

National Populism in Power: the Consequences for Fundamental Rights

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Polish President Andrzej Duda, on a military vehicle and surrounded by large security measures, kicking off the ultranationalist march that took place in Warsaw on March 11, 2018. Photography by Jordi Borràs

There are hardly any democracies left in the world where a leader or political movement of a national populist bent is not seeking to challenge the existing democratic regime and acquire power. What is more, over the last decade national populism has moved from the margins of the opposition and, somewhat surprisingly, into the seat of government in countries around the world, including those as large and as powerful as the United States, India and Brazil. Once they are in power, governments of this type quickly develop authoritarian traits and represent a threat to human rights and democratic freedoms. Their track record in these areas, which shares certain characteristics despite the differences between regimes, shows that these governments cannot be viewed in the same light as other democratic alternatives in terms of respecting fundamental rights.

The third wave of authoritarianism

The world currently finds itself immersed in the so-called “third wave” of authoritarianism. Since the start of the twenty-first century, and especially over the last five years, more and

more countries have been losing the characteristics of a democracy and becoming hybrid [1] or openly autocratic regimes. For the first time since 2001, there are more autocracies (specifically, 92 countries, which together are home to 54% of the world's population) than democracies, while 35% of the world's population lives in countries governed by increasingly authoritarian regimes [2]. The positive progress made in countries such as the Gambia, Ethiopia, Sudan, Armenia and Malaysia are exceptions within a global framework that is less and less favourable to liberal democracies with each day that passes.

The traditional means by which authoritarian regimes are installed, such as *coups d'état* and civil conflict, have played an important role in this new wave of authoritarianism (Thailand and Egypt are both excellent examples). However, the chief characteristic of this new political development is that the primary vector of authoritarianism is elected governments, which despite their clear disdain for the mechanisms that serve to control and balance power, still manage to gain and retain popular support in competitive elections. Moreover, they are doing so, and herein lies the great novelty [3], in countries with a relatively consolidated democratic history and a tradition of pluralism. This is the case for the governments led by Viktor Orbán in Hungary, Narendra Modi in India, Rodrigo Duterte in the Philippines, Jair Bolsonaro in Brazil and Donald Trump in the United States.

However, this rolling back of fundamental rights is not limited to countries with national populist governments. Some of the worst abuses occur where there is open warfare (e.g. Libya, Yemen, Syria) or widespread violence (e.g. Central America, Africa's Sahel region), or in dictatorships where there are no elections (e.g. China). Likewise, almost all of the countries whose governments are committed to plural, constitutional democracy -including the countries of Western Europe- have committed abuses; what is more, these abuses have worsened considerably in areas such as the fight against terrorism and the monitoring of digital activity. Nevertheless, we should not lose sight of the fact that in countries governed by national populist leaders, this deterioration has been particularly swift and wide-reaching, owing to medium-term strategies designed to transform institutions and consolidate new ideological and social majorities.

National populism takes power

According to the definition provided by Cas Mudde and Cristóbal Rovira Kaltwasser, populism is a "thin-centred" ideology that lacks the necessary ideological substance to respond to the political agenda in its entirety, in the way that liberalism or communism attempts to do. Rather, it focuses on pitting the "pure people" against the "corrupt elite" [4]. Jan Werner Müller adds two important characteristics to this definition: morality (i.e. the idea that elites represent shadowy special interests and have betrayed the morally pure populace) and the negation of pluralism (i.e. the idea that there is only one "people", without any internal divisions) [5]. For populists, government must be an expression of the general will: therefore, when they enter office, they reject the balance of powers and counterweights, whether in the form of institutions (the judiciary, independent authorities, international bodies) or civil society (press, organised interest groups, NGOs) on the basis that such a balance is anti-democratic, as it would have the power to limit the exercising of

the mandate that the government has received from the people via the mechanism of the election (or referendum). Lastly, populist leaders make every effort to avoid forms of social mediation, seeking to communicate directly with the populace (whether via television, Twitter, or videos made for sharing on apps such as WhatsApp) and bypassing traditional actors such as party structures, the press, and civil society organisations.

