequently, populism has become a strong political force that poses a great threat to democracy in Italy based on an assessment of the four major democratic institutions. Judicial independence was jeopardized by the *ad personam* legislations that maintained Berlusconi's power and it will remain under threat as long as Berlusconi is within the Italian political sphere. With his media entrepreneurship and public service, Berlusconi has had a conflict of interest since the beginning of his political career which has consequently compromised the stability of the judicial system and the freedom

of the press in Italy. The structure of media ownership shows a problematic system due to high concentration of media ownership.

Populism threatened press freedom by keeping Berlusconi in power and furthering his right-wing ideologies. The presence of media populism through webpopulism has a potential to further deteriorate the level of press freedom in Italy, especially after the recent report on the dangerous consequence of Beppe Grillo's blog. Disadvantaged groups are being deprived of basic and equal rights as Lega Nord and Berlusconi's xenophobia and anti-immigration agenda further escalate. Immigrants are being scapegoated for societal decline in Italy. As a result, both Roma and Muslim groups continue to struggle to fit into society. The LGBTQ community's fight against the conservative system (facilitated by the populist parties' dismissal of their problems) will continue until equal rights and equal protections for the community are achieved. Gender equality has also suffered under the perpetuation of patriarchy and machismo attitude in the society, particularly under the Berlusconi administration. The resurgence of traditional gender roles has stunted the progress of the nation towards an equal society and sacrificed potential economic outcomes.

While the spread of populism across the globe is not something new, it is certainly not something of the past. It is important to consider all these negative effects on democracy to avoid deeper entanglement in populism. The rise of new populists, if not curbed, have been detrimental to the state of democracy in Italy and the world. The persistence of populism in Italy shows the dissatisfaction of the people over the years. It is a signal that the system needs a reform, and should not be ignored by the current and future government.

# POLAND

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## Introduction

*Poland plays an understated but vital role in European political history. As the great powers expanded and contracted through the 18th and 19th centuries, battling for hegemony over the heart of the continent, Polish lands were conquered, subjugated, and partitioned. In the 20th century, Poland was consumed by fascism and then communism. The implications of this Central European nation's political condition stretch far beyond its borders. Long before Lech Wałęsa led Solidarity through the streets of Gdansk, precipitating the collapse of communism, Karl Marx observed that Poland was a thermometer for all revolutions.*

As political and intellectual elites in Washington and London continue to reel from recent electoral upsets, there is a great deal that can be learned about populism from the case of Poland. The rise of Poland's Law and Justice Party (PiS) reveals the societal fissures populists exploit to gain power, and their strengths and weaknesses upon assuming office. Furthermore, the Polish example demonstrates that populism is not simply a reaction to the economic pressures of globalization, but an ideology that weaponizes culture and is buttressed by deep-seated historical narratives. By analyzing Polish history and the unique characteristics of the country's populism, a more nuanced view of Law and Justice's success and prospects for the future can be developed. By assessing the state of four salient measures of democracy in Poland: judicial independence, the rights of disadvantaged groups, press freedom, and gender equality, the effects of a successful populist party on democracy can be better understood. The place of populism in global political history is uncertain. Yet, if Poland is a harbinger of political revolutions as it has been in the past, populism and the rise of the Law and Justice Party should be taken seriously and analyzed critically.

The Polish national anthem begins with the words "Poland has not yet perished." The defiance and tragic romanticism of this statement speak to the attitude of a people who lacked an independent nation for much of the last several-hundred years.<sup>1</sup> The political consequences of Poland's geography, lying between Russia and Germany, are felt to this day. In the absence of statehood, a fierce religious, linguistic, and cultural identity developed. While territorial integrity and continuity in governance preserved American and English identities, "Polishness" has for centuries depended on fostering and protecting a unique cultural identity. Law and Justice's contemporary language may sound revanchist and anachronistic to Western ears, but it captures centuries-old sentiment expressed in the anthem, "What the alien force has taken from us, we shall retrieve with sabre." Cultural history does not explain the rise of a populist party like Law and Justice entirely, but it does provide valuable context to the sorts of rhetoric and figures that are attractive to voters.

Many leaders in contemporary Polish politics came of age during the tumultuous years of the early 1980s. After a decade of disastrous economic policy, Poles began to organize and put pressure on the communist government. An electrical worker from the Gdansk Lenin Shipyard named Lech Wałęsa emerged as a leader. Using his folksy charisma, Wałęsa shaped and mobilized disparate protest groups into an independent trade union known as Solidarity. Wałęsa and Solidarity successfully pushed for concessions towards greater economic and social freedom, and were later instrumental in toppling the communist regime. The style and rhetoric of the movement had clear populist undertones; “Solidarity represented ‘the people’ against ‘the elite’ of the Polish United Workers Party (PZSR) in both ethnic (nationalist) and moral (populist) terms.”<sup>2</sup> Another figure who was key in the decline of the Polish communist regime was Pope John Paul II. A native of Poland, the Pope’s symbolic value combined with calls for greater freedom in his homeland were pivotal in undermining the communist party’s grip on society. While neither were populists in accordance with contemporary right-wing conceptions of the term, both are ubiquitous figures who clearly influenced the next generation of Polish leaders. Lech Wałęsa’s work is the example *par excellence* for political mobilization of the working man, and Pope John Paul II solidified the Catholic Church’s lasting role as the authoritative moral voice in Polish political life.

In 1991, the first free elections were held in Poland in over six decades. Solidarity leader Lech Wałęsa led the country as President through 1995, but there was considerable instability in the legislative branch of the young government. More than 100 parties participated in the first parliamentary elections, none receiving more than 13 percent of the vote. This enthusiastic but convoluted experience with democratic procedure proved significant. Former Prime Minister Jan Krzysztof Bielecki later remarked that the fact “Poland had more prime ministers in the 1990s than players in its national football team—helped reforms succeed by preventing seizure of the political system by vested interests.”<sup>3</sup> Along with political reform came aggressive economic restructuring. Under the Balcerowicz Plan, the Polish government embarked on radical economic liberalization. As in many other former Soviet-bloc nations, publicly held companies were sold off, government benefits were cut, and the necessary conditions for free enterprise were established. The transformation brought about by Shock Therapy was difficult for many Poles and represented a fundamental societal change. The disparities and cleavages exacerbated by economic development did have lasting effects. Nonetheless, between 1990 and 2002, Poland’s GDP per capita increased by an impressive 50 percent.<sup>4</sup>

By the mid-2000s, Poland was widely heralded as the shining success story of post-communist political and economic liberalization. In 2004, Poland joined the European Union (EU). This development brought EU funds as well as new jobs and unprecedented mobility to the young democracy’s citizens. Polish workers benefitted in particular from economic integration with Germany. German firms were now

able to take advantage of lower wages and the geographical proximity of their eastern neighbor. The economic success of Poland was so significant that the country's GDP grew by 1.7 percent in 2009, in spite of the global economic crisis. In the same year, the EU-27 suffered a 4.2 percent aggregate loss in GDP.<sup>5</sup> These successes suggested that Poland was well on its way to affirming the modern European project, the supremacy of free markets, and the virtue of democratic liberalism. Yet in 2005, and again in 2015, Poles elected a government led by a party that was economically collectivist, intensely socially conservative, and unabashed in its Euro-skepticism.<sup>6</sup>

### *The Law and Justice Party*

The Law and Justice Party was founded in 2001 by brothers Lech and Jarosław Kaczyński. Although the party's policies and style have evolved since its conception, Law and Justice is fundamentally an "anti-corruption and law-and-order party, encapsulated in its 2005 election slogan of building a 'Fourth Republic,' a conservative project based on a radical critique of post-1989 Poland as corrupt and requiring far-reaching moral and political renewal."<sup>7</sup> Rather than presenting clear policy solutions grounded in coherent ideology, Law and Justice was a conglomeration of conservative parties, offering voters a change from the perceived failures of post-communist Polish governments.

In 2005, Law and Justice won 155 of 460 seats, a plurality, in the Sejm (the lower house of parliament). As leader of the party, Jarosław Kaczyński was expected to step into the role of Prime Minister, but declined in order to increase his brother's odds of success in the presidential election. It was a maneuver that paid off, as Lech Kaczyński won the Presidency two weeks later. Law and Justice formed a minority government that only lasted through July of the next year. At that time, it entered into a coalition with two radical right-wing parties. Due to scandals involving Law and Justice's coalition partners and successful procedural checks on the party's more undemocratic machinations, its initial tenure in government was unproductive, lasting only through 2007.

The 2007 parliamentary elections brought the center-left Civic Platform party into power. The new Prime Minister, Donald Tusk, was decidedly pro-EU, pro-Germany, and optimistic about relations with Russia.<sup>8</sup> Tusk embodied the vision of liberalization and European cooperation that many international observers saw as a natural product of Poland's economic success. Three years later, the nation suffered a tragedy that ripped open old wounds and ignited Polish nationalism. On April 10, 2010, a plane carrying President Lech Kaczyński and 95 other Polish notables crashed on its way to the 70<sup>th</sup> anniversary commemoration of the Katyn massacre in Smolensk, Russia. Lech's brother, Jarosław Kaczyński, capitalized on the tragedy by fueling suspicion of Russian foul play and criticizing President Tusk for failing to sufficiently investigate the accident. The party's response affirms Jan Werner-Müller's observation: that populists manipulate crises by transforming them into existential threats, thus justifying

the overriding democratic norms and institutions.<sup>9</sup> The Smolensk crash was used by Law and Justice to stoke nationalism and pave the way for its resounding electoral victory in 2015.

In 2015, Law and Justice won 235 seats in the Sejm, an unprecedented, outright majority. The party won a majority in the Senat (Senate) as well as the Presidency. Populism experts Cas Mudde and Cristóbal Kaltwasser observe that populist movements are often led by a single charismatic figure.<sup>10</sup> Jarosław Kaczyński is an intensely polarizing figure in Polish politics. Shrewdly, he has opted to be king-maker rather than the charismatic leader of the nation. This strategy proved effective in the 2015 election as Law and Justice's young, well-educated presidential candidate Andrzej Duda emerged as the victor. The personality-driven brand of politics characteristic of Hugo Chávez and Viktor Orbán is potent, but exposes populist parties to a degree of risk. The success of the party is contingent on a positive public image of the leader. Jarosław Kaczyński retains control of Law and Justice nominations and policy without exposing himself to the same extent as other populists.

Since reassuming control of the government in 2015, Law and Justice has uncompromisingly sought to deliver on its culturally conservative, Euro-skeptic, and nationalist policy platform. The party's economic policies "on the one hand reject the technocratic forms of governance associated with neoliberal Shock Therapy, but on the other hand, continue to accept the disciplines of the market."<sup>11</sup> In the words of populism experts Mudde and Kaltwasser, it is the *thin-centered ideology* of a party focused more on establishing itself as the *vox populi* than implementing traditional liberal or conservative policies. Rather than engaging in economic policymaking, many Law and Justice figures work to discredit political opponents and dismiss foreign worries over democratic slippage. In response to concerns raised by opposition members, Jarosław Kaczyński stated, "in Poland, there is a horrible tradition of national treason, a habit of informing on Poland to foreign bodies. And that's what it is. As if it's in their genes, in the genes of Poles of the worst sort."<sup>12</sup> Along with its anti-pluralist rhetoric, Law and Justice's attacks against the judiciary, disregard for the rights of disadvantaged groups, curtailing of press freedom, and intensely cultural conservative stance on women's reproductive rights have drawn heavy internal and external criticism. In 2016, Poland received a Freedom Score of 89 from Freedom House. In 2017, its score fell to 85. Since Law and Justice reassumed power in 2015, Poles' political freedoms have quantifiably declined according to a variety of measures.

