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# Political Monopoly

## How Europe's New Authoritarians Stifle Democracy and Get Away With it

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The liberal democratic societies we know today are characterised by the dispersal and confinement of power. Dispersal to prevent a single person accumulating too much in his or her own hands. Confinement by laws, to prevent those who hold it from abusing their position of trust. Power is like money. If you already have some it's easier to take more for yourself.

We built these checks and balances to protect ourselves from all-powerful Stuart and British kings; fascist demagogues, segregationist governors, and Communist one-party states. Absent foreign meddling, democracies are only rarely overthrown, like the Spanish Republic was, by open military revolt; they're much more likely to be captured like the Roman Republic, sixteenth-century Florence, Kerensky's Russia or Weimar Germany, because the people who could have stopped tyranny were too consumed with their own political struggles; too prone to bribery; too easily manipulated by new media and too afraid of imagined or exaggerated enemies to defend their own freedom. These checks and balances are put in place to protect us from our own worst instincts.

ISD research into information operations seeking to sway European electorates during the European Parliament elections of 2019<sup>1</sup> uncovered how they're under attack not only from individual populists like Viktor Orbán, Donald Trump or Matteo Salvini, but from an ideology that legitimises attacks on checks and balances, and a "theory of change" that details how to carry them out. We saw how its supporters copy each other, train each other, and build what we might call the populist infrastructure of think tanks, radio stations, new media sites and social media influence operations needed to sustain the assault. They deploy this to attack and delegitimise their opponents through an inversion of the media strategy used by terrorists: not so much the propaganda of the deed, as the deed of propaganda. They seize control of the narrative and use this narrative control to dominate politics by moving the centre of debate towards their formerly extreme positions.

Once in power they apply themselves to reconfiguring the relationship between the government of the day, the rest of the state and even the rest of society. They attack judges and undermine public service media, and take steps to weaken and politicise the civil service. Then they turn on civil society, independent media, and the business sector.

<sup>1</sup> The full findings of ISD's research into digital information operations are detailed in the accompanying report 'Click Here for Outrage': Disinformation in the European Parliamentary Elections 2019 by Chloe Colliver. ISD, London: 2020: <https://www.isdglobal.org/isd-publications/click-here-for-outrage-disinformation-in-the-european-parliamentary-elections-2019/>

These blatant power grabs are protected by an ideological escort. Theirs is a “customer’s always right” theory of government. The national majority (or the people who claim to represent it) is the customer, and hires the government, who, as a supplier ought to be fired for not doing what the customers want. This superficially attractive ideology takes legitimacy away from minorities and political institutions and hands it to the representatives of an electoral majority from a particular instant in time. It authorises them to convert victory at an instant into permanent control of the state by discarding checks on majority rule and tilting the playing field against their opponents.

The national majoritarian ideology eliminates distinctions between the executive and other branches of the government; and between the political leadership of the day and the institutions of state. It therefore squeezes out loyal opposition (opposing the policies of the government while supporting the alternation of power within the political system). It casts critics of the government as critics of the nation, and political (and, frequently ethnic or religious or sexual) minorities as threats to the national majority.

These tactics are familiar, and when practiced by Sulla, King Charles II, the Know-Nothings, and Mussolini, accompanied by legally-approved violence. But contemporary national populists use violence sparingly, if at all. Opposition parties aren’t banned, they just never win. Opposition newspapers aren’t forbidden, they just find it hard to make money or receive advertising. Actions for judicial review can be filed, but they never succeed. Non-government affiliated companies can bid for tenders, just never have them awarded. Like the dominant players in the tech sector, where competition is allowed, but the incumbents copy or buy up anything developed by a potential competitor, they create a political monopoly out of a formally competitive political environment. Other suppliers are “free” to compete for the customer-voters’ favour, they are just denied the chance to obtain sufficient market share.

Where liberal democracy splits power up, between politicians and judges, national and local levels of government, and political and technocratic sources of authority (consider independent central banks, now also under considerable attack), the national populists concentrate it. Divided power secures competition and encourages good government by requiring the political leadership to persuade stakeholders, not simply outvote or obstruct them.<sup>2</sup>

Crucially, where liberal democracy reduces the discretionary power available to elected government officials, who are required to act within the law, national populists believe that their electoral mandate gives them a kind of plenipotentiary power to override judges, civil servants, NGOs and others they dismiss as “unelected.” They reject the institutional restraints of ordinary political office and consider themselves free to act as dictators in the Roman sense of the term; that is, they believe themselves to be legitimately produced by the system, and as such that they ought to have unlimited power. They consider alternative powers illegitimate for the duration of their mandate. As this report demonstrates, most clearly in Hungary, their belief in their own unlimited legitimacy, allows them to give themselves permission to twist the political system in their favour.

Thus the national majoritarians do not just undermine liberal institutions, but mount a frontal assault on liberal political culture. They dismiss its traditions of compromise, caution and continuity as supporting vested interests and an elite. They elevate agreement with the majority above technocratic knowledge: “the people have had enough of experts”, as one Brexit campaigner wrote, even in matters as apolitical as vaccination. It is no surprise that national populists, from Trump-supporters in the United States, to Vox in Spain have been most opposed to measures taken to contain Covid-19.

<sup>2</sup> Note that this needs the stakeholders to behave in this spirit as well. If they obstruct the government as an end in itself the competition between centres of power produces gridlock and, public demands for a strong leader who can cut through the mess. This phenomenon is most evident today in Italy, but is also frequently cited in British Conservative circles. A belief in the need to repeat Thatcher’s assault on vested interests she believed were holding Britain back animates a considerable part of the Brexit movement, whatever the difference in circumstances between the late 1970s and the present day.

A liberal state and political culture create moral and legal barriers between the rulers and the ruled. Unlike electoral populists, liberals don't think that bad government is solved by changing the rulers ("cashiering their governors" in Burke's phrase)<sup>3</sup> and hiring new ones with untrammelled power to act on our behalf. Liberalism's aim is a political marketplace where alternatives are debated, compromises hammered out and civil and human rights are respected. Competition in this market is protected by what amounts to political anti-trust in the form of the rule of law, a vibrant pluralistic media, independent civil society and a private sector protected from state capture. The national majoritarian populists dismantle or capture them so they can build their political monopoly.

## Research Background

During the 2019 European Election campaign ISD set up an operation to detect covert information warfare and dirty tricks. We were looking for bots, sockpuppet accounts, orchestrated campaigns of harassment and evidence of strategies to game social media networks' algorithms to artificially increase the visibility of content. Unlike many other operations, we were able to look for domestic, European skulduggery as well as open Russian interference. We found plenty of examples of all these types of activity, of varying degrees of sophistication and effectiveness, the details of which can be found in the accompanying report, *Click here for Outrage*<sup>4</sup>. Three lessons stood out:

- Don't take social media as representative of public opinion. It's highly selective, and far too easy to manipulate;
- Very obvious automation of malign online activity is increasingly a thing of the past. People pretending to be someone they're not is more prevalent and platforms' lack of transparency makes this hard to detect;
- This isn't simply the work of Russian "supervillains." The Internet Research Agency's tactics weren't particularly advanced, and many other organisations, like communications agencies, use them all the time.

But the focus on disinformation as a tactic risks distracting us from what's really going on. Uniquely among efforts of this kind we supplemented our social media analysis capacity with political analysts in the countries we studied. They were able to analyse and understand the purpose behind the tactics, and by combining those insights we've been able to piece together the strategy these tactics served.

What seemed at first to be a disorganised picture, characterised by varied tactics and distinct political issues being raised in different countries (homophobic propaganda in Poland; a defence of gay rights to make anti-Muslim points in the Netherlands; or staunch defence of Israel by Germany's AfD, accompanied by virulent anti-semitism from Spain's Vox) began to make sense as part of a general attack on postwar liberal democracy and international society.

Homophobia and anti-semitism, denial of climate change, sexism and opposition to immigration are as much instruments of political campaigning as its purpose. The new nationalist right coopts resentment against environmentalism and social inclusion, ideas that originated in the post 1968 new left, but have now come to command a broad consensus, especially among the urban and educated parts of society.

Right wing populists have, at least since Nixon<sup>5</sup>, seized on cultural resentment at this socially and economically successful elite to form an electoral coalition built around uniting rich and poor social conservatives. In the EP elections, a new generation of these movements, which posit the protection of the nation state, traditional family and industrial work against international business, immigration, environmentalist and cultural egalitarianism learned to cooperate and campaign on similar themes, though too disparate to be considered a single cohesive bloc.

<sup>3</sup> Used repeatedly throughout *Reflections on the Revolution in France*,

<sup>4</sup> Chloe Colliver, ISD, London: 2020: <https://www.isdglobal.org/isd-publications/click-here-for-outrage-disinformation-in-the-european-parliamentary-elections-2019/>

<sup>5</sup> See Rick Perlstein, *Nixonland*, New York: Scribner, 2008.

As well as conflicts of ego and personality, their nationalism lands them at policy odds with one another (to whom does South Tyrol belong? When Orbán laments the Treaty of Trianon, what do Slovak and Croatian nationalists think?). Fears about a nationalist international being directed by Steve Bannon from a monastery in the hills outside Rome ultimately proved unfounded. Rather than a single orchestrated movement, it is a family of ideological siblings that learn from each other, exchange experiences and essentially share the same world view.

## Nationalist Majoritarians vs. Liberals

It is too simplistic to dismiss these nationalist movements as merely “populist.” They generally are populists in the sense that they claim to speak for “the people” against elites, simplicity against complexity, and promise to give people what they want, not what is good for them. But their movements have a stronger ideological core that is quite distinct from the left-wing populism of Podemos, Syriza, Alán García or Evo Morales. This goes beyond a difference in the target of their ire, which, for left wing populists is the rich; for right-wing populists it's often foreigners. Anti-semitic populism casts the Jews as both.<sup>6</sup>

Populism is a style of politics characterised by telling people what they want to hear, and finding someone else to blame when the promises prove impossible to fulfil. Its failures and divisiveness undermine confidence in democracy, and its tendency towards corruption is marked. The movements we observed campaign in this style but are particularly dangerous because they also share an ideology.

This ideology is distinguished by its account of political legitimacy. The old-left populists locate it in the working class; new-left populists in the complex of groups who find themselves on the wrong end of intersectional oppression. For national populists legitimacy comes from the national majority.