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National populism is a variant (currently the most successful variant) of populism which, although it is located on the right wing of the political spectrum, seeks out a much broader electoral base (particularly among the working class) than is traditionally found on this part of the spectrum. As well as pitting the people against the elites (a practice common to all forms of populism), national populists whip up nationalist and xenophobic sentiment that serves to shine a spotlight onto particular minority social groups. According to the national populists, these groups or minorities are granted privileges by the traditional elites to the detriment of the majority, despite the evident conditions of marginalisation in which these groups or minorities exist. In some cases, nationalism and the conservative agenda are complemented by the addition of a religious component, such as the moderate Islamism of Recep Tayyip Erdoğan in Turkey, the militant Buddhism of Mahinda and Gotabaya Rajapaksa in Sri Lanka, the Hinduism of Modi in India and the Catholicism of Jarosław Kaczyński in Poland, where he dominates political affairs from the shadows.

It is difficult to establish a definitive dividing line between openly authoritarian regimes and democratic or hybrid regimes that are governed by national populists. However, in this analysis we shall limit ourselves to those countries where there is still a certain amount of electoral competition and political and media pluralism, and where national populism, even when in power, can be considered a political option that is in competition with others, not simply a strategy to legitimise a fully established autocratic power. In these countries [6], attacks by government on fundamental rights usually share certain characteristics, which we shall explore in detail below.

The national populist attack on fundamental rights: seven key features

1. The architecture of protection for human rights

Human rights, the national and international mechanisms that protect them, and the organisations and individuals that defend them have become targets for national populism. Rather than a direct, head-on rejection of the concept of human rights, national populist governments and parties prefer to emphasise national and popular sovereignty, which they consider to be limitless. When national and international bodies question their actions in the sphere of human rights, the international system of protection and its associated institutions then become the object of criticism, as occurred in the Philippines with the International Criminal Court, in Hungary with the European Court of Human rights [7] and in Brazil with the growing tension between Bolsonaro and both the Supreme Federal Court and the Inter-American Court of Human Rights.

2. Machismo and other culture wars

One of the strategies that national populists use to mobilise the populace is the fomenting of social and political polarisation. In order to mobilise those parts of the electorate that hold strong, traditional religious and moral values, national populists embrace a form of social conservatism that exalts traditional values and structures. What is more, they do so to the detriment of the rights of women (e.g. the attempts to restrict abortion rights in Brazil and Poland) and the LGBT community, which has become a target for national populist movements in Central Europe, the countries of the former USSR, Africa, Asia and Latin America.

3. Scapegoats and ‘the enemy within’

National populism identifies not only members of the elite as enemies of the people, but also minorities, which it presents as a threat to the nation’s social cohesion and blames for the problems suffered by those who form part of the majority, such as unemployment. Immigrants are the preferred target, especially in Europe and North America: indeed, some of the worst abuses committed by national populist governments, such as the treatment of asylum seekers and undocumented immigrants on the southern borders of the United States and Hungary, have been against immigrants (including children). Some governments also attack religious and ethnic minorities, whether directly or by allowing them to be attacked by others with impunity, as has occurred with Muslims in India and Sri Lanka. From its position of power, national populism can also point the finger at other groups and issue coded or indirect messages against minorities such as Jews and Gypsies [8].

4. Rule of law and separation of powers

The rolling back of democracy by playing majorities and minorities off against each other and by continually questioning, in the name of the will of the people, the balance of powers and the legitimacy of laws (and international agreements) that prevent the executive from doing whatever it likes represents perhaps the most open threat posed by populism (in this instance, not only national populism) to democracy. The primary target is the independence of the judiciary, which is why the Polish government, for example, may be subject to sanctions by the European Union [9]. From India to Brazil, judicial authorities have been able to stop some of the most damaging assaults on fundamental rights proposed by the

executive: however, in the process they have made themselves the target of attacks from national populist leaders and their supporters. This application of pressure also affects other institutions that do not cave in to the national populists and remain independent, such as central banks, electoral commissions and other public bodies, such as the legislature and local and regional authorities. The resultant institutional confrontations end up determining the evolution of populist regimes, and their potential transformation into dictatorships.