### **Judicial Independence**

In well-functioning democracies, the courts are often the strongest check on legislative and executive power. Consequently, Law and Justice's efforts to systematically undermine and transform judicial independence represent a profound threat to Polish democracy. In 2007, the party passed the Second Lustration Act, significantly revising the first act, which had passed a decade earlier. *Lustration*,

Latin for purification by sacrifice, signified the “bringing to light” of officials who had collaborated with, or were members of the old Communist regime.<sup>13</sup> Lawyers, tax advisors, journalists, professors, and others—around 700,000 individuals in total—were forced to sign affidavits stating whether they had collaborated with the state security apparatus of the Communist regime. The Constitutional Tribunal blocked several portions of the act, declaring that the courts must remain separate from parliamentary impositions.<sup>14</sup> <sup>15</sup> Law and Justice lost power shortly thereafter. This strong stand on the part of the highest constitutional court in the nation exemplified why Poland’s judicial system was regarded as one of the most independent among former communist countries—prior to 2015.

When Law and Justice returned to power in 2015, the party immediately set to work turning the judiciary into a rubber-stamp body. Arguing that the judicial system was the last bastion of communism in Poland, officials refused to swear in three justices appointed to the Constitutional Tribunal by the previous Civic Platform government. Instead, they nominated three of their own party loyalists. Both groups of justices eventually came to sit on the Constitutional Tribunal. In order to limit the power of the court, the terms of justices were shortened and a judge dedicated to the party, Julia Przyłębska, was appointed to the Chief Justice position. Furthermore, obligatory wait times at a minimum of three months between requests for rulings and verdicts were instated.<sup>16</sup> Law and Justice was determined to overcome the checks and balances that had derailed its agenda in 2007.

In 2017, additional measures targeting judicial independence passed. Judicial appointment power for the middle and lower tier courts changed from the KRS, a body composed of judges, to the Minister of Justice and Parliament.<sup>17</sup> Through the same measure, disciplinary power over justices also passed to the Minister of Justice, further consolidating *de facto* power of the executive and effectively stripping the judiciary of its independence. These bills passed despite Polish senators having been warned of the unconstitutionality of the bills, a demonstration of blatant disregard for the judiciary and the rule of law. Beyond largely symbolic protests, the Constitutional Tribunal has done little to resist the bill’s passage.<sup>18</sup>

According to the Ciri Human Rights Data Project, Poland’s previously strong judiciary is losing ground. The Constitutional Tribunal is no longer a revered post-communist institution, but a diluted one, with greater loyalty to the ruling party than the rule of law. Intimidation of the judiciary has therefore become more commonplace, an example being the Constitutional Tribunal’s weak response to the recent judicial reforms, in contrast to its principled stand against the 2007 Second Lustration Act. Most dangerously, *de facto* judicial power is becoming concentrated in the executive and legislature without significant public backlash.<sup>19</sup> Public backing of the judiciary, or exogenous support, is a critical pillar for sustained judicial independence.

In a democracy, the judiciary is the strongest foil to the power of the ruling party.<sup>20</sup> Law and Justice’s attacks on the judiciary invoke resentment against a perceived elite (former communist party

collaborators) in order to more purely carry out the will of the people. This is clearly a populist strategy. The Law and Justice party is dismantling a key pillar of democratic society in order to solidify their control and suppress opposition.

### **Political Rights of Disadvantaged Groups**

Poland is an overwhelmingly homogenous country. Conservative estimates say around 90 percent of Poles identify as Catholic, compared to less than 12 percent identifying with any Christian sect in the neighboring Czech Republic.<sup>21</sup> Native ethnic minorities, including Germans, Ukrainians, Belarusians, and Kashubians, make up less than one percent of the population.<sup>22</sup> According to the 2011 national census, 97.7 percent of the population is ethnically Polish. A small number of Roma live in the south of the country and suffer similar treatment as in the rest of Central and Eastern Europe. Early in 2018, the Law and Justice led government passed a law criminalizing publicly implicating Polish complicity in the Holocaust. Once the heart of Jewish culture in Europe, Poland continues to grapple with its role in the largest genocide in modern history. The new law exemplifies the government's prioritization of an untarnished cultural narrative over the well-being of disadvantaged groups.

Two disadvantaged groups in particular are increasingly victimized under Law and Justice rule. Immigrants, especially those from Muslim countries, are scapegoated and targeted with violence. Despite having the lowest percentage and absolute number of foreign born residents in the EU-27, resistance to European Union refugee policies and Islamization are central issues in Polish politics.<sup>23</sup> In 2017, 70 percent of Poles either strongly or moderately disagreed with Poland accepting refugees from Muslim countries. Even more telling, 65 percent strongly or moderately disagreed with Poland accepting refugees from Muslim countries even if it meant losing EU funds. In a country where EU funds are comparable in importance to oil revenue for authoritarian Arab states, these polling data are significant.<sup>24</sup> Hate crimes committed against Muslims have grown by more than 300 percent between 2013 and 2016, according to data from the Warsaw University's Center for Research on Prejudice.<sup>25</sup> In an interview, current Prime Minister Mateusz Morawiecki stated that "we will not accept refugees, migrants from the Middle East and Africa. This is our sovereign decision."

Members of the LGBTQ community also face prejudice. Poland is one of six EU member nations that does not allow same-sex civil unions. The International Lesbian, Gay, Bisexual, Trans, and Intersex Association ranked Poland the third worst country in the EU for LGBTQ rights.<sup>26</sup> While members of the LGBTQ community are not targeted as overtly as immigrants, actions like the disbandment of the Office of Gender Equality in 2007 signal Law and Justice's disregard for non-heteronormative Poles. Broadly, the party's strong connections with Poland's Catholic orthodoxy mean it faces significant pressure to defend traditional conceptions of marriage and gender.

Exacerbating the challenges already faced by disadvantaged groups in Poland, Law and Justice continues to tolerate far-right groups espousing racism, violent rhetoric, and xenophobia. There have been numerous incidences of prominent party members condoning and promoting views inconsistent with EU values. That being said, it is important to remember that the negative attitudes towards disadvantaged groups like LGBTQ individuals were prevalent before Law and Justice used them as political tools. Law and Justice's anti-pluralist rhetoric and relentless identity claims make Poland an increasingly unwelcoming place for those who do not fulfill or confirm to rigid conceptions of "Polishness."

### **Press Freedom**

The freedom and vitality of the press is a critical measure of democracy. Law and Justice politicians regard the media as a persistent enemy and a useful instrument. The situation is complicated by the makeup of the Polish media. Individual media companies are legally permitted up to a 40 percent market share, significantly higher than what is allowed by other European nations.<sup>27</sup> Additionally, foreign organizations control around three-quarters of the Polish media market, many of which are German owned.<sup>28</sup> This has proven useful for Law and Justice, serving as *casus belli* for aggressive reform. Since 2015, officials have sought to discredit and hinder media outlets producing unfavorable coverage. Broadly, Law and Justice officials have worked to reconfigure the media landscape under the guise of "re-polonization."<sup>29</sup> This term used by the party, heavy with nationalist connotation, emphasizes Law and Justice's desire to identify and deepen the cleavage between "real Poles" and "Poles of the worst sort."<sup>30</sup>

Almost immediately after assuming power, the new government passed legislation giving political officials significant power over public media outlets. Under what was termed the "Small Law," public media management positions were filled by officials loyal to the new administration. Simultaneously, government subscriptions to independent media outlets, including the widely circulated *Gazeta Wyborcza*, were canceled in an effort to apply financial pressure.<sup>31</sup> These systemic reforms have created a hostile environment for journalists and media outlets critical of Law and Justice. The decline in press freedom is made worse by the government's targeted attacks on specific journalists and outlets.

In July 2017, the government launched a criminal complaint against a journalist who revealed connections between former Defense Minister Antoni Macierwicz and the Russian government. The journalist, Tomasz Piatek, received international support and has not been charged, but the situation is indicative of the Polish government's growing willingness to aggressively pursue dissidents.<sup>32</sup> Foreign owned media organizations are also increasingly being targeted. In December 2017, US owned TVN SA was heavily fined for covering protests earlier in the year. The Deputy Culture Minister, Pawel Lewandowski explained the fines, stating, "we must have 100% certainty that everything that happens in Poland is overseen by the Polish authorities."<sup>33</sup>

The reforms under Law and Justice significantly contributed to Poland's precipitous drop in press freedom rankings. In 2017, Poland was ranked 54th in the world by Reporters Without Borders' World Press Freedom Index, seven places lower than in 2016. Even more dramatic was the country's 29 place fall between 2015 and 2016.<sup>34</sup> Confirming the negative trend, Freedom House gave Poland a Freedom of the Press score of 34 in 2017 (zero being "Most Free"), down from 26 in 2015.<sup>35</sup> Along with intense criticism from various international groups, Poland received a reprimand from the EU. Brussels threatened to enact Article 7, which would in effect suspend Poland's voting rights for violating EU principles. Despite the strong message, the Law and Justice government's practices regarding the press have not changed.

Reconfiguring the media environment in Poland is a central element of Law and Justice's agenda. By enacting restrictive regulations, asserting greater control over public media, and targeting dissident journalists and outlets, the government is limiting forums for discourse and criticism. Law and Justice's attacks on the media are clear evidence of an undemocratic agenda.

### **Gender Equality**

The legacy of communism and the conservative values promoted by the Catholic Church are two historic forces that shape gender equality in Poland. Under communism, women benefitted from opportunities and living conditions that were in some cases superior to the West.<sup>36</sup> While Article 33 of the 1997 Polish constitution grants equal rights to men and women in family life, as well as in political and societal life, there has been a strong shift towards traditional gender roles since the fall of communism. Women's reproductive rights in particular have been violated, especially under the Law and Justice government. Sexual and domestic violence are prevalent, and are said to be heavily underreported. Reproductive rights are clearly the most visible issue in terms of gender equality in Poland. In 2015, Poland ranked 36th on the United Nations' Gender Equality Index.

Abortion is illegal in Poland except for instances where the woman's life is in danger, the pregnancy is the result of rape, incest, or there is fetal impairment; it is only allowed in the first twelve weeks of the pregnancy. Restrictive abortion laws were first introduced in 1993, shortly after the fall of communism. The issue of abortion is central in Polish politics, and is heavily informed by the country's deeply Catholic identity. The role of the Catholic Church in Polish society and politics cannot be understated. In the words of Michal Luczewski, a sociologist at the University of Warsaw, "It's not that the Church is closely linked to the rightist party, Law and Justice. It's that the Church is close to the state, linked to the state."<sup>37</sup> Leveraging broad culturally conservative attitudes, the Law and Justice led government introduced a bill in January 2018 that would ban abortions due to irreversible damage to the fetus. The proposed bill, titled "Save Women," elicited a vocal response. Women's rights activists

launched a social media campaign using the hashtag #TrzymamStroneKobiet, which translates to ‘I’m on women’s side.’<sup>38</sup>

Women’s rights organizations have increasingly been targeted by the government. In October 2017, a number of organizations were raided by police. The raids were likely related to the organizations’ involvement with the Black Protests, a response to proposals to completely ban abortion. Individuals affiliated with the organizations stated that there was no wrongdoing on the part of the government, but the raids signal the government’s growing harassment of NGOs and advocacy organizations.<sup>39</sup> Further indicating the government’s discomfort with women’s rights organizations, the Ministry of Justice withdrew funding for a number of groups in 2016.

Despite regression on the issue of reproductive rights, women benefit from a strong presence in government. Since the fall of communism, there have been three female prime ministers. Beata Szydło, a Law and Justice member, served as Prime Minister from November 2015 until December 2017. In the Sejm, 124 out of the 460 seats are held by women. Additionally, Polish law mandates that 35 percent of candidates must be women.<sup>40</sup> According to Eurostat, Poland’s gender pay gap is the fifth lowest in the EU-27 at 7.7 percent. It is less than half the EU-27 average, and comparable to Belgium’s and Slovenia’s.<sup>41</sup>

The rhetoric of Law and Justice Party officials often emphasizes the importance of family. Women are seen as playing a crucial role in Polish society. Women hold leadership positions, but women’s rights on the whole experienced a decline since the fall of communism. Male-female secondary education rates and labor force participation are comparable to those of other countries in the region. The state of women in Polish society is complicated, and should be contextualized with prevailing cultural, regional, and historic norms.