In principle these national populists are primitive democrats. They acknowledge, as even Turkey's Erodgan does, that electoral victories are necessary to rule. What makes them primitive is that they think this is sufficient. In the way that in the British system a parliamentary majority is all-powerful, they think that a popular majority should be fully sovereign, whether directly in referendums or through its parliamentary representatives. It ought, they think, to have its will made into the law and policy of the land.

It follows from this that if the people don't get what they want, because judges or international treaties prevent them, or technical experts explain it's impossible, they have a legitimate grievance that needs to be redressed. The grievance operates on two levels, that of the individual and that of the majority. At the individual level it serves to create a division between the holder of the grievance (to whom the populists address their campaigning) and the people who prevent it being redressed — the elite, the rich, the “Poles of the worst sort”, etc. The people with the grievance, that is, the ordinary people, the better sort of Pole, have been kept down by the “metropolitan elite” (UK), Kasta (Poland) or Casta (Spain).

The second level is the majority. The person with the grievance is told they are in the majority and that democratic principles entitle them to redress, and to hire a government that responds to the wishes of those they consider to be the many not the few.<sup>8</sup>

The national populist argument presents the grievance as justified on the grounds of the numbers holding it and not on the substantive justice of the grievance itself. This rejects the distinction between political normative and technical reasons for why the grievance might be addressed. It makes a claim for a purely procedural idea of liberal democracy in which the weight of numbers is thought to have a moral force to outweigh well-founded reasons to doubt the justice or feasibility of the populists' programme. Seeking to sweep away obstacles to implementing the people's will becomes the driving force of their politics, giving

<sup>6</sup> National populists don't limit themselves to targeting Jews, but the characteristics they attack – living in cities; not having deep links to a single place or nation; remoteness from the common man achieved through education – include many that used to be attributed to Jews by anti-Semites in the first half of the 20th century.

<sup>7</sup> 'As Poland Lurches to the Right, many in Europe Look on in Alarm', New York Times, 14 December 2015.

<sup>8</sup> I say consider, because it is only in Hungary where populists have obtained close to a simple majority of actual popular support. Elsewhere they have only managed between 30 and 40% and rely on disproportionality of electoral systems to win office

them a notable advantage. Acquiescence in the removal of the obstacle allows the populists to consolidate power; keeping it there gives them a cause.

They have thereby been able to corner a liberal movement that appears to have forgotten to defend the liberal system it once stood for. Liberal democratic politics exists to create a system that involves the public, but limits popular sovereignty so the people can't be tricked by demagogues into giving up the rights that popular sovereignty itself is supposed to protect.

For thousands of years, "liberals" built institutions and created conventions to protect the political system from demagogic abuse. The first on record is the Athenian practice of *graphe paranomon* where an orator who had persuaded the Assembly to endorse something foolish could be tried and punished for having made an "illegal proposal". Ancient Rome too had plenty of mechanisms, such as the dual consulship, that were taken up in later experiments in representative government in Italian city states and eighteenth-century Anglo-Saxon "mixed" government. Most importantly, the democrats who rebuilt Europe's democracies after World War II and after the collapse of Communism developed the tradition further, putting legal, social and cultural limits on the powers of appeals to popular sovereignty to undo the liberal democratic system.

We know these limits as the rule of law, protections for minority rights, procedures for constitutional amendment, guarantees of public broadcasters' impartiality and freedom of the press, electoral commissions and other institutional mechanisms. National populists have correctly determined they are power structures designed to keep their kind of politics under control.

## Power Structures

This is the sense in which the national populists are right. Liberal democracy depends on power structures to suppress emotional appeals by leaders to the people. It sets boundaries for acceptable political discourse. It makes it difficult to challenge the rules of the game. It tries to prevent people taking hasty decisions without enough thought for their consequences.<sup>9</sup> It is not neutral between all political ideas, but is organised to favour an environment in which people can peacefully promote different political ideas within a broad liberal framework. Throughout the Cold War, Communists would also complain that liberalism was biased against the hard left. They were right: since World War II, liberals created institutions to take the destructive edges off primitive democracy and build in resistance to a demagogue undermining the democratic system and gaining power by demonising enemies, real and imagined, and abusing their rights while in office.

These mechanisms: entrenched constitutions, human rights conventions, independent and plural public broadcasting, ombudsmen, judicial review of executive action, regulations to ensure a politically impartial civil service, independent central banks, all evolved to protect society from demagogues, and also constitute power structures in their own right.

They do reduce the power of electoral majorities; they limit what they can do and what politicians can promise. Yet, because they are liberal they cannot suppress anti-liberal ideas and politicians as definitively as illiberal governments of right and left. It is not new that liberalism's enemies use liberal freedoms against it. Liberals' mistake has been to believe their own propaganda that their system is merely a neutral arbiter between differing ideas of the good life, rather than a world view in itself. This has led liberals to allow their institutions to decay and has deprived liberalism of the ideological depth to motivate people to fight for it.

National populists' first step is to erode the norms that liberals have forgotten are established to entrench the liberal understanding of reasoned, deliberative political competition. They exploit the principles of providing balance, giving a hearing to alternative points of view; expecting debate to be conducted in good faith and so on, to attack liberalism itself.

<sup>9</sup> See Cohen, Elizabeth, *The Political Value of Time*, Cambridge: Cambridge University Press, 2018.



These norms, that include, for instance not mentioning the race of a criminal or suspect, are held up as suppressing debate, as we discovered while observing far right activity in Germany. There the “patriot peer” system (a far-right social network) was used to organise the printing and hand delivery of a far-right newspaper styled as being published by the “free” and “independent” press.<sup>10</sup> Too often, instead of defending the norm, designed to protect racial tolerance from demagoguery, liberals concede space to figures that would previously have been dismissed as racist. Worse, as is becoming increasingly clear, social media have created channels of information distribution in which these norms were never entrenched. Extremists then use such platforms to attack the other institutions; pocketing the gains when they retreat; and fuelling resentment if they don't.

In doing so they attack the great political achievement of European and North American democracy, which is to combine popular involvement in politics with the protection of human rights and efficient public administration. This irony is compounded by the strong links these movements, which present themselves as defenders of Western identity, have invariably built with Vladimir Putin's Russia.<sup>11</sup>

## Stages of Attack

We now turn to the stages of the national populist assault on liberal democracy. We observed groups either directly because of the tactics employed, or indirectly because of the effects of the political monopolists they entrenched. The attack focuses on two broad markets: access to information, and access to the fair services of government institutions to check executive power and protect the integrity of the democratic process. The fate of public service broadcasting necessarily impinges on both.

The information war unfolds in three stages we call “troll”, “build” and “automate”. An intermediate state – “capture” – applies to the control of public and private media organisations. Meanwhile, institutions are subjected to efforts we describe as “muzzle”, “personalise” and “manipulate”.

**Trolling** here means the making of outrageous statements to expand the bounds of acceptable debate to include extreme and polarising positions. **Build** refers to the creation of parallel media, think tanks and other institutions, a “populist infrastructure” that loyal to the populist movement rather than any conception of empirical reason. **Automate** involves making better use of the opportunities social media provides for spreading fake or misleading content, using fake accounts to exaggerate support for their positions, and turbocharging the distribution of emotional, divisive and partisan content. **Capture** occurs either by having sympathetic businesspeople buy private media outlets, tilting the media market to make opposition supporting media financial unviable, or exercising aggressive political control over public broadcasting.

The second stage targets the legal infrastructure of the state, **muzzling** judges, **politicising** the civil service and **manipulating** the electoral process. These processes reinforced each other. Courts are packed, or stripped of powers to oversee legislative and executive action, then subordinated to bureaucratic control. The civil service and other quasi-state bodies, such as research funding bodies and academic institutions are stripped of their independence and given the choice between serving the leader personally, elimination, or, as with the Central European University of Budapest, exile. The state's monopoly position as a source of funding for research and major source of money for civil society initiatives, as well as its position as a monopoly employer of civil servants, are used to force hitherto independent sectors of civil society into line. Finally the electoral process is itself manipulated through gerrymandering, the selective enforcement of electoral rules and even outright fraud, which is then ignored by courts whose independence has been compromised. The end result is a facade democracy where the ruling populists have an effective monopoly of political power, information and access to justice, and consequent election victories.

<sup>10</sup> The programme is called “Project Mailbox” and information related to it is available on the Russian social network Vkontakt. [https://vk.com/doc349006244\\_496662400?hash=313c65189f1a794cb1&dl=4337b25c49199cbc9e](https://vk.com/doc349006244_496662400?hash=313c65189f1a794cb1&dl=4337b25c49199cbc9e)

<sup>11</sup> Pride in liberalism's achievements has been conspicuous by its absence in recent years. A notable exception is the Swiss Operation Libero, whose self-consciously patriotic liberalism has repeatedly defeated national populist referendum initiatives there.

## How to create a political monopoly

To accumulate power and dismantle one by one the independent institutions and checks and balances that have protected Europe from authoritarian populism since 1945.

Their strategy can be broken down into three broad phases. The first takes power over information, the second over institutions, the third over the means of coercion. This paper addresses the first two.

### Power over **information**

#### Troll

Challenge exclusion of radical right ideas from information space. Call into question legitimacy of non-partisan media and use their desire for impartiality against them

#### Build

Build own cultural institutions, media outlets, social media presence and use them to spread ideas into the mainstream and gain foothold there

#### Automate

Use technology to flood public debate with divisive and false content

#### Capture

Have proxies buy private media outlets. Tilt media market against independent news

### Power over **institutions**

#### Capture

Convert public service broadcasting into pro-government propaganda channels

#### Muzzle

Control the judiciary and take away their independence

#### Politicise

Turn civil service into direct instruments of government's party political agenda

#### Manipulate

Tilt the electoral process in favour of the government

### Power over **the means of coercion**

#### Fine

Use civil law and selectively applied fines against opponents

#### Prosecute

Selective criminal prosecution of prominent opponents for real and fake crimes

#### Violence

Use of direct state power to arrest and imprison opponents. Assassinations and extrajudicial killings

# Information

## Troll: Breaking Norms

As Europeans rebuilt their democracies following the experience of twentieth century totalitarianism, they came to appreciate that a pure free market in ideas did not automatically lead to an improvement in the quality of debate. It had turned out, unlike what John Stuart Mill thought, that the market of ideas was less like a competitive market for consumer goods, and more like the market for money. Just as depreciated coinage can take over because, in the words of Jean-Baptiste Say, "bad money drives out the good", so bad ideas can drive out good ones. In particular, hate-filled or anti-democratic ideologies can take hold; fear can be drummed up and spread by new technologies, and the freedom of speech that liberal democracy maintains can easily be exploited for its own destruction.