5. Sanctioned violence, militias and impunity

A Eurocentric perspective may make us lose sight of the extent to which violence forms an indirect yet significant part of national populist movements. Examples include the encouragement (whether implicit or explicit) of police brutality and even killings, with impunity guaranteed by those in power, whether in the Brazilian favelas or Philippine cities where the drug trade is rampant. We must also consider the creation or tolerance of armed militia to do the dirty work of intimidation, whether in the Michigan State Capitol [10] or the majority-Muslim neighbourhoods of India. Essentially, the aim is to forge direct links with armed forces, whether official or parastatal, thereby establishing a chain of authority that bypasses institutions and weakens mechanisms of constitutional control, as occurred in Brazil when the military police, which is under the authority of the state governors, warned that if it had to choose between the governors and the president, it would choose the latter [11]. In this context of impunity and incitement, abuses and assassinations are carried out against the poorest and most vulnerable, and against those who speak out against the authoritarian project of the national populists.

6. Media pluralism and public debate

Some analysts claim that national populism is the chief cause of the decline of public debate, while others argue that it is precisely this decline that explains the success of national populism. Beyond this chicken-and-egg discussion, it is unsettling to observe the way in which, once they enter office, national populist leaders not only maintain and even increase their anti-establishment rhetoric, but also use their position to directly attack those who oppose them and to lessen the pluralism of the media. Methods vary, and include Trump's use of Twitter, the long-term strategy of media consolidation, takeover and co-optation in Hungary, the unrestrained attacks of the "online brigade" led by Bolsonaro's children in Brazil, Bolsonaro's direct humiliation of journalists [12] and the multiplication of threats and aggressions made against journalists under Duterte's presidency in the Philippines [13].

7. Placing pressure on independent civil society

Over the last decade, increased pressure on critical voices in civil society has been applied most extensively in China and Russia, two dictatorships that have clearly renounced the model of liberal democracy; however, it has also occurred in dozens of countries around the world, from major powers such as India to small republics in the Caribbean [14]. Paradoxically, in many cases these restrictions are imposed in the name of protecting democracy against organisations accused of serving shadowy foreign interests. National

populist rhetoric is particularly aggressive towards critical organisations, which it accuses of dividing and betraying the people and views as an obstacle to establishing a direct link between the leader and the populace.

Authoritarian projects and accusations of unfair treatment: not everything is relative

This is a difficult time for fundamental rights around the world. At the start of 2020, the global balance seemed to be tipping towards authoritarianism. Even in countries –including major European democracies– that remain committed to democratic principles, the separation of powers and a multilateralist world order, there has been a significant decline in respect for fundamental rights. The COVID-19 pandemic has created new opportunities for leaders and governments of all types, particularly autocrats and elected authoritarians, to strengthen and abuse their hold on power. So why, in such a context, should we focus on national populism and not simply compile an inventory of all abuses, like many organisations dedicated to defending fundamental rights?

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Firstly, it bears repeating that, at present, the most common way in which an authoritarian regime emerges is not through a coup d'état, but by hollowing democracy out from within, and from a position of power [15]. Reducing the concept of democracy to the unlimited expression of the will of the people can therefore represent the first step towards the installation of a simple dictatorship, often of a personalist nature. Violations of fundamental rights, which initially only seem to affect a particular group (e.g. Muslim immigrants in India, transgender people wishing to serve in the United States military, drug addicts and low-level dealers in the Philippines, asylum seekers in Hungary), become broader in scope as the country in question slips further down the slope of authoritarianism: a process that began with the national populists taking power.

Secondly, we must take care not to fall into the trap set by the national populists. In Orbán's Hungary, for example, when one of his democracy-eroding measures is criticised he often points to a similar measure that has been implemented by another European country, and goes on to accuse his critics of unfair treatment or double standards. Using this tactic, he has managed to transform the Hungarian government to such an extent that it is the only EU member state considered only "partially free" by *Freedom House* [16]. It is necessary to criticise every measure that restricts fundamental rights, regardless of which government is implementing said measure; however, this should not make us lose sight of

the existence of plans for authoritarian transformation that are being carried out by leaders and political parties with a hidden agenda.

Lastly, it is important to be aware of the similarities in the way that national populist governments erode fundamental freedoms. These shared traits reveal the genuine threat represented by national populism, which is presented in the democratic setting as an equally valid and legitimate alternative to other ideologies. Even when it is on the margins or in opposition, national populism has a negative impact on rights and freedoms and on equality between individuals; however, when it takes power, its anti-democratic potential is multiplied.