## **Conclusion**

Law and Justice poses a real threat to Polish democracy. During its first term in office, the party presented its aggressive populist, right-wing agenda, but was generally ineffective due to still robust institutional barriers. Since returning to power in 2015, Law and Justice has systematically weakened Poland’s democratic institutions and violated the civil rights of its citizens. By effectively eliminating judicial independence and manipulating the media landscape, Law and Justice is undermining the greatest internal and external checks on government power. Furthermore, its tolerance for the mistreatment of disadvantaged groups and attacks on women’s reproductive rights represent a highly visible departure from EU norms. So why do Poles support Law and Justice?

From Brexit to the election of President Trump, many experts credit the ascendance of populists to economic malaise. Indeed, Law and Justice’s strongest support comes from the economically

disadvantaged southern and eastern regions of Poland. However, a 2016 interview with the mayor of the eastern town of Siedlce captures something deeper. When asked about his support for Law and Justice, Wojciech Kudelski said, “My family has lived in this region since the 15th century... we’ve fought invaders, we’ve made peace, we’ve farmed and worked... [Law and Justice] comes from values and rules. The rules are based in the Catholic Church.”<sup>42</sup> Integration with the EU brought jobs and investment, but also liberal social norms.<sup>43</sup> In 2015, Poles stood behind the party that vowed to protect their cultural heritage, their “Polishness.”

Law and Justice’s fundamental assertion is about Polish identity. Like other populist movements, the party claims to fight for the “true people” and oppose the corrupt elites, specifically EU bureaucrats and communist collaborators. When Jarosław Kaczyński speaks of “true Poles,” he is making an appeal to a population that is over 90 percent ethnically and religiously homogenous, as well as invoking the collective trauma of fascism and communism, a powerful Catholic heritage, and the spirit of the nation that has “not yet perished.” The majoritarianism populists seek to unleash is most potent when their claims are tied to ubiquitous cultural identity.

Law and Justice’s success is also made possible by Jarosław Kaczyński’s shrewd political maneuvering. In the 2015 election, the party effectively adjusted its public image, so that “nationalist and even xenophobic messages stopped being associated exclusively with muscular, shaven-headed young men in track suits and old ladies in mohair hats, and gained a new cachet.”<sup>44</sup> Kaczyński has strategically deployed politicians who are young and attractive to be the face of Law and Justice. The party’s populism resonates with Polish voters and will likely continue to.

That being said, continued success is not inevitable. Poland remains dependent on EU funds. Substantive punitive action on the part of the EU would put considerable pressure on Law and Justice to soften its Euro-skepticism. Additionally, since assuming power in 2015, the party has not faced a well-organized electoral challenger. Civic Platform may in time regain its previous standing and pose a legitimate threat. Outside government, NGOs like the Committee for the Defense of Democracy (KOD) are working to hold Law and Justice accountable with the help of prominent former Solidarity members.<sup>45</sup> Finally, Law and Justice’s most powerful tool may prove to be its undoing. As Jan Werner Müller warns, “once the stakes are raised to the level nonnegotiable identity claims, continuous conflict appears likely.”<sup>46</sup>

The success of the Law and Justice Party’s populist, right-wing message has resulted in a dramatic pivot away from Poland’s post-communist liberal trajectory. Although the economic and democratic advances since 1991 have not been erased, they are in jeopardy. Jarosław Kaczyński’s populist revolution provides abundant lessons for those committed to preserving the rule of law, pluralism, and institutions in democracies around the world. Yet, Law and Justice’s distinct populism is a

product of Poland, not a global populist wave. In 1984, Milan Kundera best described why political revolts in Central Europe have a conservative, nearly anachronistic character. “They are desperately trying to restore the past, the past of culture, the past of the modern era. It is only in that period, only in a world that maintains cultural dimension, that Central Europe can still defend its identity, still be seen for what it is.”<sup>47</sup> Whether Poles wish to continue seeing their fears and anxieties legislated remains to be seen.

# UNITED KINGDOM

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## Introduction

In the past decade, especially after the 2016 vote to withdraw from the European Union, media outlets and public figures have attributed major political happenings in the United Kingdom (UK) to the rise of populist ideology and parties. Too often, however, the concept of “populism” has remained ill-defined, blamed for a wide array of policy stances across a wider range of left and right-wing political parties. To that end, questions remain regarding the causes behind the rise of populism and its current and potential amount of power within the UK political system. Seeking to shed light on some of these important issues, the following chapter begins with an evaluation of parties typically labeled “populist” in the UK, considering their rise within the nation’s socio-economic context. In analyzing the effects of populism on the four major indicators of liberal democracy, it seems that while a number of these factors remain challenged or in decline in the UK, in most cases, there is not sufficient evidence to suggest that rising populist ideologies are a significant driver of these changes independent of the effects of growing socio-economic strife. At the same time, however, populists, no matter how small a proportion of British government, have the potential to sway larger parties’ policy standpoints and to normalize anti-democratic sentiment. For that reason, despite the strong democratic foundations that remain, it is crucial that academics and policymakers attempt to better understand the effects of populism as manifested in the UK.

Populism in the UK is characterized by Euro-skepticism and anti-elitist ideologies. It is generally associated with the right-wing United Kingdom Independence Party (UKIP) in England and the Democratic Unionist Party (DUP) in North Ireland. Some also classify the Scottish National Party (SNP), Scottish Socialist Party, Sinn Féin, and Labour Party as populist.

The most universally recognized and historically influential of these parties, UKIP, was founded in 1994,<sup>1</sup> shortly after the Maastricht Treaty—which established the European Union (EU)—went into effect.<sup>2</sup> As the name suggests, UKIP’s main purpose was to advocate for UK withdrawal from the EU, and the party eventually did play a significant role in securing the “Leave” vote in the 2016 Brexit referendum (see below). However, throughout its history, UKIP has struggled to gain enough popular support to maintain parliamentary seats, thereby limiting its real political power. Throughout the 1990s, it won a very small percentage of the popular vote, and few seats in either the European Parliament or British legislature. In the 2000s, under the leadership of Nigel Farage, it saw slightly more success, and in 2014 it held 24 seats (of 751 total) in the European Parliament.<sup>3</sup> In 2015, it won 13 percent of the UK vote, but still had only one seat in the British Parliament.<sup>4</sup>

Most recently, the 2016 Brexit referendum marked the peak of UKIP success. However, party leader Nigel Farage stepped down shortly after, and since, UKIP has struggled to concretely and cohesively define its stance on other issues like immigration and religion.<sup>5</sup> Notably, the party gained media attention in the past year when it rejected anti-Islam activist Anne Walters in favor of Henry Bolton in electing a replacement for Farage. However, it gained only 1.8 percent of votes in the 2017 British general elections,<sup>6</sup> and Bolton was recently voted out of his party leader position after a series of scandals, showing persisting turmoil within the party.<sup>7</sup>

The Democratic Unionist Party of Northern Ireland represents another important populist party in the UK. It has recently received more attention from the media and public because of its 2017 coalition with Prime Minister Theresa May's Conservative government.<sup>8</sup> While it argues for a "softer Brexit," where trade is facilitated between both the EU and UK and between Ireland and Britain, it is similar to UKIP in some of its other core policies, and in the branch of populism it represents. Specifically, DUP strongly opposes gay marriage, and advocates for abortion restrictions, as well as the teaching of creationism in schools.<sup>9</sup>

Both of the right-wing parties described above fit within the Freedom House definition of populism. For example, their policies strongly position ethnic minorities (particularly recent immigrants) as the "other." In that vein, they are also anti-establishment when it comes to larger, traditional political parties, positioning them a "corrupt elite" in opposition to the working class "people," or, in Farage's terms, the "People's Army."<sup>10</sup>

Journalists and academics have also considered numerous other British political parties, including SNP, Scottish Socialist Party, Sinn Féin (the Irish Republican Party), and the British Labour Party under Jeremy Corbyn as "populist." However, these left-wing parties vary considerably from UKIP and DUP in both size and policy stances. The UK Labour Party, especially under the leadership of "populist" opposition leader Jeremy Corbyn, has gained notable recognition—especially compared to the other, relatively small, parties mentioned above.<sup>11</sup> While some concern exists surrounding Labour's support of stricter press regulations, Labour policies also include support for the upholding of the European Convention on Human Rights (which includes press rights).<sup>12</sup> Additionally, Corbyn has championed policy efforts oriented toward increasing the rights and representation of women and minorities in the workforce.<sup>13</sup> Most importantly, as shown below, right-wing parties like UKIP and DUP, and not left-wing groups, were most involved in the Brexit vote (i.e., arguably the most significant example of tangible policy effects of populism in the UK). Thus, despite differences in potential scale of impact—for instance, the Labour Party or SNP might gain more seats than UKIP ever does—the following will focus primarily on right-wing populism in the UK.

In order to evaluate the effects of populism on British democratic systems, one must first consider the political and economic climate of the nation during populist parties' rise. While populists—namely UKIP—certainly played a role in major political events like British separation from the EU, it is important to note the longer history of Euro-skepticism, as well as the recent economic turmoil that exists in the UK.

In the 2016 referendum on UK withdrawal from the EU—colloquially termed “Brexit,” as in “British exit”—“Leave” beat “Remain” with just 51.9 percent of the popular vote.<sup>14</sup> Importantly, votes for “Leave” were strongly correlated with individuals' previous support for UKIP, which suggests that the party played some role in securing this result.<sup>15</sup> Indeed, it was hailed as a major victory for UKIP, whose charismatic leader Nigel Farage had predicted before the election that voters would choose to remain.<sup>16</sup> However, it is interesting to note that in some ways, Euro-skepticism—that is, general dissatisfaction with the UK's position within the broader European community, and sentiments of independence from the rest—predate the rise of populist sentiments. For instance, while UKIP was founded in 1993, the UK had already opted out of the European Monetary Union (EMU), which created the foundations for the adoption of the Euro, in order to continue to control its monetary policy.<sup>17</sup> Thus, it becomes clear that while the country certainly saw greater advocacy for leaving the EU from populist leaders in the last two decades, these ideas are more historically based. In that vein, one must question the real extent to which populists, while holding a relatively small number of house seats and popular support, could have been responsible for this result. Additionally, “Leave” voters were much more likely to be older, uneducated, unskilled workers, and somewhat more likely to be from places in Britain with fewer new immigrants.<sup>18</sup> This finding necessitates further questions as to the relationship between economics, demographics, and populism in the UK.

To explain the development of populism in the UK, one must consider the economic instability that has plagued the nation in recent years. Specifically, the UK has undergone two major recessions in its recent history, the first of which began in 1990, and the second in 2008.<sup>19</sup> Some existing literature suggests that these economic conditions, coupled with changing demographics, were the primary causal factor behind the rise in British populism in recent years.<sup>20</sup> For example, after the 2008 recession, immigrants represented 12.1 percent of the total workforce, compared to around seven percent in the early 1980s.<sup>21</sup> In that vein, some contest that Euro-skepticism in the UK has been driven by “individuals who feel like they have been on the losing end of globalization.”<sup>22</sup> In other words, issues like Brexit might have been motivated by British citizens' association of economic strife with new immigrants rather than a new wave of populist ideology. But if there is a correlation between economic turmoil and Euro-skepticism, one must also question the potential connection between these phenomena and the rise of populism. Specifically, existing literature argues that socio-economic strife “is a substantial driver of

populism and political distrust.”<sup>23</sup> As will be discussed in the following sections, studies show a correlation between unemployment and support of populist parties, as well as an increase in skepticism toward government.<sup>24</sup> Therefore, it seems that factors like Euro-skepticism, as well as contemporary economic instability, have had a sort of mutually reinforcing role in the rise of populism, and ultimately Brexit.