Mindful of the destructive use to which Mussolini and Hitler had put (and Stalin's continued use) mass broadcasting technologies, postwar European democracies established norms, and in certain cases, notably Italy and Germany, legal measures, to limit the abuse of broadcast media by demagogues and populists.<sup>12</sup>

In a process perhaps most developed in West Germany, political debate was to be sober and informed by evidence. The denigration of entire groups of people was frowned upon. People who broke those norms were pushed to the margins of mainstream debate and denied the oxygen of publicity, even when their remarks did not constitute, for instance, direct incitement to violence, or content that was prohibited by anti-dictatorship laws enacted in Germany and Italy.

Yet, there's always at least a minority audience who are receptive to these views and style of communication. This carries two implications. The first is that outrage sells. It drives up ratings and, as became relevant with the development first of online comment fields, and later with social media, engagement. The second raises a more important political question, namely that, if a significant minority of the population find the content and style of this kind of communication attractive, how is this to be managed?

It provided an avenue for populists and racists to make an argument that their people were being ignored by an establishment unwilling to listen to them. The dilemma is that if you give them the attention their numbers appear to warrant, this in itself serves to break the norms that kept such discourse away from the mainstream of politics. But if you do not, they claim, with reason, that they are being excluded from the debate. Dilemmas such as these are of course not new to politics. The terrorist strategy of "propaganda of the deed" seeks to provoke a similar one. This is where a terrorist outrage provokes attention an inquiry into its perpetrators' motivations, and allows their spokespeople to present their grievances to a wider audience. The national populists generate outrage with the content of their statements and commit, if you like, the deed of propaganda.

Attempts to cover the national populist phenomenon thereby provide an avenue for populists and racists to make the argument, central to their case, that their supporters were being ignored by an establishment willing to listen to them. Yet giving them such a platform (often without challenging them adequately), allowed them to reach a wider audience, lower the quality of discourse and seize the agenda.

This is for example, how we observed Vox, the Spanish far-right party behaving. They explicitly argued they didn't get a fair hearing on the "mainstream" media. Their leader Santiago Abascal complained in a tweet that El Español, a newspaper explicitly opposed to Catalan independence, may as well be indistinguishable from the left-leaning La Sexta TV Station and the centre-right, or libertarian El Confidencial, edited by Ignacio Escobar:

<sup>12</sup> Indeed Lord Reith, sought to pre-empt such abuse of new media as he founded the BBC, Into the Wind: London, 1949



*"El Español" of Pedro Jota [Ramírez] has joined the clumsy cartoonish manipulation [plot] together with the most extreme left wing media. There's now no difference between Pedro J Ramírez and Escolar, between the media of the cowardly little right and La Sexta. What a lovely couple they make. Not that they'll amount to much anyway.<sup>13</sup>*

The media often responded by taking their agenda on, even on issues where it had little public support. For instance, Vox's leader succeeded in making a discussion over gun ownership a major issue despite the fact that, unlike in Italy where Matteo Salvini had driven a similar debate, gun ownership was not a political issue in Spain. Abascal was immediately condemned across the political spectrum and by the police. On this issue Spain's political system held firm and responded by maintaining the norms of acceptable discourse even though the media failed to uphold the norm itself.

In Italy, however, the degradation of the norms of public debate has gone much further. Salvini thought it entirely compatible with his image as a pro-law and order Interior Minister to make vulgar sexual threats against former President of the Chamber of Deputies Laura Boldrini (by comparing her to a blow-up doll) while the mayor of Pontivrea, a town near Genoa, said he "hoped she was raped by the immigrants she defends."<sup>14</sup> A similar decay can be observed in Brazil, where Jair Bolsonaro, now President of Brazil said "he wouldn't even rape"<sup>15</sup> a congresswoman. In the UK and Hungary, language has been less sexualised but personal attacks on opponents of populism are routine.

In all cases, national populism's aim is to expand media coverage, by arguing their point of view should not be excluded from debate. Having won the space they then use it to insult and intimidate their opponents, and attempt to create new norms, that delegitimise their opponents and if possible exclude them from debate. These troll-like tactics were used particularly extensively by the AfD in Germany.<sup>16</sup> As they are deployed, they coarsen public discourse, moving it away from reasoned discussion of public affairs and towards debates dominated by shrill polarisation and anger.

These tactics restrict the space for compromise and reinforce tribalistic identities that make it more likely for voters to tolerate attacks on democratic institutions carried out by their own side and dismiss their defence as politically motivated.

<sup>13</sup> Santiago Abascal Tweet, 22 March 2019. Original: "El Español" de Pedro Jota se suma a la manipulación y a la burda caricatura junto a la izquierda mediática más radical. Ya no hay diferencia entre Pedro J. Ramírez y Escolar, entre los medios de la derecha cobarde y La Sexta. Qué buena Pareja hacen. Por suerte pintan poco.  
[https://twitter.com/Santi\\_ABASCAL/status/1109012091661369344](https://twitter.com/Santi_ABASCAL/status/1109012091661369344)

<sup>14</sup> La Stampa, 21 March 2019

<sup>15</sup> Reported by AP News 29 September 2018, <https://www.apnews.com/1f9b79df9b1d4f14aeb1694f0dc13276>

<sup>16</sup> As explained in our report The Battle for Bavaria: Online information campaigns in the 2018 Bavarian State Election, <https://www.isdglobal.org/wp-content/uploads/2019/02/The-Battle-for-Bavaria.pdf>

## Build: Make your own

If you believe the established, or “mainstream” media don’t give you a fair hearing, a natural next step is to open your own newspaper or website. If you think existing policy institutes are trapped by groupthink, and unwilling to try out new ideas, why not set a new one up yourself? If you think your political opponents are canner and better trained than you, what’s wrong with setting up your own political training school?

On the face of it, none of these activities should be considered to threaten the constitutional order in themselves. They are part of the mechanism by which ideas flow into politics. Nonetheless, their existence is evidence of a determined effort to advance increasingly hard line nationalist and majoritarian ideas, a campaign which long predates events such as the financial crisis, the refugee crisis, Brexit, or Obama’s healthcare law, to which the rise of populism is often attributed. These events were the high temperatures needed to get the populist fire going, but a growing network of radical right think tanks, institutes and training programmes, including those close to extremist formations like the Identitarian movement,<sup>17</sup> supplied the kindling. It is indeed a fundamental error of political analysis to think that events, or grievances cause political radicalisation. They only provide the demand, which needs to be met by supply. National majoritarians have been preparing their supply for decades, and put themselves in position to exploit events and support the ideas they believe in.

They brought their winner-takes-all philosophy to the intellectual and communications terrain. It was one thing, as Hayek suggested,<sup>18</sup> to create an infrastructure of libertarian institutes that would develop political ideas from that perspective. But it was quite another to convert them into aggressively partisan organisations, supported by equally aggressive media outlets. Cases in point are the US National Review and Weekly Standard, the latter of which was closed down by its proprietor who had “grown frustrated with its constant needling of the president”.<sup>19</sup> These mark a shift from an empirically informed conception of intellectual activity to journalism as propaganda. The shift is from developing and arguing for a set of ideas to promoting a particular set of people, even as those people betray the ideas they used to uphold. Political parties may revolve around personal loyalty. Think tanks and media organisations are supposed to serve a different master.

Though it is normal for them to approach the world from a particular normative perspective, that perspective is expected to offer justification by evidence obtained in the world. Think tanks may bring an ethos to bear, but should avoid tendentiousness and selectivity. In journalism a perspective can come from the selection of stories thought important to a slant that is given to events, but it ought to remain an empirical process. Both purely technocratic think tank research, and studiously neutral journalism do exist; but in a pluralistic society different perspectives may honourably be advanced; there isn’t as clear a distinction between evidence based policy and propaganda as is sometimes maintained.<sup>20</sup> By exempting themselves from an empirical process conducted in good faith, and becoming instead the hired agents of a personal clique, such media convert otherwise ordinary political activity expected in a liberal society, into a danger to its survival.

Among the anti-empirical organisations set up is the Spanish far-right website Caso Aislado. Its very name, ‘isolated case’, is an ironic denial of empiricism, and an admission of its modus operandum, which is taking things out of context (the website focuses a considerable part of its attention on crimes committed by immigrants, women beating up their husbands, and other activities that its users believe to be suppressed by the politically correct). Caso Aislado’s content was aggressively retweeted by Vox leader Santiago Abascal, his supporters and shared 4.4 million times by a pro-Vox bot-like network our researchers discovered operating out of Venezuela.<sup>21</sup>

<sup>17</sup> ISD describes the Identitarian ideology’s role in the Christchurch terror attack in Jacob Davey and Julia Ebner *The Great Replacement*, London: ISD, 2019

<sup>18</sup> Hayek, “The Intellectuals and Socialism”, *University of Chicago Law Review* (Spring 1949), p.417

<sup>19</sup> McKay Coppins, ‘Naming and Shaming the Pro-Trump Elite’, *The Atlantic*, 22 February 2019

<sup>20</sup> For a thoughtful examination of this see David Mair and Laura Smilie et al, *Understanding our Political Nature*

<sup>21</sup> ‘Una red de cuentas falsas de Twitter promueve a vox en campaña’ (A network of fake twitter accounts promotes Vox’s campaign’, *El Pais*, 26 April 2019

In Germany, in addition to online outfits like Philosophia Perennis<sup>22</sup> far right activists have begun the physical distribution of material. Our researchers discovered a campaign coordinated on the hard right social network Patriot Peer to distribute tens of thousands of fliers to domestic letterboxes in Germany.



**Above:** Patriot Peer Project Mailbox Campaign

Meanwhile in France, Marine Maréchal [Le Pen]<sup>23</sup> has established the Institute de Sciences Sociales Economiques et Politiques <sup>24</sup> to train a new generation of nationalist leaders.