More and more dictatorships are brought into being on the back of popular electoral support. National populism does not threaten the elites and the status quo, but rights and freedoms

In today's world, we are faced with the worrying paradox that more and more dictatorships are brought into being on the back of popular electoral support. It is necessary to shine a spotlight onto the actions of national populist governments and their impact on fundamental rights, because when we do so, we will see that national populism does not chiefly threaten the status quo and the elites, as it promised during the election campaigns. Instead, it threatens rights and freedoms, initially those of marginalised groups and the most vulnerable, swiftly followed by those of the rest of the population. Ultimately, when it is in power, national populism has shown that it is a direct threat to fundamental rights.

REFERENCES

- 1 — Hybrid regimes combine characteristics of both democratic and authoritarian regimes. The term has been used to define a range of governments, including the electoral autocracies of the 1960s and 1970s (such as those in Mexico, Singapore, Senegal and Taiwan) and the so-called “illiberal democracies” of today. See L. Diamond (2002), “Elections Without Democracy: Thinking About Hybrid Regimes” in *Journal of Democracy* 13-2, pages 21-35.
- 2 — AV [‘Autocratization Surges, Resistance Grows’](#) in *Democracy Report 2020*, VDem Institute, University of Gothenburg, March 2020.
- 3 — In the 1990s and 2000s, hybrid regimes were usually the result of incomplete transitions toward democracy and were mostly more open than the dictatorships that had preceded them. See T. Carothers (2002), “The End of the Transition Paradigm” in *Journal of Democracy* 13-1, pages 1-21.
- 4 — Mudde, Cas and Cristóbal Rovira Kaltwasser (2017). *Populism: A Very Short Introduction*. Oxford: Oxford University Press.

- 5 — Mueller, Jan-Werner (2016). *What Is Populism?* Philadelphia, PA: University of Pennsylvania Press.
- 6 — Without aiming to be exhaustive, and taking into account the fact that there is not a general consensus in the analytical literature and that the situation is continually evolving, we can take the following leaders or parties as examples of elected national populist governments: Donald Trump in the United States, Jair Bolsonaro in Brazil, Narendra Modi in India, Rodrigo Duterte in the Philippines, Mahinda Rajapaksa in Sri Lanka, Uhuru Kenyatta in Kenya, Viktor Orbán in Hungary and the Law and Justice Party in Poland. Other governments (such as those led by John Magufuli in Tanzania and Recep Tayyip Erdoğan in Turkey) might also be placed in this category, although they are increasingly viewed as simple authoritarian regimes that have been elected into power, following the example set some years ago by Vladimir Putin in Russia, Nicolás Maduro in Venezuela and Daniel Ortega in Nicaragua.
- 7 — S. Michalopoulos, '[Orban attacks the European Court on Human Rights](#)' in *Euractiv*, 30 March 2017.
- 8 — This tactic is known as a “dog whistle” (in light of the fact that dog whistles emit a sound that humans cannot hear), and involves making ambiguous or implied references in public and online that foment hate in xenophobes without raising alarm among the general populace. The aim of this approach is to ensure deniability in the event of any complaints.
- 9 — European Commission, '[Rule of Law: European Commission refers Poland to the European Court of Justice to protect the independence of the Polish Supreme Court](#)'. Press release, Brussels, 24 September 2018.
- 10 — EFE, '[Hombres armados entran en el capitolio de Michigan para protestar contra el confinamiento](#)' (*Armed men enter the Michigan Capitol to protest against the lockdown*) in *El País*, 1 May 2020.
- 11 — V. Nunes, '[Governadores são avisados de que, entre eles e Bolsonaro, PMs ficam com presidente](#)' (*Governors warned that, between them and Bolsonaro, the MP would choose the president*) in *Correio Brasiliense*, 17 June 2020.
- 12 — Reporters Without Borders, '[Brazil quarterly analysis. President Bolsonaro's systematic attempts to reduce the media to silence](#)'. News, 16 April 2020.
- 13 — R. Talabong, '[Over 100 attacks vs. journalists since Duterte assumed office](#)'. in *Rappler*, 3 May 2019.
- 14 — A good general perspective, albeit one that is some years old, can be found in T. Carothers' article “The Closing Space Challenge: How Are Funders Responding?”, published by the *Carnegie Endowment for International Peace* in November 2015.
- 15 — E. Frantz (2018). *Authoritarianism. What everyone needs to know*. New York: Oxford University Press.
- 16 — Freedom House, [Freedom in the World 2020. A Leaderless Struggle for Democracy](#).

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