## **Judicial Independence**

The UK has a strong tradition of judicial independence. This is an area that the nation has protected even throughout the tumultuous last decade; apart from anti-elitist rhetoric by populist parties, there is little evidence of negative effects of populism on this democratic foundation. Specifically, the Constitutional Reform Act of 2005 prohibits ministers of the Crown from influencing judicial decisions, and thus represents an attempt to protect judicial independence.<sup>25</sup> The creation of this law during the same timeline as the rise of major populist parties in the UK suggests that judicial independence remains increasingly strong even within a populist context. More concretely, the World Justice Project’s 2016 Rule of Law Index ranks the UK tenth out of 113 countries, and considers aspects like constraints on government powers, as well as absence of corruption and regulatory enforcement as part of its definition of “rule of law.”<sup>26</sup> Additionally, the UK has performed consistently high in World Bank judicial independence ratings (based on data from the World Economic Forum), showing a generally increasing trend from 2008 to 2017. Most recently, between 2015 and 2017, its score increased from 6.21 to 6.35, where one is the lowest and seven is the highest possible score.<sup>27</sup> Overall then, with or without the influence of populism in recent years, British indicators of judicial independence seem to have increased.

Considering the above, it is still perhaps worthwhile to note the influence that populists have had, or could have on judicial independence via rhetorical critiques of the judiciary. Particularly, UK populists have positioned the judiciary as the “elite,” in opposition to the “people.” For example, after the Brexit vote, UKIP member Suzanne Evans, while supporting “judicial independence,” talked of the potential need for “democratic control” on judges.<sup>28</sup> However, to date, no real policy action seems to have resulted from this potential populist support for regulating the judiciary. Moreover, larger political parties remain committed to protecting judicial independence, and based on the above, show no evidence of being swayed by minority parties’ stances. Thus, considering the overall increase in ratings for this category in recent years, even throughout populist peak during the Brexit referendum process, it seems logical to conclude that populists have had little impact on judicial independence.

## Political Rights of Disadvantaged Groups

In contrast to judicial independence, inequalities in the political rights of disadvantaged groups remain an area of concern in the UK. Moreover, certain populist policy standpoints, if implemented, would further entrench these inequalities. However, the correlation between inequalities in the status quo and populist ideals cannot necessarily be interpreted as a causal connection between the two.

Several groups remain politically under-represented, including religious, ethnic, and sexual minorities. For example, while some progress has been made, Muslims remain particularly under-represented in the UK Parliament; in the 2017 elections, Manchester—where Muslims make up 15 percent of a total population of 2.5 million—elected its first ever Muslim MP.<sup>29</sup> LGBTQ individuals are also somewhat underrepresented in the UK Parliament, with only 45 MPs (of 650) in 2017 elections; however, this number represents an improvement upon past years' proportions.<sup>30</sup> Additionally, though the 2017 elections saw the highest percentage of ethnic minorities, at 52 of the 650 MPs,<sup>31</sup> this proportion is far less than the estimated 20 percent of the population that identifies non White British according to the most recent census data from England and Wales.<sup>32</sup> While it is difficult to find statistics specific to political representation, recent immigrants, especially refugee populations, face additional discrimination as the media portrays them as “unwanted invaders.”<sup>33</sup> This stigma, in addition to lack of formal recognition by the government seems likely to decrease accessibility of political rights for these new immigrant groups. Finally, Roma populations have faced discrimination and general lack of representation in politics throughout recent British history. The existing literature base suggests that despite efforts to increase their political representation, Roma populations continue to face discrimination in that sphere; as one scholar writes, “Roma communities have attempted to influence how they represent themselves externally to challenge negative stereotypes and internally, to raise a political consciousness and foster solidarity.”<sup>34</sup>

Moving to consider the relationship between populism and the political rights of disadvantaged groups, it seems that while populist policies certainly place themselves in opposition to disadvantaged groups, this alone does not indicate any significant effect on British policy to date apart from the “Brexit” vote. For example, UKIP represents a strong anti-immigration sentiment, arguing that recent immigrants are responsible for sexual crimes against British women.<sup>35</sup> Members like Nigel Farage have spread xenophobic sentiment especially in relation to the Brexit campaign, during which the former party leader incited backlash after publishing a poster that featured the message “the EU has failed us all” accompanied by a picture of a group of immigrants.<sup>36</sup>

Overall, it seems then that while some disadvantaged groups have become more politically empowered in recent years, general discrimination against minority groups (which can in turn affect political representation) remains widespread. However, it is also important to note that these inequalities

pre-date the relatively recent rise of populism, at least in terms of its peak during the 2016 Brexit referendum process. Thus, populism likely plays a more indirect role in perpetuating existing inequalities in combination with other economic or culturally rooted factors. While it is difficult to differentiate these factors from distinctly populist effects on anti-minority sentiments in the UK, it seems that based on their xenophobic stances, populist could have a direct negative impact on the political rights of disadvantaged groups if ever in greater power.

## **Press Freedom**

While freedom of the press indicators have generally declined in recent years for the UK, there is little evidence linking these changes to populist ideologies or parties there. For example, according to Freedom House findings, the UK has consistently declined in the past 15 years, scoring 18 in 2002, as compared to 25 in 2017.<sup>37</sup> Because the Freedom House scale ranges from 0 to 100, with 0 being the most free and 100 the least, a score of 25 is still considered “free.” That said, this 7-point decline seems significant, especially when one considers the justification given for the most recent score. Following the same trend, another agency, Reporters Without Borders also demoted the UK, ranking it 40<sup>th</sup> of 179 countries, with a score of 22.26 (as opposed to 38<sup>th</sup>, with a score of 21.70 in 2016), describing a “worrying trend” for freedom of the press there.<sup>38</sup>

Three events seem to have played the biggest role in the UK’s decline in press freedom rankings in 2017. First, in 2016, the nation launched the Investigatory Powers Act, whereby it becomes harder for journalists to keep their sources anonymous, thus discouraging investigative journalism.<sup>39</sup> Second, BBC, a major public broadcasting network in the UK faced more governmental regulations in the last year, particularly in that its regulation now falls under the jurisdiction of the Office of Communications rather than its own independent systems.<sup>40</sup> Finally, the UK government faced criticism, and lost points in freedom of the press rankings based on its decision to seize a Syrian journalist’s passport at the UK border, inciting fears that “critical foreign journalists traveling to the UK could be targeted by their own governments.”<sup>41</sup> Thus, while the British press is still largely independent, recent regulations and actions against journalists show a trend toward greater governmental interference in media publications.

Despite these trends away from free press, however, there exists little evidence supporting any strong role of populist ideologies or parties in these changes, especially as these parties held little real political power in recent years. For example, May’s Conservative government was essentially responsible for the passing of the Investigatory Powers Act (Labour, SNP, and other left-wing parties largely abstained, especially in the first rounds of voting).<sup>42</sup> Additionally, populist parties seem to have played little role in encouraging the position taken by the Conservative government. According to one article published by the BBC after the second round of voting on the Investigatory Powers Act, “UKIP MEP

Steven Woolfe...was ‘deeply concerned’ by the Investigatory Powers Bill, saying it ‘could put us into an extreme position of monitoring our citizens.’<sup>43</sup> Thus, it seems that though UK press freedoms have seen a slight decline in recent years, one cannot logically attribute this phenomenon to rising populist ideologies or parties.

## **Gender Equality**

Gender equality represents another democratic foundation upon which the UK stands to improve. However, data suggests that while inequalities exist between sexes in terms of wages, political representation, and recognition of other human rights, these are not directly caused by the increasing prevalence of populism within the last 20 years. For instance, according to a 2012 OECD report, education levels in the UK were roughly equal for girls and boys throughout that time period (though inequality remained between STEM and humanities fields).<sup>44</sup> Additionally, according to 2016 data, the UK gender wage gap was 16.8 percent of the median male income; this represents a significant trend toward improvement since 2000, however, when gender wage gap was 26.28 percent of the median male income.<sup>45</sup> Similarly, the UK scored 0.131 on the UN Development Project’s 2015 Gender Inequality Index, where zero is the most equal and one the least.<sup>46</sup> Keeping in line with global trends, this figure also represents an improvement over the UK’s score of 0.215 in 2000.<sup>47</sup> Finally, in the 2017 elections, women made up just 32 percent of MPs; however, this is the highest proportion in the UK to date.<sup>48</sup> Thus, while gaps persist, it seems that global trends, as well as efforts at the governmental level have somewhat ameliorated issues of gender equality in the last two decades. Thus, at the most basic level, as more powerful political parties have continued to develop measures to remedy gender inequality throughout the rise of populism in the UK, it seems populists have had little or no significant impact on the British system thus far.

However, in terms of potential effects on this pillar of democracy, as well as the possibility that populists push the status quo toward a more patriarchal standard, one should consider stated policy positions as well as internal workings of the populist parties. For instance, DUP supports restrictive policies on abortion and other reproductive health rights for women.<sup>49</sup> Likewise, UKIP members have voiced a variety of discriminatory ideas and policies. Notably, in 2013, UKIP MEP Godfrey Bloom incited party backlash after making a “joke” in which he called women activists “sluts” for not cleaning behind their refrigerators.<sup>50</sup> Internally, in 2017 elections, UKIP had the lowest ratio of female MP candidates, at 13 percent.<sup>51</sup> Additionally, while UKIP has tried to position itself as pro-women’s rights, it generally uses this to justify its anti-immigration policies. Specifically, it legitimizes its xenophobic policies based on the notion that recent immigrants are to blame for the majority of violent crimes against women.<sup>52</sup> Therefore, while little evidence exists that larger parties have been swayed by populist positions

specific to gender equality, these issues were certainly tied to anti-immigration sentiment during the Brexit campaign. Overall then, it seems that populism has at least indirectly affected UK policy on gender equality as it pertains to immigration. Likewise, populists could pose a more direct threat to gender equality should they gain more power.

## **Conclusion**

Overall, while some populist stances run counter to the four pillars of democracy considered in this report, populists are far from having enough real power in the UK to make a difference on the strong democratic foundations present in that nation. Additionally, it is hard to separate the effects of socio-economic instability that Britain has faced in recent years from the development and effects of populism. This leads one to question if populism, or rather economic downturn, should be considered a “symptom,” or a “warning sign” of larger problems. Indeed, it remains to be determined what would happen in the UK case if right-wing populists obtained more political representation, either in terms of seats or influence on bigger parties’ policy stances, or if the former could ever become possible given the inherent checks created by the British multi-party system. In the future, therefore, the theoretical underpinnings of populism, and resulting definitions, should be further explored in order to develop greater understanding of its role on democracy. Finally, it would be interesting to consider further the relationship between each of the four pillars of democracy discussed above. For instance, has the UK seen relatively few effects of populism from the policy standpoint because of its strong, protected system of judicial independence? Such discussion has the potential to yield greater shed light on the order in which democratic institutions are affected in populist systems, as well as their relative importance in upholding liberal democracy in the UK.

# UNITED STATES

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## Introduction

During the twentieth century, the United States (US) invested substantial amounts of resources and energy toward the creation of a new world order through various wars and peacekeeping efforts. Upon the collapse of the Soviet Union most of the world had entered a new era in which diplomacy and democracy held clout, but decades of the US focusing its attention and resources outward came at a price. Domestic unrest grew certain demographics of the US felt they were being increasingly disenfranchised by their government. As the US continued along the path of globalization the sentiment that the government was no longer serving the best interests of the US people would become a rallying call for electing a government that would prioritize US's citizens and interests.

There are two forms of populism in the U.S. The left-wing form of populism identifies its "people" based on class and not ethnicity or religion. The populist movement's discontent is aimed at those who they believe to have betrayed the interest of the people: corporate elites and those in government that enable the elites.<sup>1</sup> This form is seen in past movements such as Occupy Wall Street and Senator Bernie Sanders' presidential campaign.<sup>2</sup> The second form, right-wing populism, is similar to left-wing in that elites and governments are blamed for undermining the peoples' interests. This form defines the people as "European heritage- 'real Americans'", working class Americans who have little or no higher education, and primarily Christian.<sup>3</sup> This demographic is largely the group that voted Donald Trump into office with 71 percent of all people who voted in the 2016 presidential election were white voters and out of those voters, 57 percent voted for Trump.<sup>4</sup> Furthermore, almost half (44 percent) of those that voted for Trump had high school level education or less.<sup>5</sup> Trump's campaign appealed to these demographics when he rallied to them with his "America First" rhetoric and created a space for an ethno-nationalist and Christian-identifying supporters, and ultimately winning him the election.