In itself, there is little that many liberal political systems can formally do to stop this kind of illiberal political activity. Most liberal polities make room for the movements that peaceably aim at the destruction of liberal government. They confine themselves to limiting the means by which political activity should be pursued. Germany's constitution, exceptionally, prohibits political movements according to the end they pursue – organisations “directed against the constitutional order or the concept of international understanding are prohibited”<sup>25</sup> – rather than the means they use to achieve them. Prohibition of tactics, including the use of violence, and sometimes encompassing intimidation and hate speech is more common. Our research found evidence of these prohibitions being rolled back, particularly in Italy. There the Parliament, ostensibly at the insistence of the 5-Star Movement, but acting in concert with the Lega, removed disqualifications from public office for people convicted of incitement to violence and racial hatred that had been put in place by the 1993 “Legge Mancino.”<sup>26</sup> In the words of Minister Lorenzo Fontana, from Lega, then minister for Family and Disability and now Minister for European affairs,

The law [Legge Mancino] should be abolished as in the last year it has been transformed into a normative tool used by globalists in order to label “fascist” their anti-Italian racism.<sup>27</sup>

<sup>22</sup> For a more detailed study see Jacob Davey and Julia Ebner Great Replacement, cited above.

<sup>23</sup> She dropped the name in order to distinguish herself from grandfather Jean-Marie and aunt Marine

<sup>24</sup> <https://www.issep.fr/>

<sup>25</sup> Article 9(2)

<sup>26</sup> This was done by amending the anti-Mafia code.

<sup>27</sup> Lorenzo Fontana's Facebook Page, 3 August 2018

The legal status of this attempted repeal is unclear. As the Constitutional Court already ruled against a direct repeal of the Legge Mancino, it would likely take a dim view of attempts to repeal it by the back door. Nevertheless, the speed with which the issue was raised (the Lega-5 Star coalition had only just taken office in August 2018) suggests the importance Lega attach to changing the norms of political campaigning behaviour and eliminating formal procedural constraints upon anti-liberal political tactics. This is reinforced by official tolerance for the violent extreme right wing CasaPound group, whose members have been arrested for possession of the chemical weapon ricin,<sup>28</sup> and convicted of numerous murders and assaults.<sup>29</sup> The Italian government has resisted an attempt, put forward by opposition MPs, to proscribe the organisation, and Salvini himself has even appeared in public wearing CasaPound associated clothing.<sup>30</sup> In this context, the attempt to replace senior intelligence agency officials (discussed below) is of particular concern, and it shows how the liberal constitutional order is threatened by anti-liberals operating within, or at the margins of, liberal political practice.

The defence of the liberal constitutional order evidently requires the robust enforcement of laws designed to protect the sphere of liberal political competition from incitement and violence, as well as the upholding of norms of liberal political practice. Law however is not enough on its own. Anti-liberal movements use the freedoms granted by liberal society (and which they do not grant liberals in return, as anti-liberal official discrimination in Hungary demonstrates) to weaken liberal institutions. Those political attacks on liberal democracy need a political response from political parties, organisations and activists committed to upholding the liberal order. Liberals need, in the first instance, to rediscover that liberalism is not a neutral between liberals and illiberals, and challenge anti-liberals directly. Liberal political organisations do not owe anti-liberals, or highly partisan outfits loyal to persons rather than programmes, an obligation to be heard, unless required to do so by tactical considerations. Secondly, they need to rebuild and revitalise their own political organisations. Their think tanks need to produce their own ideas, train their own activists and organise their own liberal movements; as for instance, Operation Libero has done in Switzerland.

<sup>28</sup> On 3 April 2019 4 members of CasaPound and Blocco Studentesco were arrested and charged with attempted murder in Turin for producing the chemical ricin with the intent to use it against their rivals. <https://www.fanpage.it/torino-blitz-contro-estremisti-di-destra-indagati-accusati-di-produzione-di-aggressivi-chimici/>

<sup>29</sup> Examples include the following. A CasaPound sympathiser was convicted of murdering two Senegalese Street Vendors in 2011, <https://www.ilfattoquotidiano.it/2011/12/14/strage-senegalesi-firenze-altro-simpatizzante-casseri-casapound/177552/>. In Salerno in 2014 10 members of CasaPound were charged with illegal possession of arms and explosives: <http://www.napolitoday.it/cronaca/arresti-estremisti-destra.html>. In 2014 the former leader of a CasaPound chapter was convicted of murder. [https://www.huffingtonpost.it/2014/07/03/omicidio-fanella-casapound-incongruenze\\_n\\_555043.html](https://www.huffingtonpost.it/2014/07/03/omicidio-fanella-casapound-incongruenze_n_555043.html)

<sup>30</sup> He wore a jacket, branded with the CasaPound affiliate "Pivert," to the Ac Milan v Juventus Coppa Italia final football match in 2018. <http://www.italianinsider.it/?q=node/6727>

## Automate: Exploiting Social Media

Nowhere have the effects of a system that is formally neutral between liberals and anti-liberals been clearer than in social media. Automated distribution has replaced an “editorial class” for the most part dedicated to curbing extremes of opinion and, whatever their differences on issues of policy, upholding the constitutional liberal democratic order, by an algorithmic process focused on the quantity of engagement. It is as though they have turned all media from broadsheet — where the outlet’s perspective and a sense of what stories their readers ought to know about shaped editorial decisions — to tabloid, where the number of eyeballs on a story is what counts.

In addition to the economic pressures forced upon conventional media by Facebook and Google’s replacement of traditional advertising sales by online ad networks, the development of social media has dramatically transformed the distribution of information in democratic societies. The editorial class of producers, editors and proprietors, have, in a phenomenon parallel to the rise of services like Airbnb in hospitality or TransferWise in international payments, been “disintermediated”. But unlike, for instance, travel agents, the editorial class provided services essential to democracy. They established norms of public discourse and political debate. They often acted as gatekeepers, keeping out charlatans; they kept debate within established lines, and limited the speed with which those lines could be changed. It is quite correct that they were a conservative force, albeit never as conservative a force as detractors, usually found on the left, maintained. They created a buffer between people’s instincts and the material that was fed to them, and kept still widely held, but dangerous and objectionable views (such as racist, or anti-vaccination views) out of the mainstream of public debate.

Their reduced ranks must now cope with a far higher volume of information to sift. Though increasingly sophisticated software is being developed to help sort through it, much investigative work has to be conducted manually. Furthermore there is a paradox of attention. Even if we limit ourselves to considering high quality news sources, each of us now has access to far more information than we did even in the recent past. While on the one hand that allows projects, including this one, which would have been prohibitively expensive to organise in the past, to come to fruition, it divides our attention between more stories and events (as I, for example could, when writing one of the earlier drafts of this report, read about Muller’s testimony, the attempted investiture of a new Spanish Prime Minister, and the election of a new Conservative leader in the UK), and makes it harder to arrange the sustained journalistic pressure that is needed for the media to hold public officials to account. It is much easier to ride a scandal out when there are far more things to distract even the politically engaged public. New, focused and specialist accountability mechanisms will be required to avoid impunity in the future.



Lastly, social media has come to be seen as a mirror of society, unmediated by the bias of the editorial class. Even if this had been true at the beginning it is now false. It is simply too easy to buy fake accounts<sup>31</sup> to promote fictitious content, as this example from Spain shows.



**Above:** Algeria being presented as France

At the time of researching the report the @Timido76 account which promoted the image was still online and its content hadn't been deleted. It now appears to have been taken down, but has been replaced by the @Timido762 account which bears the phrase "What doesn't kill you makes your stronger" in its profile, and continues to tweet hard right Spanish content and Covid-19 denialism.<sup>32</sup> We also detected a network aimed at helping the extreme-right and anti-semitic Konfederacja party in Poland.

Though the potential for manipulation is large, it can be mitigated through education; of users, so they treat online content with the scepticism it deserves; and of politicians and journalists, who should stop treating social media as a mirror of society. More serious is the loss of social control over content, when judgement is replaced by numerical analysis, and our worst instincts are given free rein to compete with our better ones. The 19th century philosopher Jeremy Bentham asserted that "poetry" is as good as "pushpin" (a contemporary mindless pastime); but an online world in which high quality and low quality content compete equally for our attention demands we exercise far more self-control than we can reasonably be expected.

By focusing on engagement, social media companies have created distribution mechanisms that undermine reasoned judgement and decision-making. The advantage to producing high quality content, based on thought, judgement and consideration of the evidence is much less than it used to be, if it even exists at all. Astrology and astronomy, vaccination campaigns, and anti-vax propaganda are given billing not according to their reliability but by how well they provoke engagement.

<sup>31</sup> The New York Times, The Follower Factory, <https://www.nytimes.com/interactive/2018/01/27/technology/social-media-bots.html>

<sup>32</sup> "Aquello que no te mata, te hace mas fuerte" (see <https://twitter.com/timido762> for the full feed)



The same is true of political material. Simple and wrong answers are privileged over complex attempts to engage with the world as it is. The very idea of the Enlightenment, which in its broadest sense is that truth can be arrived at (or at least approached) by thoughtful deliberation is threatened. And it is this empirical culture that liberal democracy requires. It provides us, as individuals, with the means to assess our leaders' claims and dismiss credulous acceptance of their authority; enables us to avoid blanket cynicism about their motives; and, perhaps most crucially in polarised times, the tribalist combination of credulity towards our own side and cynicism towards theirs.

Empiricism assumes greater importance as our societies get more complex and the need to trust authorities, in specialist domains, becomes greater. Communications theory recommends deploying familiar and trusted messengers, properly selecting and testing materials; that is, in the short term, it yields a communications strategy.<sup>33</sup> But the longer term questions remain highly relevant — why has scientific authority declined; why has the authority of modern equivalents of folk knowledge and old wives tales become more effective; have we built platforms, like social media, that reinforce this, and what should the counter-measures be?<sup>34</sup> Social wisdom is understood as collective, but social networks give no priority to conclusions arrived at empirically over assertions and prejudice.

This creates a congenial environment for populist politics. National populists value what people want over what they need; what seems to them to be right over a scientific consensus, and foster tribal identity to delegitimise their opponents and evade critical inquiry about their own ideas. They are unconcerned with truth because they pay little attention to the quality of government, and thanks to social media, the economics of truth and falsehood have changed. It used to be expensive to lie, and relatively cheap to tell the truth. Social media distribution has reversed the terms.

