



**POPULISM
AND MIGRATION**

Edited by Éva Gedő and Éva Szénási

L'Harmattan

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Populism and Migration

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PREFACE

This collection of essays is based on presentations delivered at the international conference on *Populism and Migration*, held in Budapest on March 10-11 2020. The conference formed part of a wider research project on the “Norms and Values in the European Migration and Refugee Crisis” (“NoVaMigra”) and surveyed the period between 2014 and 2017.

Thus the conference focused on the questions of migration and populism to draw attention to the close connection between these two phenomena. The presentations and the articles devoted special attention to studying this connection during the refugee and migration crises, and their climax in the year 2015. In particular, the analyses surveyed the effect of migration on populist discourse and the strengthening of radical right-wing parties in Europe, as well as performing multifaceted investigations into the migration crisis in Hungary.

The articles examine various aspects of populism from a multidisciplinary perspective: specialists in the topic, from diverse academic fields — philosophers, political scientists, religious studies scholars, sociologists, jurists — analyze the relationship between populism and migration. In accordance with these aims, the volume is composed of three thematic sections. The first provides a historical survey of populism, the ways of picturing ‘The Other’, and analyzes the relationship between populism and modern representative democracy. The second chapter begins with an article on the topic of the emotional-psychological background of radical right-wing populism and continues with two essays about the French National Rally. One of them studies the rapport between populism and migration throughout the history of the party, while the second primarily discusses its future chances in the upcoming elections.

Finally, we felt it necessary to devote a chapter to a detailed examination of the situation of populism and migration in Hungary. The articles survey the Hungarian reactions to the migration crisis, the treatment and pitfalls of the refugee question, the connection between the migration emergency and the rule of law, the functioning of the so-called ‘moral panic button’ as an act of power, the shades of solidarity, as well as the discourse on migration in various official churches.

We would like to express our heartfelt thanks to all those who cooperated in this project and supported our efforts with persistent patience: the authors who offered us their papers, and to the John Wesley Theological College (WES), which was responsible for the organizing of the conference and the publication of the

present volume as the Hungarian partner institution of the research. Last but not least, we would like to thank our main coordinator, the University of Duisburg-Essen (UDE), which not only participated in the conference but also contributed to the funding of the book.

The editors

I. POPULISM:
THEORIES AND INTERPRETATIONS

THE MIGRANT AS “OTHER”

CATHERINE WIHTOL DE WENDEN

Abstract

This analysis is an outline of research into forty years of studies on migration — questioning the evolution of the image of migrants in public opinion, as well as in immigration policies and institutional practices. The images of the Other remain the same, even though the migration waves — as well as the economic and social roles of immigrants as workers, settlers, Muslims, new French, enemies, exiles and activists — have changed.

The text will follow the historical evolution of images of the Other, in France and at European level, in the context of populist ideas that stress the myth of autochthony in countries like France — which struggles in its recognition of its past — and which is also developing throughout Europe. The categorizations of migrants, the role of the State in the crisis of hospitality and solidarity, the challenges of otherness, and the practices of systemic discrimination by institutions of authority, are at the heart of these trends.

INTRODUCTION

Why, in France and in Europe — in countries of de facto immigration or settlement — is migration still considered as a short-term presence for workers or refugees, and mainly as a hostile presence?¹ At European level, migration is the unique factor of population growth within a context of decreasing birthrates. There are many shortages in the labor force; refugees are reluctantly accepted; family reunifications, the main legal flow of migration, are considered challenges to identity and culture. At a French level, the same phenomenon can be observed: “France is a country of immigration which ignores that it is so,” says Dominique Schnapper in her books on integration.² It is an old country of immigration compared with its European neighbors, and one French citizen out of four has an ancestor of immigrant origin. Migrants contributed to the build and rebuilding of the country after the two world wars, during which they fought as French soldiers. Many of them got French citizenship, and they are still present in key sectors of the economy (the construction and car industries, mines and steelworks, services, hospitals, care jobs, and tourism) while despised by the French.

Within the last century and a half the images of the Other have changed, as have the nationalities and the economic and social roles of migrants in France and

¹ Rigouste, Mathieu: *L'ennemi intérieur*. Paris, La Découverte, 2009.

² Schnapper, Dominique: *La communauté des citoyens*. Paris, Gallimard, 1996.

Europe. Migration policies have moved from the socio-economic management of workers to a security approach of border controls that see the migrant as an enemy. Rising populism in Europe, along with migration crises and terrorism, fed a fear of the Other, and a construction of otherness and an abandonment of the European values of diversity, solidarity, hospitality, and human rights.

But how did we get here? We can (I) make a distinction between various phases of migration experiences, and (II) examine the factors which led to this current crisis of cohabitation.

I – WHO IS THE OTHER? A HISTORICAL BACKGROUND

If we return to the representations of migration in the past compared with the stereotypes used now, we observe that they are more or less the same even if the migration waves and the landscape have totally changed.