## Background

Trump's successful presidential campaign was an anomaly in the US political realm. Statistical analysts struggled to make sense of Trump's triumphs against a crowded Republican establishment-heavy primary. In defying the precedent of Republican voters generally leaning towards establishment candidates, Trump's populist message has to an extent redefined what was previously thought to be the party of Reagan and Bush. Prominent leaders in the Republican Party have acknowledged that certain populist policies will likely be adopted by candidates running for office to emulate the success of Trump's campaign.

To what extent politicians will adopt Trump's variant of populism is hard to determine, but there already exists an aisle in the Republican Party that separates the populations that approve and disapprove of Trump. Trump's populism has caused division in the Republican Party primarily because of its controversial stances. Some of the populist movements that have drawn criticism during his presidency include immigration reform, cutting Medicaid, and building a border wall. These movements target cultural components, especially those which pertain to beliefs, traditions and economy. In this respect Republican politicians will be cautious when aligning with Trump's populist movements.

Cultural backlash is a key factor for populism in the United States. The backlash is largely a response to the growing support for liberal values: tolerance of diverse sexuality, openness to foreigners, multicultural diversity, and support for cosmopolitan ideals. These changes impact the social status quo in a manner that results in the increased prevalence of identity politics and a higher magnitude of racial divisiveness. The populist narrative exemplifies this in its agenda and materializes its policies through the influence in it currently possesses in the Executive Branch. The primary agenda reflects a focus on homeland security, immigration reform, and improving the economic environment for working and middle-class citizens.

The large question at hand is to what degree these 'popular' movements will affect the integrity of American democratic institutions. Having already lost a few points in the Freedom House "Freedom Score," skeptics and critics of the Trump Administration believe Trump and these populist movements are cause for worry that the US is heading in the direction of becoming a less-free nation. The democratic institutions at risk include freedom of the press, judicial independence, gender equality, and the political freedoms of disadvantaged groups. As the populist movement in support of and within the Trump Administration become more prevalent, democratic checks and balances have only partially protected the aforementioned liberal freedoms.

### **Judicial Independence**

Judicial Independence in the US is provisioned by Article III of the US Constitution. Neither the Executive nor the Legislative branch may infringe upon the autonomy of the judicial system, a component of the US system of government that is, according to Alexander Hamilton in the Federalist Papers, "essential". The founders of the US understood that the protection of independent courts and judges from the influence of the other branches was crucial to the capacity of the judiciary to apply the law freely and fairly. Due to the checks and balances that are vested in Articles I and III of the Constitution, it is generally believed that judges more often than not successfully act in the "good behavior" outlined by Article III.<sup>6</sup>

In the history of the US, only fifteen federal judges have ever been impeached the most recent being Judge Thomas Porteous of the US District Court for the Eastern District of Louisiana in 2010.<sup>7</sup> US record states that of Judge Porteous and the other 14 impeached judges, none were found guilty or convicted for an interaction which involved the executive branch. The existing track record between the US Federal Judicial system and the Executive branch can thus be interpreted as firmly independent. To clarify, it is not uncommon for presidents to publicly criticize a decision with which they and the court disagree, but it should be made clear this is only done so after the court has issued its decision in the case. Every now and then a president may allude to their position on an undecided court case as Bush did during *Planned Parenthood v. Casey*, or Ford did in *Runyon v. McCrary*, but for the most part Presidents' weighing into ongoing court cases has not been a prevalent issue.

In 2012 President Barack Obama set a new precedent. At the G-7 summit in Germany Obama remarked on the ongoing *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012) case which challenged the Affordable Care Act, and more specifically its requirement for Americans to have health insurance by 2014.<sup>8</sup> The Court ruled in favor of on the basis that the mandate to buy health insurance falls under Congress' Constitutionally granted taxing power. Obama's remark was as follows; "I'm confident that the Supreme Court will not take what would be an unprecedented, extraordinary step of overturning a law that was passed by a strong majority of a democratically elected Congress". This was an overstep of influence from the Executive into the Judicial.

President Trump and President Obama are two very different politicians, but the latter may have made it easier for the former to follow suit. Like Obama who had many disagreements with the judiciary during his two terms, Trump in his first year in office alone has had multiple conflicts with the Judicial Branch. The best-known case that has pitted Trump against the judiciary is the ongoing travel ban case. On January 27, 2017, Trump issued an executive order (Executive Order No. 13,769; EO-1) banning entry for 90 days by citizens from Iraq, Syria, Iran, Libya, Somalia, Sudan, and Yemen. In the following days federal judges from New York and Massachusetts issued temporary blocks to parts of the order (case citation pending). By February 3<sup>rd</sup>, James Robart, a Washington State US District Court judge, blocked the ban nationwide.<sup>9</sup> The Trump Administration immediately filed a request to resume the ban but was denied by the Ninth Circuit Court of Appeals in San Francisco.<sup>10</sup> A second Travel Ban (Executive Order No. 13,780; EO-2) was issued on March 6, and was immediately blocked by Hawaii on March 7 in the *Trump v. International Refugee Assistance Project* 582 US \_\_ (2017) case. Following a timeline similar to the first travel ban, the new ban which had omitted Iraq from the list of banned countries and removed the indefinite ban on Syrian refugees was again continuously held up in court. Trump called the decision an "unprecedented judicial overreach".

In another example of the Trump Administration and Judicial Branch colliding, the authority of a federal judge has been called into question by Trump regarding the ruling regarding “Sanctuary Cities”. Trump’s challenge against Sanctuary Cities began as early as January 2017 when he threatened to withhold federal funding from these cities. A federal judge blocked The Administration in Spring from broadly enforcing that order. Then, in the summer of 2017 the Trump Administration proposed new legislation (Executive Order No. 13678) that would make immigration enforcement a precondition for receiving key law enforcement grants, citing the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) as legal authority to enforce the order.<sup>11</sup> Trump’s attack against Sanctuary Cities subsided for the time being following the November 20<sup>th</sup> decision of US District Court Judge William Orrick to issue a permanent injunction blocking Trump’s executive order seeking to strip the Sanctuary Cities of federal funding.<sup>12</sup> Executive Order No. 13678 has been a focal point of tension between Trump and federal judges whom continue to stand in the way of the Trump Administration’s efforts to implement the immigration policies it promised during its election campaign.

Trump and by extension his Administration’s responses to the various injunctions, stays, and executive order bans have failed to be subtle. Following the Sanctuary Cities ruling, Justice Department Spokesman Devin O’Malley stated that “The District Court exceeded its authority when it barred the President from instructing his cabinet members to enforce existing law.” An official statement from the White House also pertaining to Executive Order No. 13678 claimed, “This case is yet one more example of egregious overreach by a single, unelected district judge.”<sup>13</sup> Finally, in a message conveyed through his Twitter, Trump remarked “First the Ninth Circuit rules against the ban and now it hits again on sanctuary cities-both ridiculous rulings. See you in the Supreme Court!”. With the Trump Administration planning to take its executive orders to the Supreme Court whilst already having brazenly asserted its position on these cases, the matter of Executive influence over the judiciary comes into question.

The US’ court system is rigidly structured so as to be able to withstand the force of a president in open disagreement with the court. Trump’s Twitter statements that explicitly target the rulings of federal judges should be interpreted as nothing more than words without action claims former US Senator and WA State Attorney General Slade Gorton. According to Senator Gorton’s, the President “can say what he will on Twitter and be upset in front of the camera, but Trump himself presents no threat to the integrity of the US Judicial System.” One thing to consider however is the long-term effect of populism on the judiciary. Populist movements seek to install governments that promote their interests through elections and democratic means, but federal judges are appointed, not elected. Should the populist movement continue to be successful in legislative and executive elections, the autonomous judicial branch may become at risk of becoming comprised of populist appointed judges, at which point the value of an independent judiciary would be diminished.

## **Political Freedoms of Disadvantaged Groups**

Overtime, the US government has taken steps to liberate historically disadvantaged groups. Additionally, the US has seen growing racial diversity in Congress. In 1981, racial minorities only accounted for six percent of Congress and now make up 19 percent of the current Congress.<sup>14</sup> Furthermore, nonwhites now account for 38 percent of the nation's population.<sup>15</sup> This change provoked the historical racial divisiveness in the US and is seen in the current populist cultural backlash. Interests and freedoms for African Americans, Hispanics and Indigenous Peoples are trivialized by the populist movement through the Trump Administration. The racial divisiveness is utilized in the populist narrative as a means to define themselves in opposition to the "other" where identifying the populist "people" as people left out because of the "other's" interests. The disconnection between racial minorities and the populist movement can be seen in Charlottesville, DACA, the proposed Mexico border wall, immigration, the Muslim ban, and the Dakota Access Pipeline. These events present cases where populist interests affect the freedoms of disadvantaged groups.

Deep racial divides validated through the populist movement have limited the freedoms of disadvantaged groups and are exemplified in Charlottesville event and the pardoning of Sheriff Joe Arpaio. Charlottesville, Virginia August 10-12 2017 unfolded with "brash hate spewed by unmasked white supremacists" onto racial minorities but specifically African-American citizens at the University of Virginia.<sup>16</sup> The white supremacist narrative in Charlottesville included anger towards economic losses due to immigration and globalism. One person was killed, 19 injured, and three were arrested for assaulting an African American man.<sup>17</sup> Trump's vague and delayed response to the movement in Charlottesville satisfied many white-nationalists. However, the violence does not go by unchecked. On September 14, 2017, Congress passed a bipartisan joint resolution condemning the violence "as well as 'white nationalists, white supremacists, the Ku, Klux Klan, neo-Nazis, and other hate groups'".<sup>18</sup> This response shows the strength of democratic checks and balances by immediately protecting disadvantaged groups in the face of violence. Not soon after Charlottesville event, however, Trump pardoned Sheriff Joe Arpaio, on August 27, 2017, who was "convicted of failing to obey a court order to stop racial profiling"<sup>19</sup>. In this case, the use of executive powers does go unchecked to promote the populist ideology that ignore the racial profiling hardships that disadvantaged groups face. The two cases, Charlottesville and Joe Arpaio's pardon, show how populism enables a limiting definition of the people which ends up hindering freedoms and the integrity of democratic institutions through the extension of executive powers.

Immigration has historically been a large concern in the US and is a part of the populist grievances. Promotion of policies for restricting immigration has been important to the populist movement as many populists blame immigrants for domestic insecurity and economic disparities. As a result, there has been

large support from populists to terminate the Deferred Action for Childhood Arrivals (DACA) program, to build the proposed wall on the southern border (Executive Order No. 13,767), and to enforce a Muslim travel ban (Executive Order No. 13,769; EO-1). The debate over DACA is partially responsible for the government shutdown in January 2018 and the wall is still being debated. However, attempts at implementing the Muslim travel ban were not upheld in the courts as it was deemed illegal by The Immigration and Nationality Act of 1965 which “ban[s] all discrimination against immigrants on the basis of national origin”.<sup>20</sup> The checks and balances of democracy have provided protections against attempts from the Executive Branch to remove freedoms from Muslims abroad and domestically. On the other hand, these actions themselves have not addressed the growing violence against racial and religious minorities. In 2016, the FBI reported an increase in hate crimes based on ethnic biases and religious biases.<sup>2122</sup> Democratic checks and balances have therefore provided partial protections for immigrants from institutional changes but have fallen short in addressing the growing violence.