This corrupts political discourse by making accountability impossible. To properly hold leaders to account for their actions, there needs to be some sort of shared understanding that's independent of what those leaders say it is. It doesn't mean everyone has to agree about anything (it is sometimes presented that way; and that gives populists an excuse to say that their supporters are being ignored) but leaders need to pay a price for being caught lying, or negligently believing something that is in fact false. This price has fallen, because relatively few authoritative interpreters have been replaced by a huge number of competing narrators.

But if the price of simplistic lying has fallen, that of complex reflection has increased. Because realistic complexity<sup>35</sup> takes time to express, needing to avoid uttering outright untruths has given politicians a reputation for slipperiness. The combination of the two effects means that outright lies appear more authentic than either reality itself, or the explanations of an ordinary politician trying to say something technically not false, while also being politically palatable. Unlike conventional politicians, brazen liars don't have to hedge between reality and what people have to hear, and social media distribution, because it is structurally unable to distinguish between truth and falsehood gives them a significant advantage.

<sup>33</sup> Consider this EU publication on communicating vaccinations for MMR. <https://op.europa.eu/en/publication-detail/-/publication/574d9cea-cb03-4b95-8d50-ea71d4ae6b96/language-en>

<sup>34</sup> One possibility is something like [maldita.es](https://maldita.es), a Spanish rebuttal service that provides people with ammunition to rebut fake news within the whatsapp groups of which they're a member

<sup>35</sup> Another populist device is to create artificial urgency to short circuit reflection. For further thoughts on time see Cohen, Elizabeth, The Political Value of Time

## Capture: From public service media to captive media

The belief that the media, or indeed the intellectual classes more broadly exert a baleful influence on public debate, and channel it away from the “true” instincts of the people is hardly new. Not all are as colourful in their denunciations as Nixon’s vice-president Spiro Agnew, who called journalists an “effete bunch of inveterate snobs, who characterise themselves as intellectuals”, but contemporary nationalist movements act much in the same spirit. They go beyond resentment at the cultural power of an intellectual elite, correctly considering it as an element in the power structure defending liberalism that therefore needs to be dismantled.

The delegitimation discussed above was used to create a political environment where its dismantling could be contemplated. In Hungary, Poland and Italy, national populists in government have used political power against public service media. In Hungary and Poland they have turned independent public broadcasters into mouthpieces for the government. In Italy, critical programmes have been taken off the air, radio stations defunded and politically appointed boards put into place. In Spain, the far right Vox party (which is only in power at a regional level; and then as a junior party in a coalition) has called for the abolition of certain public TV channels.<sup>36</sup>

But they have not stopped at public TV. In Hungary, where the process is most advanced, the overwhelming majority of private outlets also toe the government line, though independent media, to the government’s displeasure, continues to draw strong audiences. Orbán has even made this official by uniting them into a single ownership structure, the “Central European [MEDIA] Foundation” or KESMA. The process has gone so far that when the former Austrian Vice Chancellor H. E. Strache was discussing his plans to suppress independent media in Austria with a woman he thought was the niece of a Russian oligarch, he explicitly cited Hungary as a model.<sup>37</sup> Poland also retains strong independent newspapers and TV, but the latter are foreign-owned, and Law and Justice spokespeople from time to time suggest “re-polonising” the media.<sup>38</sup>

Seizing control of the media has a dual function. Most obviously, it changes the content people receive, eliminating hostile coverage and promoting pro-populist and pro-government material. A second effect is more insidious. It eliminates career options for independent-minded or anti-government journalists. To an extent that is even greater than is already the case because of changes in media markets, it reduces the manpower available for investigating corruption, holding the government to account and covering material in this public interest. This is just one area in which national populist governments use the economic power of the state as an employer to consolidate political control.

This tactic takes advantage of an asymmetry between product and services markets, on the one hand, and labour markets, on the other. The liberalisation of product and services markets in the 1980s and 1990s (through measures such as the EU’s internal market; procurement law reforms and other deregulation) aimed at preventing political discrimination in the market, and denying better-connected firms advantages in politically sensitive markets.

The EU, for instance, has developed extensive “State Aid” jurisprudence to limit the extent to which politicians can favour specific companies, or companies owned in the domestic market. Labour market liberalisation, in contrast, had a different aim, and sought to reduce the economic power of trade unions, make it easier to hire and fire workers and allow companies to adapt to the market conditions they faced by aligning wages with productivity. But the side effect of giving employers greater flexibility to hire and fire for commercial reasons, has been to give them greater freedom to shape workforces for political ends.

<sup>36</sup> “100 Medidas para la España Viva” (100 policies for a Spain that Lives), No. 36. Vox Website [https://www.voxespana.es/wp-content/uploads/2019/04/100medidasngal\\_101319181010040327.pdf](https://www.voxespana.es/wp-content/uploads/2019/04/100medidasngal_101319181010040327.pdf)

<sup>37</sup> Caught in the Trap, Süddeutsche Zeitung, <https://projekte.sueddeutsche.de/artikel/politik/caught-in-the-trap-e675751/>

<sup>38</sup> For instance, <https://www.ft.com/content/1a4f9232-9358-11e9-aea1-2b1d33ac3271>

Though there are widespread rumours about this happening, for instance, in the Hungarian private sector, economic conditions (the country suffers from a severe labour shortage; though it is a common refrain among Hungarian expats that they need to leave in order to have a fair chance of pursuing their careers without political interference) mean these need to be treated with some scepticism insofar as they relate to the private sector. The public sector, where the government is the monopoly employer, is a different matter. Viktor Orbán went as far as amending the constitution to give his government more control over civil service employment conditions.

Meanwhile in Italy, analysts discovered a pattern of interference in publicly funded media timed to take critical voices off the air in the run up to the European Parliamentary elections. The government began to interfere in state media, itself a refuge for independent debate during the Berlusconi years when he owned the dominant Mediaset stations while serving as Prime Minister. The main Italian radio and television network RAI is governed by a council appointed by the political parties, as our research demonstrated for the first time in English the Lega 5-Star government wasted little time in appointing its own people to it, producing swift changes in political programming.

In the run-up to the European Parliamentary election non pro-government media that depended on public funding was targeted in the immediate run-up to the European Parliamentary elections. Two key targets were Radio Radicale and Che Tempo che fa. Radio Radicale was a radio station, originally linked to the Partito Radicale (in which former EU Commissioner and now +Europa leader Emma Bonino was a prominent figure) that had for 40 years received state funding for the coverage of parliamentary proceedings. In the most recent funding round they were asked to halve the size of their request. Though they did so, their bid was nevertheless rejected and the station shut down before the 2019 EP elections. The government justified this on the grounds that the station's original purpose — broadcasting parliamentary proceedings — had become obsolete now that the sessions could be streamed from the internet. Though this was technically correct, rather than alter the broadcasting legislation to reflect the reality that Radio Radicale had become a station specialising in news and political discussion, the government chose to shut it down and reduce the pluralism of Italy's media in the middle of an election campaign.

The prime time TV programme, Che tempo che fa, was cancelled in the middle of its run during the campaign sessions. The closure was preceded by a campaign led by Salvini criticising its host, Fabio Fazio for his high salary.<sup>39</sup> The criticism of salaries is an important tactic that goes deeper than the cheap populism it evokes. As we discuss below, the issue is not merely that he is paid a high salary, but that such people are paid a high salary out of taxpayers' money in order to put forward an agenda different to that of the national majority.<sup>40</sup>

While Salvini denies being responsible for the cancellation, it has subsequently emerged that the cancellation of the show was not approved by Rai's general manager, but was instead ordered by two members, Teresa De Santis and enabled by Marcello Ciarra, both appointed to the RAI council by the Lega.<sup>41</sup> Following the fall of the Lega / 5-Star coalition and its replacement with a coalition led by 5-Star and the centre-left Partito Democratico, the threat to Italian democratic institutions has receded. The Lega has suffered from its poor handling of the Covid-19 epidemic, and lost ground to its rivals. The danger to democratic institutions could resurge however, as these rivals however include the even more hardline Fratelli d'Italia.

<sup>39</sup> [https://www.repubblica.it/politica/2019/05/13/news/fazio\\_reazioni-226148836/](https://www.repubblica.it/politica/2019/05/13/news/fazio_reazioni-226148836/)

<sup>40</sup> [https://www.repubblica.it/politica/2019/05/13/news/fazio\\_reazioni-226148836/](https://www.repubblica.it/politica/2019/05/13/news/fazio_reazioni-226148836/)

<sup>41</sup> [https://www.repubblica.it/politica/2019/05/14/news/fazio\\_rai\\_salvini\\_che\\_tempo\\_che\\_fa\\_de\\_santis-226245454/?ref=RHPPPLF-BH-I0-C8-P7-S1.8-T2](https://www.repubblica.it/politica/2019/05/14/news/fazio_rai_salvini_che_tempo_che_fa_de_santis-226245454/?ref=RHPPPLF-BH-I0-C8-P7-S1.8-T2)

# Institutions

The superficial distinction between a dictatorship and a democracy is that in the former one person rules and the latter “the people” do. While not entirely wrong this misses the point. Rule in a democracy means something very different to rule in a dictatorship. A dictator has complete and arbitrary power: his (almost invariably his) word is law. He’s not bound by consistency over time; treating like cases alike; or even in his commands by logic.

Making impossible demands of subordinates and executing them when they fail is a standard part of tyrannical rule.<sup>42</sup> Forcing even important political figures to publicly humiliate themselves is an essential element of the public demonstration of the ruler’s power.<sup>43</sup> The point is not to declare that black is white: the point is to have your subordinates say so in public even when they know it to be untrue. They recognise the boss by knowingly looking ridiculous for him.

Democracies severely limit this power. Presidents or Prime Ministers are not elected as kings, but as holders of particular political offices with limited and circumscribed powers, balanced by countervailing powers held by other elected and appointed officials. In addition to the traditional separation of powers into legislative, executive and judicial, they make at least five kinds of distinctions:

- between executive actions, government policy and legislation;
- between political and technical functions;
- between normal lawmaking and constitutional changes;
- between the government of the day and public service;
- between national politics and international agreements;<sup>44</sup>

These distinctions, reinforced by a system that punishes officials who violate them, are what we mean by institutions.<sup>45</sup>

National populists reject each of these distinctions, which protect us from the arbitrary power of the President or Prime Minister, enable governments to implement consistent policy, and make stable international agreements with each other. When in power they systematically erase them in order to concentrate power in the hands of the leader. If they can, they change the constitution (as in Hungary; see below); when they cannot they subvert it (as in Poland); elsewhere, notably in Italy, where Salvini was Interior Minister in a coalition government with the 5-Star movement, our research uncovered how they did so by ordinary legislation; administrative activity and public intimidation.