The Dakota Access Pipeline (DAPL) also presents the effects of populism on disadvantaged groups and right to property. In order to move DAPL from the majority European-American capital of North Dakota, down to the lands of the Sioux required a legally adequate environmental justice analysis. In 2014 the Obama Administration announced it would execute this environmental analysis and to prepare a full Environmental Impact Sates (EIS). After the change in administration, however, on January 24<sup>th</sup>, 2017, one of Trump’s first acts was an order to withdraw the EIS and issued the easement for DAPL which the Army Corps of Engineers complied with.<sup>23</sup> Since the passage, the Standing Rock Sioux Tribe’s survival has been threatened from five oil-spills under their water supply. The degradation of the Standing Sioux Tribe’s quality of life was framed as necessary to increase the wealth and prosperity of the American “people.” This event clearly shows how unchecked executive power limits freedoms of disadvantaged groups security and right to property.

Overall, the language and actions for the populist movement and enabled by the Trump administration has limited the freedoms of disadvantaged groups. Huge contributors to these issues are historical and are made more robust through the populist movement. Racial divisiveness and identity politics are key to the preexisting and current limitations to political freedoms of disadvantaged groups.

### **Press Freedom**

Despite having lost a couple points since the election of Trump, the US, according to Freedom House, remains one of the world’s safest countries for freedom of speech and by extension freedom of press. In the US, the press is legally protected even when criticizing the government outright. As of 2017, both the legal and economic environments contributed little to America’s press freedom rating, however the political environment has deteriorated.

Trump and the media have always been at odds with one another. On his Twitter feed and at political rallies, Trump often criticizes the media for its coverage biases and for spreading ‘fake news’. Politifact, a website organization that fact-checks statements made by public offices throughout the US government has identified a number of consequences of Trump’s ‘fake news’ rhetoric that now undermine democracy including but not limited to rampant false reports on social media sites like Facebook and Twitter, an increase in clickbait articles with zero reputability, and the increased probability of agents working on behalf of the Russian government to publish or promote fake news via U.S. based social media.

Freedom House has already acknowledged the increase in hostility that the press has faced in wake of Trump’s election, citing various epithets like “illegitimate” and “absolute scum” that have been used to describe the media. Given the luxury of the internet, social media has greatly enabled both the President and his supporters to create a turbulent online environment that allows for the oppression of the media. The recent advent of the alt-right, a far-right mostly online movement, has greatly contributed to this environment frequently criticizing the mainstream media for its bias against Trump.<sup>24</sup>

Trump has alleged that major news corporations like CNN, New York Times, and TIME Magazine are purveyors of ‘fake news’ and has called for the Federal Communications Commission to look into revoking network licenses.<sup>25</sup> “Network news has become so partisan, distorted and fake that licenses must be challenged and, if appropriate, revoked. Not fair to public!” reads one Trump tweet on the matter. In early 2018, Trump held what he dubbed the “Fake News Awards” where he identified CNN, the New York Times, and MSNBC as the primary purveyors of ‘fake news.’<sup>26</sup> These companies have openly criticized Trump and his administration, but despite being targeted back by Trump on twitter and his supporters on social media they will continue to openly criticize Trump with little meaningful consequence.

Regarding media censorship, the Trump Administration has succeeded at times in outright censoring dissenting opinions. During a “Make America Great Again” campaign rally in Dubuque, Iowa, well-known Univision reporter Jorge Ramos tried to question Trump on how he would accomplish the deportation of more than eleven-million immigrants. Initially Trump responded to Ramos by saying that he should sit and wait to be called, but it seemed evident to Ramos that Trump did not intend or want to engage in that discussion. Ultimately, Ramos was escorted out of the rally. Though the optics of this scenario reflect poorly on the President, they do not necessarily translate to a credible threat to press freedom. Neither Ramos nor the network Univision were adversely impacted in a capacity that prevented the release of the article documenting what had happened, and they were not subsequently penalized for doing so.

This trend continued post-election with the controversies surrounding Sean Spicer, the former Press Secretary, and his unwillingness to call on media outlets that have had a history of challenging the President or being unsympathetic to his agenda. There were numerous ways Spicer was able to avoid fielding questions from CNN or ABC including by: only calling on smaller less-known media outlets, hosting private press conferences with Trump-sympathetic media, or simply acknowledging the question but responding with nothing more than a generic one-liner. On February 24, 2017 Spicer barred media outlets from participating in a scheduled press briefing, conservative outlets like Breitbart and the Washington Times were allowed in whereas Politico, the New York Times, and CNN were not.

In addition to the former Press Secretary Sean Spicer, there are many larger actors in the White House behind Trump's war with the media. Former Chief Strategist Stephen Bannon, despite being a former executive at Breitbart, shares and promotes disdain for the media. Bannon is quoted as saying "It's going to get worse every day for the media". At the time, Bannon was considered to be one of the most powerful of Trump's advisors, and despite his departure from his White House position, Bannon maintains his stance that mainstream media is actively attempting to damage the Trump Administration. In an interview with "60 Minutes," Bannon is quoted to have said "I don't think [Trump] needs the Washington Post, and the New York Times, and CBS News, and that he knows he's speaking directly to the people who put him in office when he uses Twitter."

According to the Constitution, the First Amendment guarantees that the government will not interfere with the press' distribution of information and opinions. It does not however guarantee that the President will engage with media, and as far as restricting access to press conferences or refusing to talk to certain media outlets goes some argue that Trump is perfectly justified in doing so. The Trump Administration thus far has yet to engage in any type of behavior that willfully threatens the integrity of press freedom. Understanding what the long-term consequences of Trump's attacks on the press will be and what implications for using Twitter as the primary means of communication with the American people will have are both yet to be determined, but it should be stated clearly that Trump, his administration, and his populist supporters do not pose an imminent threat to press freedom.

## **Gender Equality**

Historically, gender roles in the US have been largely shaped by the nation's roots in Christian religious values, although there has been a marked shift towards greater secularism with the passage of time. Presently, there has been a shift to a more liberal and secular ideological view of gender equality. Since these changes, according to the 2015 United Nation's Gender Inequality Index (GII) the US has a score of 43, 0 being the most equal.<sup>27</sup> Although the US scores fairly well when regarding the rankings as a whole, the US ranks comparatively low relative to other world powers and even developing states.

Gender inequality has slowly improved due to the changes to the role of women in society, but also not mentioned in the GII, a slight increased tolerance in the US for LGBTQ rights. For women, involvement in government has gradually increasing trend, from 2014-2018 participation in U.S. Congress increased by 1.1 percent and State legislature increased by 1 percent.<sup>28</sup> For LGBTQ individuals, the Supreme Court legalization of same-sex marriage in June 2015 was a monumental shift for LGBTQ rights. These changes became a part of the part of the populist narrative that the US government has shifted support from the interest of the people and represents the cultural divides from identity politics. Enabled by the Trump Administration, the populist movement has challenged the equality of women and transgender people by empowering religious and gender biases.

Populism influences gender equality by creating what Adams and Herzog describe as the “gendered order of national identity”<sup>29</sup>. Both women and transgender individuals are threatened by gendered identity politics and, for transgender individuals, by religious values that the Trump Administration has enabled through executive powers. In the military, women’s and transgender individual’s rights were persecuted. On August 25<sup>th</sup>, 2017 Trump signed a Presidential Memorandum for “the military not to move forward with an Obama-era plan that would have allowed transgender individuals to be recruited into the arms forces”.<sup>30</sup> Then, Trump’s appointment of John Kelly and Defense Secretary James Mattis has been a concern for women’s rights because of gendered bias. Both situations for women and transgender people express the limiting cultural definition of the “people” through gender bias and for transgender individuals religious bias. However, executive powers do not go unchecked. The transgender ban executive order has been denied through the courts where three federal judges issued rulings to block the ban on terms that it violates constitutional rights to due process and equal protection.<sup>31</sup> Also, in December 2017, the ACLU Women’s Rights Project filed an amendment of a lawsuit in San Francisco claiming that the “Trump Administration helped facilitate the erosion of progress made on equal opportunity for women in the military” and alleged that chief of staff, John Kelly and Defense Secretary James Mattis “have shown an animus towards women soldiers”.<sup>32</sup> The use of checks and balances have protected transgender individual rights and have provided an outlet for women to push-back gendered biases. Although women’s and transgender individual rights were challenged, democratic means have also enabled them to push-back against the populist movement endorsed through the Executive Branch.

On the other hand, abortion and gender reassignment surgery access are examples of populism validated through the Trump Administration by succeeding in imposing specific religious biases. Trump discusses abortion by stating that defending the right to life is a critical aspect of his political ideology.<sup>33</sup> The largest impact made is through the appointments made in the Department of Health and Human Services (HHS). In particular, the appointment of Charmaine Yoest, a prominent anti-abortion activist, as

assistant secretary for public affairs at HHS.<sup>34</sup> Then January 2018, Trump expanded religious protections for “doctors, nurses, and other health care workers who object to performing procedures like abortion and gender reassignment surgery”.<sup>35</sup> To ensure this, the Trump Administration created an oversight entity within the HHS called the Conscious and Religious Freedom Division. These actions are direct use of executive powers to impose the ideology of the populist movements. It presents the imposition of religious values on a secular population, which is problematic because it upholds the greater burden women bear in society and also by directly opposing gender equality defined by Western standards through limiting the rights to autonomy over one’s body. Abortion and gender reassignment surgery access presents the cultural divisiveness in the US and the populist movement’s victory through executive powers.

The impact of the populist movement and Trump’s Administration can be seen through the recent happenings for transgender individuals and women. Democratic checks and balances have provided protections for women and transgender individuals, but some executive powers are able to empower certain biases on specific groups of people.

## **Conclusion**

In the US, the observable commitment to the protection of Press Freedom and Judicial Independence continues to exemplify the inalienability of individuals’ rights guaranteed by the Constitution. Press freedom specifically is guaranteed under the First Amendment, a benchmark component of the Constitution that is generally conferred by the public to be essential to US society and as such should not be interpreted as threatened by populism. Judicial independence, with its system of checks and balances, is a key institution in regulating the executive powers and has remained largely unobstructed by influences and pressures coming from the White House. It should be noted however that the current administration which has populist movement support has affected individual freedoms pertaining to gender equality and disadvantaged groups. Given the present highly polarized identity-politics driven US political environment, a populist movement-backed leader can come into power and through various measures secure more power at the executive level in order to break policy stalemates in favor of their party’s ideologies. These populist movements that come into positions of executive power are able to neglect cultural needs and prioritize their own goals as seen in the existing gender equality and judicial independence challenges. Overall, in the case of the United States, populism has only partially been able to undermine its democratic institutions.

# VENEZUELA

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## Introduction

On February 2, 1999, Hugo Chávez Frías was sworn in as the President of Venezuela. On that day, there was a newfound hope for a better future, the promise of reform, and for change which would affect the lives of all Venezuelans. With the power of the will of the people, Chávez did affect the lives of all Venezuelans for generations to come. After less than two decades under his governance, at the time of his death in 2013, the Venezuelan democracy completely eroded from a representative democracy to a competitive authoritarian government. Chávez came to power as a result of historical factors which were economic, institutional, and the rise of left-wing parties. These factors created the of state crisis which led to the mobilization of a disenchanted public against the previous government they saw as illegitimate. And led to the creation a movement of the people and for the demand of a populist leader. A leader who, in the end, would exploit his power to affect change that would dismantle the representative democracy.

The effects of populism are measured through an analysis of the impact of institutional changes and practices under Chávez on the four indicators of liberal democracy: judicial independence, political rights of disadvantaged groups, press freedom, and gender equality. This report finds that, due to institutional changes and practices under Chávez, judicial independence was completely eroded which had a reverberating effect on the other institutions. The actions of the Chávez government on the political rights of disadvantaged groups was dependent on whether the government deemed the group to be in opposition. Freedom of the press was completely undermined due to the lack of judicial independence, and the amount of gender equality between women and men saw some increases.

To understand the relationship between democracy and populism, this report examines the historical conditions which created a state in crisis, a demand for institutional change. These factors ultimately led to the ascension of Chávez to the presidency. This is followed by a characterization of populism in Venezuela and an overview of key events of the Chávez presidency. The effects of populism are then measured through an analysis of the impact of institutional changes on the four indicators of liberal democracy: judicial independence, political rights of disadvantaged groups, press freedom, and gender equality. This section concludes with an evaluation of Chávez's populist behavior, and a look at the state of Venezuela today.

### *Historical Conditions: A State in Crisis*

There were several historical factors which created the preconditions for a state in crisis and the demand for governmental change, which ultimately led to the election of Chávez to the presidency. These

were institutional, economic, and the rise of left-wing parties. The Republic of Venezuela was established in 1830, and became a democratic nation after the overthrow of army dictator Marcos Jiménez Pérez in 1958 and the establishment of civilian rule under the 1961 constitution<sup>1</sup>. The country's stability was secured in an agreement by the three main political parties under the Punto Fijo Pact. The Pact was an agreement for the sharing of power, resources, and for the exclusion of outsiders by the signatories<sup>2</sup>. The Venezuelan economy had been dominated by the oil sector since its discovery in the early 20th century. By 1935, petroleum exports constituted 91.2 percent of the country's export and, by the Chávez presidency, oil revenues accounted for 95 percent of all export earnings<sup>3</sup>. Due to the oil wealth, the Punto Fijo system created a clientelistic state, whereby the social contract between government and citizens, and loyalty to the parties, was dependent on cash rather than political persuasion<sup>4</sup>. Because of the nature of system and the high oil prices, Venezuelan workers received the highest wages in Latin America, and subsidies for food, health, education, and transportation<sup>5</sup>. In 1974, Venezuelan oil industry was nationalized and the state became responsible for accumulating and directing this income. Political parties used the oil wealth to reinforce the strength of the state and their parties, effectively increasing the level of corruption and reinforcing the clientelistic culture<sup>6</sup>. However, in 1979, the Venezuelan economy entered into a 20-year economic decline. With the decline, per capita oil income caused a decline in per capita GDP<sup>7</sup>. The low oil income meant that the state had to roll back its generous welfare system, which caused the percent of people living in poverty to raise from 36 percent in 1984 to 66 percent in 1995. In the worst year of economic decline, 1989, in a single year, the poverty rates went from 46 percent to 62 percent. In that same year, the number of people living in extreme poverty went from 14 to 30 percent<sup>8</sup>. The constituency measured the performance of the government by the rate of poverty. Due to the nature of the Venezuelan economy and institutions, external factors which decreased the price of oil also meant a decrease in government support and its perceived legitimacy. And in 1989, President Carlos Andrés Pérez turned to the IMF for loans. In February 1989, after the government announced an increase in gas prices and in public transportation fares, rioting in Caracas led to acts of retribution by the government against the poor, in what was called 'Caracazo'. The consequence of these actions was an increased public dissatisfaction with the government, and caused the public to turn to alternative parties. As a result of 'Caracazo', the left-wing socialist movement party received 20 percent of the municipal vote in the December 1989 municipal elections, double from what the left-wing had received 5 years prior<sup>9</sup>.

In 1983, Colonel Hugo Chávez Frías created a secret cell within the army called the Bolivarian Revolutionary Movement 200<sup>10</sup>. On February 4, 1992, Chávez and his fellow conspirators launched a coup attempt to topple the Pérez government. The attempt failed and Chávez surrendered on the condition of having the opportunity to address the nation. In one-minute television appearance, Chávez took responsibility for the failed coup attempt and stated the group's objectives had not been achieved 'for now'

<sup>11</sup>. In 1993, Pérez was removed from office due to charges of corruption<sup>12</sup>. And in 1993, the economic decline, public dissatisfaction with the failures of the political institutions, and option of alternative candidates affected the outcome of elections. Rafael Caldera, an outsider and non-member of the Punto Fijo Pact, won the election and, in 1994, fulfilled a campaign promise by pardoning Chávez and the other coup participants<sup>13</sup>. In the years following, Caldera, who had a reputation for honesty, legitimacy was severely damaged due to allegations of corruption within his inner circle<sup>14</sup>. During this time, Chávez began organizing a left-wing political party to run for the presidency in the following election by changing his MBR-200 movement into the left-wing political party MVR, Movement for the Fifth Republic. The 'fifth republic' would signal a break from the Punto Fijo Pact, the fourth Venezuelan republic. Through an alliance with union-based and leftist parties, on December 6, 1998, Chávez won the Venezuelan presidency with 56.2 percent of the vote on the promise to completely overhaul Venezuela's corrupt political system<sup>15</sup>.

### *Populism in Venezuela: The People, The Movement, The Leader*

The populist movement in Venezuela was unique and caused by the factors previously discussed: institutional, economic, and the rise of the left-wing parties. The state, plagued by ineffectiveness, deepening inequality, and corruption, created a public that was disenchanted by its poor performance. This populist movement could be characterized as economic populism due to the correlation between an economic downturn and its rise. The populist movement was also not an irrational response, but citizens and politicians acting as reasoning individuals. Additionally, it was a justifiable response to the crises that the reigning system of governance was responsible for creating; this response came in the form of a moral condemnation<sup>16</sup>. The public's demand for reform was expressed through the election of Chávez, a candidate who promised sweeping reforms. Chávez won with the support from nearly all classes of society, but particularly from the lower and middle classes which suffered the greatest trauma from the economic crisis of the previous 20 years<sup>17</sup>.

Chávez was a political outsider, and a charismatic leader, who provided a catalyst for the successful populist movement<sup>18</sup>. Though there was nothing especially remarkable about Chávez, he was different than other candidates. He put himself forward as a leader who could change the status quo, fulfill the will of the majority, address social needs, and change the unresponsive and exclusionary institutions. He was also an individual with which the marginalized could identify, and was 'one of them', a person of mixed race from a middle-class family<sup>19</sup>. Chávez's discourse was dualist, the good people against the evil oligarchs accused of betraying and financially ruining

the country<sup>20</sup>. It was the goal of his movement to destroy the old ruling class and the institutional basis for their authority<sup>21</sup>. Since Chávez ascended to the presidency on a mandate by the people for institutional reforms, he was therefore given by the people the position and authority to make those sweeping reforms to the constitution, institutions, and to remove the established actors<sup>22</sup>. In this position of power, Chávez was posed to make Venezuela into more democratic nation by encouraging popular participation, creating new social rights, and redistributing wealth classes<sup>23</sup>. However, under the Chávez government, this would not be so.

### *The Chávez Government*

Though there were many consequential actions and events during the course of the Chávez presidency, the initial actions had the most reverberating effects. They include:

- + On February 2, 1999, Hugo Chávez Frías assumed the office of the Presidency, and within the first twenty-four hours, announced a presidential decree to convene a Constituent Assembly to rewrite the constitution<sup>24</sup>.
- + In December 1999, the new constitution was approved by popular referendum. It expanded presidential power, transformed the bicameral legislature to a unicameral, called for new presidential and legislative elections, and appointed new Supreme Court judges<sup>25</sup>.
- + In July 2000, elections resulted in the reelection of Chávez and his supporters, who won 104 of 165 National Assembly seats. They soon passed the ‘Enabling Law’, which gave the president the power to legislate by decree, unilaterally, for twelve months.
- + From 2000 to 2001, Chávez enacted 49 news laws causing institutional, economic, and political changes. These unilateral changes were opposed by Venezuelan businesses, labor unions, political opposition parties, and by Petróleos de Venezuela (PDVSA), the largely state owned oil production company. They lead a series of one-day national strikes and, as the result of mass protests in early 2002 lead by opposition parties, several high-ranking military officers launched a successful coup attempt against Chávez. The coup lasted two days, when on April 14, 2002, pro-Chávez military official launched counter coup and restored Chávez to the presidency<sup>26</sup>.
- + From December 2002 to January 2003, in an attempt to force Chávez from office, PDVSA launched a nationwide strike which brought the nation’s economy to a standstill and had lasting economic effects<sup>27</sup>.
- + In 2002, due to his decreased popularity, Chávez launched a new social policy called missions, a top down initiative to distribute benefits and oil revenues to low income communities through social services<sup>28</sup>.

- + On August 15, 2004, Chávez defeated a referendum vote to recall him from office<sup>29</sup>.
- + During the December 2005 legislative election, Chávez supporters took all 165 National Assembly seats<sup>30</sup>.
- + On January 8, 2007, Chávez announced plans to nationalize the country's electrical, telecommunications companies, and central bank<sup>31</sup>.
- + February 2009, constitutional amendment passes with 54 percent of the vote, eliminating the two six-year Presidential term limits
- + In September 2010, the opposition coalition won 65 of 165 seats in the National Assembly. However, before the new members took their seats, the pro-Chávez assembly enabled Chávez to rule by decree for eighteen months, during which he redrew district maps ensuring the pro-Chávez party retained the majority of seats.
- + October 2012, Chávez won reelection with 54 percent of the vote.
- + March 5, 2013, Chávez died of cancer.
- + April 14, 2013, Chávez's handpicked successor, Nicolas Maduro, won the presidency<sup>32</sup>.

## **Judicial Independence**

The Judiciary was the first institution to be affected by the Chávez administration. This had reverberating effects on all other institutions, particularly on press freedom and the political rights of opposition groups. In practice, the judicial changes disrupted the system of checks and balances, without which it is nearly impossible for a country to remain democratic.

The judicial system Chávez inherited when he assumed office was one plagued by corruption, influence peddling, and political interference. A survey done by the UN Development program in 1998, found that only 0.8 percent of Venezuelans had confidence in the judicial system. Chávez ran on a platform to reform the institutions and there was overwhelming public support, even among political adversaries, for judicial reform<sup>33</sup>. The Chávez-led government was perfectly posed to create a system with greater horizontal accountability. In end, however, the very opposite occurred.

Judicial reform began when the Constituent Assembly re-drafted the constitution in 1999 and declared a state of emergency to suspend judges with seven or more complaints or any type of criminal investigation against them. This led to the removal of hundreds of judges in the months following<sup>34</sup>. There were many cases of Justices having been fired and denied security of tenure for political reasons. Three such firings of judges occurred in March 2002, during the midst of unrest in Venezuela, after they ruled on behalf of the opposition demonstrators after the prosecutor failed to present sufficient evidence against them<sup>35</sup>. In 2004, the Court was in a two-year deadlock, divided ten to ten, between Chávez allies and opponents. In May of 2004, the National Assembly passed a new organic Laws of the Supreme Court,

increased the number of Supreme Court judges from 20 to 32 justices, and made it easier for the Chávez party dominated National Assembly to pack the court with supporters and purge it of opponents<sup>36</sup>. This had the effect of a political takeover of the Supreme Court. On December 10, 2009, Judge María Lourdes Afuni was arrested after authorizing the release of a prominent critic of Chávez, Eligio Cedeño. The president denounced her as a ‘bandit’ on national television and, after a year in prison in Caracas, she was moved to house arrest in February 2011.

Following the Supreme Court’s political takeover and the arrest of Judge Afuni, the lower court judges have feared issuing rulings against the Chávez government. A study done on the court decisions found that in 2009 and 2010, in cases that involved individuals challenging either the action by the President, National Assembly or other Chávez supporter controlled institutions, the Supreme Court rejected or failed to adopt a decision on the case at a rate of 90 percent. The lack of autonomy of the Venezuelan court is clearly enumerated through comments made in 2011 by the Supreme Court President Luisa Estella Morales. She stated, in addressing the President, that “Here are all your institutions, and we are firmly moving forward with the responsibilities that you have given us, which we will never betray, not now, not ever.<sup>37</sup>”.

### **Political Rights of Disadvantaged Groups**

The actions of the Chávez government towards the political rights of disadvantaged groups depended on whether or not they were deemed to be a threat or in opposition to the government. Indigenous groups were not seen as a threat to the government and thereby experienced the greatest improvement in political rights both constitutionally and institutionally. Whereas, the political rights of opposition individuals, constituency, and media – the new disadvantaged groups, suffered due to the threat they posed to the authority of the government.