Instead the central argument of their political theory is that the people who put them in office have given them an unlimited mandate to rule on behalf of those specific people, and that the wishes of the minority can be ignored or the decisions taken by society in the past and given effect through laws, custom and institutions, can be overridden by the one-off granting of power in a particular election. This doctrine is best conceived of as imagining elections as a job interview or a contest to win a specific contracting job

<sup>42</sup> See Arendt, *Origins of Totalitarianism*, Orlando: Harcourt, 1951 for an account.

<sup>43</sup> Such humiliation is compellingly dramatised in Mario Vargas Llosa’s *Fiesta del Chivo* (Feast of the Goat) (Madrid: Punto de Lectura, 2000), set in Rafael Trujillo’s Dominican Republic.

<sup>44</sup> A distinction first noted by John Locke, writing from Amsterdam in exile in the 1670s or 1680s in one of the founding documents of Western liberalism, *A Second Treatise of Government*. The publication date is a matter of dispute because he was so afraid of repercussions that he wrote it anonymously.

<sup>45</sup> The conception of institutions as incentives has played an important part in an economically-focused understanding of institutions. For a Summary see Acemoglu, James and Robinson, *Why Nations Fail*, London: Profile 2012.

in which rivals compete for the work of governing and the one who wins is hired, by the majority of voters, to rule. Their claim to be acting on behalf of the people, as their servants, is belied by their claim to have been entrusted by their electoral victory with plenipotentiary power (and their willingness, in for instance Hungary, and possibly Poland, to massage elections to ensure they keep it).

As the people's employers or contractors, the argument continues, the government is hired by the people, who should be free to fire them, and control precisely what they do with taxpayers' money. Institutions get in the way of this control. They stop "our" government doing what "we" want it to do. This is the case whether it is a court protecting an unpopular cause, or public authorities spending money on research or art for which the majority of the people do not care.

The conception of government as the people's contractor poses obvious difficulties for liberalism and good government. It cannot guarantee the protection of minority rights; it makes institutional continuity difficult and reliable international agreements almost impossible, as national populists' record in government shows. Yet it is, I argue, the central feature of the ideology that national populists use to legitimise their form of politics. It is more important to their sense of what politics is for than, for instance, a preference for direct democracy. Though it uses referendums when it suits it, it also justifies itself by winning representative parliamentary elections even when this is done on a minority of the vote because of First Past the Post or, in the US, the electoral college. It is the plenipotentiary power of the government put in place by the national majority, and not any specific form of determining what that majority is, that is its distinguishing feature.

So whereas liberal democracy envisages electing people to particular political offices, with specific, defined, powers, national populists elect plenipotentiary agents of the people's will. This plenipotentiary power, they argue, gives them the legitimacy to challenge judges, career officials and argue that organisations funded by the public, should reflect the aims of the (people elected by) the majority of the public.

## **Muzzle: Taming the judiciary**

In countries with constitutionally entrenched judicial review, national populists declare open season on judges whose authority is independent of the national majority's and who provide a check on their power. Even in countries such as the UK which lack an "entrenched constitution", judges have come under attack. Thus, following the UK Supreme Court's decision in the Miller case (on needing an Act of Parliament to invoke Article 50 to leave the EU), the UK's Daily Mail front page of 4 November 2016 pictured three of the judges that had ruled that an Act was needed, declaring them "Enemies of the people" in a banner headline. The man credited with the front page, James Slack, has now been brought into 10 Downing Street as part of Prime Minister Boris Johnson's team of advisers, a team that thought it fit to provide background briefings to The Times "warning" the Supreme Court not to intervene in politics as it sat to determine whether Mr Johnson's prorogation (suspension) of Parliament was legal.<sup>46</sup> Following his election victory in December 2019, the Johnson Government announced plans for a democracy commission, and the Prime Minister announced his intention to restrict judicial review "ensuring that it is not abused to conduct politics by another means."<sup>47</sup>

<sup>46</sup> The Times, 18 September 2019

<sup>47</sup> The Independent, Boris Johnson to fast-track plans to curb legal challenges 'in revenge for Brexit defeats', <https://www.independent.co.uk/news/uk/politics/boris-johnson-judicial-review-supreme-court-challenge-downing-street-a9285276.html>

Similarly, when the Hungarian constitutional court accepted legal challenges to some of the results in the 2018 Hungarian general election, Viktor Orbán accused the supreme court of having “severely interfered in the elections” and saying “the judges aren’t intellectually mature enough to do the job”.<sup>48</sup>

Outside the United States, where, at least until the election of Donald Trump, the constitutional tradition was so strong that right wingers opposed to what they saw as left-wing judicial activism, attacked the “liberal” judiciary for betraying the original intent of the constitution in favour of the ‘will of the people’, judges have been foils of populist politicians in opposition, and their targets in government.

In opposition, they serve as representatives of the urban, educated “elite” against whom national populists present themselves as rising up. It is a role they continue to serve even when nationalist politicians hold government office, but lack total control. Thus, the judiciary has become a target of Italian interior minister Matteo Salvini, who presents their defence of international humanitarian law as “politics”.

*Take note of the fact that, while thousands of magistrates do their jobs honestly, some act politically, they write books and go to conferences in favour of open ports for migrants*<sup>49</sup>

It is in Poland however where the process has been pursued with the greatest intensity. In contrast with Hungary, where the Government obtained a constitutional majority, and therefore had the formal power to reshape the judiciary within the rules established by the previous constitution, Poland’s Law and Justice government has found ways to attack judicial independence despite only having an ordinary parliamentary majority, a process in which it has even resorted to preventing the publication of constitutional court judgements that quashed the government’s measures as unconstitutional.

Their judges were targeted for delegitimisation in the harshest possible terms. Polish Prime Minister Morawiecki has even gone so far as to say that the judicial system that had developed in Poland needed reform as drastic as that of Vichy France after it had been liberated.

*A significant part of this [justice] system is corrupted. We cannot debate here only this or another element, selecting them from the whole. To me, this is a situation comparable to France in the post-Vichy period when Charles de Gaulle rebuilt the system completely*<sup>50</sup>

Warsaw’s assault on judicial independence drew inspiration from the measures previously adopted in Hungary. It sought to purge the judiciary by lowering the retirement age for judges, and falsely claimed the judiciary to have been insufficiently purged of holdovers from the Communist past. In fact in each case, one of the leading supporters of the “reforms”, Stanislaw Piotrowicz, was a prosecutor under Communist rule,<sup>51</sup> but has been pursued more aggressively, and directed against both Poland’s Constitutional Tribunal and its Supreme Court (they are distinct bodies; the latter is large, with over 70 members and is divided into functional chambers).

After months of wrangling, the Constitutional Tribunal ruled on 11 August that major provision of the July Act were unconstitutional. The government has refused to publish the ruling. Nevertheless, the Government has managed to appoint a friendly judge, Julia Przylebska, as the Court’s president, and she has power to influence the composition of panels that hear sensitive cases. Though Law and Justice’s national populists haven’t been able to take complete control of the Constitutional Tribunal, they have been able to neutralise it as a source of opposition and an effective defender of the rule of law.

<sup>48</sup> <https://www.origo.hu/itthon/20180505-kuria-levelszavazatok-ervenytelenites-meghunyaskodas.html>) and (<https://pestisracok.hu/orban-viktor-a-ps-nek-a-kuria-sulyosan-beavatkozott-a-valasztasokba/>

<sup>49</sup> [http://www.ansa.it/english/news/politics/2019/06/06/some-judges-acting-politically-salvini\\_7ae88382-1ada-4160-91bc-d84d7be4420b.html](http://www.ansa.it/english/news/politics/2019/06/06/some-judges-acting-politically-salvini_7ae88382-1ada-4160-91bc-d84d7be4420b.html)

<sup>50</sup> <https://jeanmonnetprogram.org/europe-and-the-united-states-a-transatlantic-dialogue-polands-15-years-in-the-european-union/>

<sup>51</sup> ‘Poland judiciary Reforms’, BBC News Online, 20 December 2017



This latter role has however been taken on by the European Court of Justice. In July 2019, it ruled that Poland's (now scrapped) proposals to force the early retirement of judges, together with provisions in legislation on the Supreme Court that would have given the President the power to extend judges' terms, violate judicial independence. Moreover, it has taken to considering the maintenance of an independent judiciary as a fundamental requirement of the EU's treaties, and created the opportunity for any judge to refer the question of their own judicial independence to the European Court.<sup>52</sup> In doing so it has created for itself a judicial enforcement mechanism, allowing itself to issue judgements binding on member states; and a new instrument by which it may become seized of the matter. Before this year's rulings the European Commission had to bring infringement proceedings against the member state in question. Now, individual judges can refer a case before them to the European judiciary.

In the autumn of 2019 the ECJ also ruled that Poland's "National Council for the Judiciary" has become a means to interfere with judicial independence. This ruling also has implications for the Hungarian judicial system, which is under the control of a similar government-appointed body. Insofar as the national populists are attacking the judiciary, the European Court of Justice, at least, is determined to fight back. The structure of the EU gives the European Court an advantage because the treaties that govern it are extremely hard to change. Unlike the Hungarian or Polish Constitutions, which can be changed by a 2/3 vote in parliament, the EU treaties can only be changed with the agreement of all member states.

With the crucial difference that the Hungarian national populists won a constitutional majority in 2010, so did not have to resort to the elaborate subterfuge of prohibiting the publication of Constitutional Tribunal judgements, the Hungarian attack on judicial independence can in many ways be seen as a model Poland followed.

When Fidesz won a two thirds majority in 2010, it used it to pursue a radical restructuring of the Hungarian state, even extending as far as the name of the country and the justification of state power. The 2011 text begins with the words "God Bless the Hungarians" and invokes "our king Saint Stephen [who] built the Hungarian State on solid ground and made our country part of Christian Europe one thousand years ago", and considers itself a continuation of the constitutional tradition that held sway before the German invasion of 1944 that derived its legitimacy from Hungary's Holy Crown, while merely "agree[ing] with" the members of the revolutionary National Assembly of 1956.<sup>53</sup>

What is striking is that perhaps uniquely for a post-war European constitution, it claims legitimacy from an explicitly religious source, and draws upon elements of conservative ("an alliance among Hungarians of the past, present and future"), nationalist ("the protection of our identity rooted in the historic constitution"), and reactionary millenarian thought ("We hold that after the decades of the twentieth century, which led to a state of moral decay, we have an abiding need for spiritual and intellectual renewal"), as well as the more conventional liberal aspirations "the common goal of citizens and the state is to achieve the highest possible measure of well-being, safety, order, justice and liberty", and even, prefiguring Donald Trump "make Hungary great again" (naggyá teszik Magyarországot).