In the 1999 constitution, the Indigenous People, a group which had been marginalized under the Punto Fijo system, saw the most positive constitutional change over any other previously marginalized group. These changes, however, did not occur for many of the other groups which had been underprivileged in the previous ruling government. This new constitution also brought Venezuela to be one of the most progressive countries for indigenous rights. There are a total 38 different indigenous groups in Venezuela that constitute two percent of the country’s population<sup>38</sup>. In the process of rewriting the 1999 constitution, indigenous groups were appointed three delegates and given an entire chapter dedicated to the rights of indigenous peoples, which promotes the incorporation of Indigenous People into political life. The constitution guarantees three indigenous seats in the National Assembly and “a seat on state-level assemblies and municipal councils in districts where they [indigenous] have a significant presence”<sup>39</sup>. In practice, government support has come in the form of giving thousands of hectares of land to indigenous

groups, as well as providing military protection to the groups<sup>40</sup>. However, the land given fell far short of the full 60,000 hectares they claim as ancestral land<sup>41</sup>. It could be argued that the reasons the Chávez government made constitutional changes was in order to broaden the voter base to a group which categorically rejected the prior regime. And also the indigenous groups constituted such a small percentage of the population, they served no political threat to the new government.

In contrast, the political rights of the opposition, which were the new disadvantaged group in Venezuela, were systematically undermined. ‘The opposition’ can be defined as any individual, group, or organization which the government or leader determines is subverting the will of ‘the people’, which is synonymous with his will. There were three categories of opposition targeted by the Chávez government: opposition individuals (as seen in the previous section); constituency; and media (as seen in the subsequent section). A large-scale instance of targeting of the constituency happened in the wake of the 2003 vote for a recall referendum. Article 72 of the Venezuelan constitution enables the petition for a referendum vote upon revoking elected officials position from office. Opposition groups, after having attempted to pressure Chávez through the mass demonstrations and the general strike, called for a referendum vote to recall Chávez from office. During the vote, referendum signatures were collected and identity of the signers verified by council officials. The end result of the referendum was Chávez being supported by 59.1 percent of those voting, with 40.6 percent (4 million) voting in favor of his recall<sup>42</sup>. Afterwards, in 2003, a pro-Chávez legislator, Luis Tascón, accused the opposition of forgery and announced that he would publish the list of referendum signatures on his website<sup>43</sup>. The electronic database of signatures was collected into a program called Maisanta. This allowed users to search the data base which covered all voters as of March 2004, against whether the individual signed the referendum or not<sup>44</sup>. A study done on the income of those who signed the referendum against Chávez revealed that they experienced a 3.9 percent decrease in their incomes relative to non-signers. An average sized corporation whose board members signed the referendum had to pay \$76,340 more in taxes compared to company whose board members did not sign. Alternatively, firms who voted pro-Chávez in the referendum received an average of 55 percent more in foreign currency exchanges than a neutral firm. While, on average, pro-opposition firms received 51 percent less in foreign currency exchanges as compared with the neutral firms<sup>45</sup>. As this case study demonstrates, the Chávez government used its power to penalize the political rights of those who voted in opposition to the government because of the threat that they posed to the government power.

## **Press Freedom**

The by first suppressing judicial independence, the Chávez government was able to undermine the freedom of the press. Much like the opposition groups, government attention to the press resulted from its perception of the press as a threat. Additionally, there were inconsistencies between the actual constitution,

the laws enacted following the challenges to government by the opposition, and the institutional practices. The 1999 Constitution does guarantee freedom of communication, freedom to truthful and impartial information, and to information without censorship<sup>46</sup>. However, in practice, this plays out very differently. A law passed in 2000 stipulated that the government could move against media groups that it determined were engaging in clandestine activities. In October 2003, this law was used against the country's largest news station, Globovisión, and led to the confiscation of live-broadcasting equipment by the government telecommunications regulatory agency CONATEL. On March 16th 2005, the penal code was overhauled to make insulting the president punishable by 6 to 30 months in prison, and comments which "expose another person to contempt or public hatred" to 1 to 3 years in prison and subject to a fine<sup>47</sup>. There is also a direct connection between the non-independent judiciary and the resulting lack of press freedom. In 2007, Globovisión filed an appeal with the Supreme Court because the government required that the news station air mandatory state broadcasts several times a day. The Supreme court took four-years to rule on the case and, in May of 2011, it rejected Globovisión's appeal. The Courts have also upheld state censorship, as it did in November 2011, when it banned a series of political advertisements that criticized legislation being promoted by the president.

While the relationship between the Chávez government and the media began to deteriorate in late 2000, after press, radio, and television stations became critical of the government<sup>48</sup>. And this relationship would become increasingly more hostile throughout the Chávez presidency. Which was particularly true after the attempted coup in 2002, at which point the Freedom House Press Freedom score for Venezuela went from Partly Free to Not Free. By 2013, the Press Freedom score total had further risen to 76, from a score of 44 in 2002. Chávez's opinion of the media was articulated in 2005 interview when he stated, "We know there are a lot of people complaining: 'You have to be tougher on the media, you have to get them to fall in line.' At this point, I think the only path left open to us is coercion, in the judicial sense"<sup>49</sup>. Governmental opinion and actions against the media then led to harassment, violence, and murder of journalists by government sympathizers. A report by Espacio Público found that 61 percent of these incidents of violence against the media were perpetrated by the government. Violence led to not only safety concerns by member of the media, but also had the effect of causing self-censorship. A study by the watchdog group Instituto Prensa y Sociedad in 2009 found that one of the primary reason for high levels of editorial self-censorship was due to fear of offending the government<sup>50</sup>. The government control of the press through legislative and judicial means stemmed from its control over the judiciary, which indicates that a connection between the two indicators.

## Gender Equality

Due to constitutional and institutional changes, as well as the expansion of social services throughout the years of the Chávez government, there was an increase in the gender equality between women and men. This increase kept Venezuela on par with increases in gender equality in Columbia and Peru. Although legal equality exists in Venezuela due to the legal changes, de facto equality, however, has yet to be achieved, which can be attributed to the government's struggle to generally impose the rule of law. There is no evidence to suggest that either constitutional and institutional changes, or the expansion of social services, were intended for the express purpose of gender equality. Rather, increased gender equality was the indirect result of the Chávez government's appeal to a broader voter base and to constitutional changes and social programs creating a mobilizing mechanism.

The greatest increase in legal gender equality for women in Venezuela can be attributed to the redrafting of the constitution. The 1999 constitution was in fact one of the most progressive in the world. Some of the reformist changes in respect to gender equality include the use of gender inclusive language as it contains both the masculine and feminine version for every job title mentioned<sup>51</sup>. Several articles of the 1999 constitution granting women legal equality, for example, Article 21, makes discrimination based on sex illegal<sup>52</sup>. Article 88 guarantees equitable treatment between men and women in the rights to work, considers work in the household as valuable economic activity, and entitles housewives to social security<sup>53</sup>. In drafting the 1999 constitution, women worked closely with members of the Constituent Assembly and many continued to collaborate with Assembly members on other legislative projects. The Articles stated reflect this and the work of activist women as community leaders dating back to the 1940's. The Chávez administration worked with women as community leaders and appointed several women to high level ministerial positions<sup>54</sup>. The percent of parliamentary seats held by women in 1995 was 6.3 percent and by 2005, the percentage had risen to 17.4 percent<sup>55</sup>.

As stated previously, in the early years of his presidency, Chávez pursued a social policy in the form of the outreach program missions. In the largest missions, women were in the majority as participants, beneficiaries, and as volunteer and paid staff, especially those focused on healthcare, food distribution center, and community kitchens. Many of these social programs center around education, food, healthcare, housing, and income, all of which are important to women's traditional roles as mothers<sup>56</sup>. Misión Madre de Barrio, which provides women with skill including job training, is the only social service program of the missions that targets women exclusively. Two other programs, Inamujer and Banmujer, are two national organizations which target women for political participation. A 2004, Inamujer annual report stated that the main objective of the organization was to "guarantee the implementation of the Bolivarian Revolution and women's roles as key actors"<sup>57</sup>. Chávez often stated that Venezuela needs revolutionary mothers to advance social change. This suggests that social programs were used as a mobilizing tool by the government for

women’s favorable political participation. It must be noted that Chávez was popular among female constituents since he made a personal appeal to them and made them feel recognized for their contributions and sacrifice through their participation in the missions<sup>58</sup>.

Despite the progressive constitutional changes, social programs created, and Chávez’s personal appeal to women, in practice, however, the Venezuelan government struggled to enforce laws to protect women’s rights. This can be seen in the 1999 law and 2007 law protecting women against violence. In 2007, local organizations estimated that only 1 in 9 women reported violence to the authorities. When Inamujer set up a hotline for women to call and report cases of abuse, they received calls from 4,484 women.<sup>59</sup>

The account for gender equality during the Chávez years is a contradiction. There is greater legal equality, more women in ministerial positions, women benefiting from social programs, and social programs being used to mobilize women’s support for Chávez. Although laws are not being enforced to protect women rights, the overall measurement for gender equality. The Gender Equality Index, has shown an increase in equality. Compared to 1995, in the years after Chávez took office, Venezuela has followed the same upward trend toward greater gender equality between women and men, on par with Latin Americans countries of a similar geographic size and population <sup>60</sup>. Which means that Chávez did have a positive effect on gender equality.

TABLE 1.1. Gender Inequality Index (GII)<sup>61</sup>

	1995	2000	2005	2010	2011	2012
Venezuela	0.547	-	0.47	0.469	0.468	0.466
Columbia	0.538	0.497	0.484	0.437	0.431	0.424
Peru	0.547	-	0.456	0.406	0.412	0.4

## Conclusion

The effects of populism were measured through an analysis of the impact of institutional changes and practices under Chávez on the four indicators of liberal democracy: judicial independence, political rights of disadvantaged groups, press freedom, and gender equality. The analysis found that, because of the institutional changes and practices under Chávez, judicial independence was the first institution to be targeted and completely eroded, which had reverberating effects on the other institutions. The actions of the Chávez government on the political rights of disadvantaged groups was dependent on whether the government deemed the group to be in opposition. Freedom of the press was completely undermined due to the existing lack of judicial independence, and gender equality between women and men saw some increases.

When Chávez ascended to the presidency in 1999, he was in the position to make Venezuela more democratic by encouraging popular participation, creating new social rights, and redistributing wealth<sup>62</sup>. This did not occur, in part, because Chávez was a political outsider and did not rise through the ranks of established parties. Therefore, he had less respect for the democratic rules of the game. An additional reason this did not occur was due to the nature of populist movements. Populist movements are susceptible to polarization which leads them away from being an ordinary political organization to one with authoritarian tendencies. High levels of political polarization can lead political opponents to engage in undemocratic strategies like general strikes and coup attempts. This makes it more difficult for the ruling party to make concessions, thereby further polarizing the country. The more polarized a nation is, the more willing the people tend to be in support the policies of the incumbent, even if it dismantles the democracy<sup>63</sup>. When challenged by opposition, governments with power given by the people will use it to consolidate power and remain in office. Additionally, polarization reinforces the populist dualist moral struggle between good and evil and adds a teleological element that sees this struggle on a cosmic level at its climax. People then see themselves at either a time of apocalypse or entering into a new era<sup>64</sup>.

Today, Venezuela is no longer a democratic nation and still suffering the effects of the 2014 collapse of its economy because of the drop in the price of oil and years of economic mismanagement. President Nicolás Maduro acknowledges the food shortages, but has refused international aid because he is blaming foreign adversaries for the country's economic problems. The IMF projects inflation in Venezuela could reach 2,300 percent in 2019<sup>65</sup>. To combat this, Venezuela has begun to presell a virtual currency, known as 'the petro', which is backed by the nation's oil reserves. President Maduro will run for reelection in April 2018 and is, by all measures, projected to win<sup>66</sup>. And though the effects of the past populism movement will be felt for generation to come, a new populist movement will never take root in Venezuela due to the authoritarian nature of the government.

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Figure 1:

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Figure 2:

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