While some of this reflects divisions within Fidesz, once a liberal party now firmly in the antiliberal nationalist camp, it is striking in its particularist appeal to Hungarian and European values, rather than universal principles. The operative text of the constitution itself was largely unexceptional, though it did provide for the election of the judicial branch of the constitution by the national assembly.

<sup>52</sup> Polish and Hungarian judges have already referred their own independence, or lack thereof, to the Court. <https://ruleoflaw.pl/this-judge-may-blow-up-the-new-disciplinary-regime-the-ecj-may-help/>; <https://reconnect-europe.eu/blog/politics-newep-krum-2/>

<sup>53</sup> The full text of the preamble in official English translation: [https://www.kormany.hu/download/f/3e/61000/TheFundamentalLawofHungary\\_20180629\\_FIN.pdf](https://www.kormany.hu/download/f/3e/61000/TheFundamentalLawofHungary_20180629_FIN.pdf)

The damage was done by further amendments, restricting the role of the constitutional court, and establishing a National Judicial Office and a National Judicial Council that would oversee the judiciary (Poland would seek to reshape its equivalent body to copy the latter's powers), and conferred further powers on the president of the court, replacing the previous collegial practice. Then, in a measure also copied by Law and Justice in Poland, the mandatory retirement age for judges and prosecutors was lowered from 70 to 62. Despite this, judicial resistance to executive authority continued and the constitution was further amended in 2013 to prevent the Constitutional Court referring to its own rulings before January 1 2012, when the new constitution came into force, and ending its power to review the substance of amendments to the constitution. A further amendment allowed the taxation of civil servants' severance pay at 98%, effectively eliminating it, and making them more vulnerable to the consequences of dismissal. This would prove important in politicising the administrative state. Finally it also gave constitutional status to the wide-ranging powers of the President of the National Judicial Office, and limited the broadcasting of political campaign ads to public broadcasting channels.

Together these amendments effected a radical change in the distribution of power in Hungary. Whereas the judiciary had previously been independent of the executives, and judges governed by collegial traditions that protected the individual independence of judges, the judicial branch of government was transformed, despite the constitutional claims of its independence into a hierarchically organised branch of the state bureaucracy, governed by the president of the National Council of the Judiciary, an office appointed by simple parliamentary majority and thus under the control of the governing majority. Through the "early retirement" device existing, independent judges were removed, leaving more pliable ones in their wake. The creation and empowering of judicial regulatory organs directly subordinate to a parliamentary majority thus fatally undermines the rule of law and are incompatible with liberal democratic practice.

## **Personalise: Private-sector management of the state**

The conversion of public broadcasting networks into highly partisan pro-government stations, and the subordination of the judiciary to central government control are more than just power grabs. They represent the logical conclusion of a unitary national majoritarian ideology that considers a political monopoly to be legitimate if it is acquired by democratic means.

They thus erase the distinction between the institutions of state and the government of the day. Electing a government, in their view, puts the government ministers in charge of the state directly, and, this view holds, gives them the right — indeed perhaps even the obligation — to implement the people's views, as expressed through their election of a governing majority. It is as though the prime minister or cabinet are commanders-in-chief of their departments and they have a mandate to override (or set?) other elements of public activity, their established practices and laws. Even if these laws are long established, they claim that their popular mandate gives them *de facto* legitimacy to override such long established practices, and replace them with institutions answerable to the executive, not the legal and policy framework.

The political direction of state bureaucracies to make them responsive to policy without needing to codify this in law is achieved by changing the employment conditions of civil servants to reduce their independence. Thus, in Hungary, civil servants' severance pay was taxed at 98% and the Hungarian Academy of Sciences brought into government control. This is not an idle threat in Hungary. The Government has banned gender studies teaching at state universities, for example. The Trump Administration has similarly sought to remove employment protections for civil servants <sup>54</sup>.

<sup>54</sup> "Trump wants to fire federal employees at will. A federal judge said he can't", Vox, 27 August 2018. For avoidance of doubt, this article appeared on the website of the magazine Vox, not the Spanish political party Vox

Meanwhile, Vox in Spain is seeking to defund what it calls “radical feminist groups”.<sup>55</sup> Hungary has gone further, with its discriminatory tax on “pro-migration” activity; together with its seizure of private media, this is part of a further attempt by the state to use economic power to control society so that even those not economically dependent on the state are forced to acquiesce in its policies.

And, most ominously, intelligence and police services are also politicised. In Austria this led the FPÖ, which controlled the interior ministry, and thus the ordinary police, to use its officers to raid the counterintelligence unit responsible for investigating the far right, seizing documents and disrupting its work.<sup>56</sup> In Italy, the Lega / 5-Star coalition sought to appoint new deputy heads of the intelligence services, after putting pressure on their predecessors to resign. In the UK pressure from populists has forced several senior officials involved in the Brexit negotiations (Ivan Rogers, Oliver Robbins and Kim Darroch) to resign.

Like the subordination of judges to a national judicial office, which deprives judges of the independence necessary to check abuses of power by the government, undermining protections against dismissal and discipline creates opportunities for ministers and politically appointed officials to abuse their power. It chills the operation of a civil service and opens them up to pressure and to being suborned into corruption schemes. As well as reducing the quality of government, this enables abuse by state authorities and puts the state in the service of the ruling party rather than the population as a whole.

This of course puts them at odds with civil society, cultural institutions and educational institutions which have for a long time been state funded but run at arms length from government, though the uses to which the money is put often include activities that would not secure the explicit approval of the voters were it asked explicitly. National populists see such establishments as state capture by liberals or the left in order to establish long term funding operations to provide jobs to their people and enact policies and campaign for outcomes they think are important but which in circumstances of national populist victory do not have public support.

In the national populist conception of politics as a process for selecting the contracted supplier of government, there is no space for agencies of the state to behave independently of the will of the national majority. When organisations opposed to the views of the (elected representatives of) the national majority use public money, or benefit from tax advantages, as NGOs often do, they do not see them as fulfilling a public purpose but as misusing taxpayers’ funds. So whereas civil society organisations had sought to take their activity beyond politics, national populists aim to repoliticise it, and when they get into power, de-fund it or remove what they consider to be its favourable legal and fiscal treatment.

In a sense civil society groups made an error by relying on being able to insulate their sources of funding from the political weather without being able to obtain or maintain the broad support in society for their programmes, or to defend a pluralist political framework in which support for civil society activity was provided even when a minority pursuit. When considered as a power structure, a broad civil society base functions akin to a church in that it both engages in activity that promotes certain values, and provides a way for people to make a living from doing so. They, together with the research establishments of universities, theatres and other artistic institutions constitute a transfer of wealth from general taxation to a relatively narrow part of the population, and which provides them with the luxury of being able to spend their time doing work without immediate economic use. As such they provide an ideal foil for cultural campaigns against a so-called metropolitan elite, that can be used to powerful effect by populists, and which can be particularly telling in countries like Poland, Hungary and Italy where such people are relatively few and exist within relatively narrow social circles.

<sup>55</sup> 100 medidas para una España viva, No. 71. “supresión de organismos feministas radicales subvencionados” (suppression of subsidies to radical feminist organisations) [https://www.voxespana.es/wp-content/uploads/2019/04/100medidasngal\\_101319181010040327.pdf](https://www.voxespana.es/wp-content/uploads/2019/04/100medidasngal_101319181010040327.pdf)

<sup>56</sup> “Austrian police raid on agency prompts outrage”, Deutsche Welle, 13 March 2018

Thus it is possible to understand Orbán's animosity to wards George Soros and all his works at three distinct levels. Most directly the organisations his foundation funds often engage in activity directly opposed to Fidesz's national populist policies. Second he himself is an easy target against whom anti-semitic prejudice can be whipped up, and who doesn't have in Hungary at least, a political machine able to operate using tactics appropriate to oppose Orbán. And finally institutions he contributed to setting up, such as the Central European University symbolise the kind of Hungary (outward looking, educated, left liberal) that the national populists exists to bring down. It was moreover an institution unready for the relative savagery of Fidesz's political tactics, savagery that is relative because Orban did not send thugs with truncheons to break up classes at the CEU; rather he created a legal environment that required the university to meet conditions that were within the arbitrary gift of the Hungarian government and which forced the university to Vienna. He bet that the CEU had too much to lose institutionally to go down fighting, and gave them an escape route which avoided a confrontation Orbán himself is unlikely to have wanted.

This together with the tax on pro-migration activity Hungary promulgated in 2018 mark the next stage in national populist control of society. Institutions independent of the executive are coopted, expelled or otherwise eliminated. The Hungarian Academy of Sciences (ironically guaranteed independence by Fidesz's own 2011 constitution) has been brought under government control. An indefinite state of emergency, brought in to deal with the Covid-19 epidemic has been used to cut funding for opposition parties and opposition-controlled cities. The private sector itself has also come under pressure. Accounts of government interference in the private sector are becoming more frequent. In Hungary it is becoming more difficult to simply be apolitical and reports that obeisance is expected from private companies are growing more frequent, though an investigation lies outside the scope of this report.

Cooptation of business, together with the subordination of state institutions to the government of the day should not be considered a bug in the national populist system, but a feature. It is an ideology based on the national majority controlling all levers of state power and using them to pursue its political agenda. That is what gives it its appeal and its simplistic structure: put us in power, we will run everything according to our principles, and if you don't like us, vote us out.

Yet a system that draws all its legitimacy from representing the national majority and cultivating such a majority by delegitimising its opponents, dominating the means of communication, harrying civil society and removing independent checks on its power is dangerously vulnerable to defeat at the ballot box.

## Manipulate: Artificial Majorities

All electoral systems imperfectly represent the people, and it is easy to manipulate voting systems and the electoral roll to benefit the incumbent. Less easy, but also done by governments of an authoritarian bent, is to manipulate the voting and counting process itself. That is, to rig the election.

The careful design of electoral systems is not the preserve of populists. Matteo Renzi's government, for example attempted to make Italy's electoral system more majoritarian by awarding a bonus to the largest electoral coalition (the courts struck this part of his electoral law as unconstitutional). Italy's electoral system remains partly majoritarian, a situation that benefits geographically concentrated large parties and which would, if current levels of support are maintained, put Matteo Salvini's national populist Lega at least close to an absolute parliamentary majority should Italy's new coalition government collapse.

Poland's populist government exploited the Coronavirus lockdown to try and manipulate the presidential election, during which campaigning was impossible and the incumbent president had free access to public TV networks. It tried to rush through changes to the law to allow for a short notice postal ballot despite the electoral commission insisting it could not organise one, while, at the same time refusing to agree a postponement of the elections with the opposition. The manoeuvre failed however because the Senate delayed the necessary legislation for a postal ballot and Law and Justice's coalition partners refused to vote for it.

In the United States, state legislators usually decide on the boundaries of electoral districts, leading to widespread gerrymandering, and in Georgia the official in charge of supervising the election himself stood for Governor. Turkey's president Erdogan this year leaned on the country's Supreme Electoral Commission to force a rerun of the Istanbul mayoral election, which his party had lost. The attempt proved counterproductive, and the opposition candidate increased his margin of victory from 14,000 votes to 800,000.

Hungary however is the EU member state where electoral manipulation and fraud is most advanced. Hungarian Prime Minister Viktor Orbán explicitly refers to his "two thirds victory."

*I interpret the two-thirds victory we won in 2010 as our being mandated to bring to an end two chaotic decades of transition and to build a new system...Our two-thirds victory in 2014 mandated us to consolidate this system. It was then that the system of national cooperation – much mocked by our opponents – was created...And our two-thirds victory in 2018 is nothing short of a mandate to build a new era. It is important to remind ourselves, however, that an era is always more than a political system.<sup>57</sup>*

In 2014 and 2018 Orbán's Fidesz obtained, a two thirds majority, necessary to change the constitution, by a single seat. There is considerable evidence that more than one seat was illegitimately obtained, and that Fidesz's parliamentary representation was otherwise inflated by a disproportionate electoral system designed for this purpose.

<sup>57</sup> <https://www.kormany.hu/en/the-prime-minister/the-prime-minister-s-speeches/prime-minister-viktor-orban-s-speech-at-the-29th-balvanyos-summer-open-university-and-student-camp>

Isabella Mares, a professor of political science at Yale University, calculated that vote buying and intimidation resulting from clientelism accounted for between 5 and 7% of votes in three rural counties in 2014.<sup>58</sup> The Political Capital think tank drew attention to deliberately engineered disproportionality in the Hungarian electoral system worth between up to ten seats.<sup>59</sup> When Hungary changed its electoral system between the 2010 and 2014 elections, it also redrew district boundaries, which the Hazehaladas think tank (now defunct) highlighted as giving Orbán's Fidesz a significant advantage.<sup>60</sup> NGO Unhack Democracy<sup>61</sup> (which I chair) organised a retrospective election observation mission of the 2018 elections, which uncovered evidence of phantom voters being bussed across the Hungarian border in organised fashion and paid to vote for Fidesz; and the registration of fake parties to confuse voters, which tilted the results to Fidesz in two seats. Through interviews with counting officials UD discovered widespread instances of officials being required to sign blank forms in which the results of the count were later filled in, and instances of officials being unable to submit the results to the election counting computer system due to an outage, until after the official election results were announced.<sup>62</sup>

The Hungarian experience demonstrates how national populists, who reject institutions, but need electoral legitimisation, are willing to fake popular consent directly, though electoral manipulation, as well as indirectly though monopolising the media, and undermining the rule of law. It allows them, in effect, to mark their own homework, and denies Hungarians the protection that liberal democracy would provide them.

<sup>58</sup> Conditionality and Coercion: Electoral Clientelism in Eastern Europe, Oxford: Oxford University Press, 2019

<sup>59</sup> Halfway into the Hungarian electoral reform, Political Capital, 19 April 2012. Hungary has a variation of a German-style two ballot electoral system in which voters vote for individual candidates in geographical single member districts, as well as political parties they choose from a list. In Germany, the system is designed to ensure that the overall makeup of the parliament is proportional to the number of votes cast overall. Parties that lose in the single member district, have their vote "topped up" so that members of their list are elected. In Hungary, parties that win single member districts get a top up as well.

<sup>60</sup> link in Hungarian: [https://hazaeshaladas.blog.hu/2011/11/25/tul\\_a\\_demokracian\\_az\\_uj\\_orszaggyulesi\\_valasztasi\\_rendszer\\_modellje\\_2\\_resz](https://hazaeshaladas.blog.hu/2011/11/25/tul_a_demokracian_az_uj_orszaggyulesi_valasztasi_rendszer_modellje_2_resz)

<sup>61</sup> See [unhackdemocracy.eu](http://unhackdemocracy.eu)

<sup>62</sup> The Hungarian National Election Office denied the counting system went down, insisting it was only the website that published the result that suffered from technical problems.



# Conclusion: The Political Monopoly Research Agenda

Much of the discussion of nationalist populism that has resurged in the last decade has focused on the content of the policies proposed and their corresponding threat to a broadly liberal order, or the techniques they use, including abuse of social media, to amplify their message. These movements however are considerably more sophisticated than that. They conceive and put into practice a common political strategy to dismantle the protections against demagogic abuse popular sovereignty that has protected European democracy from authoritarianism since 1945.

They seek to replace them with a primitive form of elected government, based on a notion of government-as-contractor that leaves us at the mercy of the equivalent of cowboy builders; and which even tilts the recontracting process in their own favour. Maintaining control of authorities is an inherent problem for all government, a problem that liberal institutions evolved to address, because when we choose a government we give them enormous power not only to enact policies, but to run the system that determines their continuation in office.

But national populists don't just practice political monopoly, they preach it too. They directly attack the legitimacy of liberal institutions that restrict the power of the government of the day. The extent of this direct attack is still extremely poorly understood. We lack the tools to measure their monopolisation of political office, even as we observe their dismantling of institutions.

We need to develop an understanding of "political antitrust" or political competition, to identify how they erect barriers to political entry and effective political competition. Without going so far as to recommend a kind of Democratic Competition Authority or, yet, recommending the assignment of powers to regulate the "political market" in a manner analogous to economic competition authorities, it is necessary to develop a research base to determine what constitutes political monopoly. This will include a new index that measures the concentration of power by disguised authoritarians by adapting the techniques used in competition policy. Like a dominant player in a purportedly competitive economic market, disguised authoritarians purport to take part in a competitive "political market" while abusing its rules to stifle rivals. It should be based on the following theoretical framework.

## Abuse of dominant position

The main harm from economic monopoly is the abuse of a dominant market position. That is, a firm's use of market power now, to tilt the playing field against its competitors, distorting the competitive process that is supposed to generate improvements in consumers' standards of living.

Analogously, in a political market a dominant political party can abuse its position to distort the competitive political process and tilt the political playing field against its competitors.

In both cases, the problem is not a dominant position because a company can dominate a market by making better products, just as a political party can hold political power by winning elections, but abuse of the position to prevent the competitive process working as it should.

National populists reject the idea that a dominant position should be abused as a matter of principle. They think that a dominant position (achieved by winning elections) gives them the right to change the rules of political competition as they see fit.

### **Political competition**

Because consumer decisions are necessarily individual, and political decisions by definition collective, competition works differently. In the economic realm, a consumer's willingness to demand a product, and the firm's willingness to supply it create the conditions for market exchange. In the political realm, it is possible to conceive of a vote as the currency that is spent; but what does the voter get in return? In a representative democracy, they do not vote on policy outcomes directly, but on people to implement policy outcomes, and the personal factor is at least as important as the policy factor.

Considering outcomes (personal or policy) allows us to create a parallel concept to the price. In competition economics, a firm with market power can raise the price of a good higher than it would be able to in a perfectly competitive market.

Second-order market power occurs when the fact that there is already a dominant player with market power deters competitors from challenging them, or entering the market at all (this is related to predatory pricing; the buying up of rivals, etc).

A political party with market power raises the extent to which their voters' personal or policy preferences are enacted by the political system beyond what it would be able to do if the political system were in a perfectly competitive market.

### **Measuring market power**

The standard definition of market power is the ability of a firm to raise the price above some competitive level (the benchmark price). First order political market power is thus the ability to convert the votes it receives into its policy preferences or to put its own people into office, over and above the number of votes it receives. Second order political market power is the ability to use its dominant position to deter rivals from challenging it.

### **Market power and abuse**

A key question is what counts as the abuse of political market power, and, relatedly, whether there is a level of market power that is too large, even if it not abused. Two important concepts here are network effects, and vertical restraints.

### **Network effects**

Network effects occur when a product is much more valuable because everyone else is on it (e.g Facebook). They create market power: as much as you might want to leave Facebook for a different social network, you would then lose contact with the much larger number of your friends who are still there.

In political systems, your chances of getting your outcome or person elected depend very much on how many other people vote the same way. The extent that they do can be quite considerable, particularly in majoritarian political systems, where a small number of votes can be the difference between total defeat and total victory.

### **Vertical restraints on competition**

Most products reach consumers through supply chains. You probably don't buy a washing machine directly from a supplier, and you certainly don't buy the parts and put it together yourself. Vertical restraints allow one component of the supply chain to exercise market power over another (e.g. by a manufacturer the retail price, or insisting on exclusive distribution deals).

In a political system, different institutions can exercise market power over each other, influencing which policy preferences are adopted or which party's people hold office. These institutions include the executive, judicial and legislative branches of government, the civil service, the media, state owned businesses, and other areas the government may choose to bring under regulation, such as civil society organisations. A political monopolist uses its power in one area, usually the executive or legislative branch, to excessively influence others (e.g. the Polish National Council of the Judiciary).

**Game theoretic deterrence and second order market power**

Market power can be a deterrent to competitors, who would be reluctant to compete against a deep pocketed rival who might sell below cost and so make the rival's entry into the market unprofitable. Political market power can act similarly: people who see the way the wind is blowing, could choose not to oppose a dominant party, and exit politics altogether. Patronage networks impose costs on people who oppose the government, deterring others (though political psychology is not the same as business psychology, and measures that are too heavy handed often backfire).

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