I. DEFINING THE OTHER: CATEGORIZATIONS OF MIGRATION

When most migration policies were defined by public policies in Western Europe, including France, in the mid-1950s, the main categories of migrants were workers, families and refugees. Most legal statuses were linked with these categorizations. Migration was considered as an economic need for a labor force, the main flow of newcomers, while families and refugees were a smaller consideration. They were not seen as future settlers. Those who arrived illegally were rapidly legalized in their status because they were required as legal workers, and there was no confusion between workers and refugees. They were welcomed because they represented an image of Europe as a welcoming place for those persecuted and threatened by the Communist bloc. Now these categories are confused, because the profiles have changed. Since 1973 or 1974 Western European countries have by their own admission closed their borders to salaried migration of workers, while some migrants acquired European citizenship³ through freedom of movement (Italians, but also Portuguese, Spanish, Greeks, and then Polish and Romanians among the most numerous), while non-European migrants were allowed visas for studies, family reunification, refuge or entrepreneurship but not salaried work. They were assumed to be returning to their countries of origin, which for most did not occur. Those 'required' in the past became 'undesirable'. In the meantime, the influence of the Gulf countries on countries of Muslim emigration — along with the international context (the Iraqi and Afghan wars, Palestinian refugees, the collapse of Libya after

³ Maastricht Treaty of 1992 on European Citizenship, article 8.

the 'Arab Spring' of 2011) — led to a change in the ways to practice Islam both at home and in Europe, and to the rise of radicalization.

For any young people from the South who consider there to be no opportunities for them to change their lives in their own countries, migration is the solution — even if they do not have visas. The offer of illegal passage through trafficking, and the role of the media showing Europe, the US or Canada as El Dorados on the internet or on TV, lead to a desire to emigrate. Most of them dream without ever pursuing their project. But for those who do brave this dangerous odyssey, seeking asylum is the only solution to enter legally without passport and visa. So they politicize their profiles, if they were not persecuted stressing the instability of their countries and their own future, even without civil wars. This leads to "mix flows", blurring the profiles of those who come for work with those who require refuge from civil war. But their chances to be recognized are much lower than during the Cold War. Many of those denied refuge are joining the flow of illegal immigrants, working on the black market. In the past, 80% of refugees were accepted as such (in the 1950s and in 1975, at the end of the Vietnam War), while now, of some nationalities up to 80% are refused (with 50% of total cases refused). We meet the same confusion for families: most of them are joining a worker in Europe, but they will also be entering the labor market, so the line between migration for settlement and migration for work is blurred. It is the same for those who enter as students but will become an educated, elite labor force. These moving categories do not correspond with the statuses defined seventy years ago by migration policies that nonetheless persist in legal texts.

2. PERMANENCE AND STABILITY OF STEREOTYPES

From the middle of the 19th century to the 1970s, the question of migration was not perceived as important in the political discourse or in the decision-making process. Most migrants were workers, either European or non-European and from rural backgrounds, and turned towards their countries of origin with the idea of return. Their legitimacy was built on work and on their legal status. Those who arrived illegally (such as the Portuguese in France) were rapidly legalized, but the Algerians got freedom of movement, work, and settlement because Algeria was French territory. So the border into otherness was different: there was no European/non-European distinction. The borders were closed to migrants from Eastern Europe due to the Iron Curtain (except for refugees), but it was open to southern, non-European Mediterranean countries. The European borders then became those of the EU in 1985 with Schengen and the visa system, in 1992, the Portuguese, Spanish and Greek incomers became EU migrants as opposed to non-EU ones.

In France the most important theme was competition between foreigners and nationals — from 1880 to 1914, then in the 1930s with the economic crisis, and again between 1980 and the present day. Migrants were viewed as competitors because they required lower salaries, worked longer hours, were not politicized by leftist parties and trade unions, and their Muslim religion and submission to the laws of Islam were considered as criteria of low advocacy. In some firms Muslims were also welcomed because they did not drink alcohol, while the native working class had many hard drinkers, with many resulting dangers in the workplace (in the car industry and construction for example). Violence was also frequently cited among migrants, as was disease (mostly syphilis, though tuberculosis was in fact more frequent). Most of these migrants did not settle permanently, except for those leaving poor countries or dictatorships (Spain, Portugal, Greece) — and those were not seeking asylum because they knew they would be welcomed as workers.

Violence was often quoted as a main obstacle to assimilation. Most migrants were invisible both in the host countries and in their countries of origin, with physical and social absence.⁴ Most migrants were relegated to slums, or to collective housing for workers ('*foyers*' in France, or '*gastarbeiter*' in Germany and the Benelux countries), and were considered for work but not for settlement. The image changed after the end of the labor migration in the mid-70s, which provoked the settlement of families. European migrants could leave and return while the border began to be closed to non-Europeans, whose illegitimacy grew with their unemployment rate.

In the meantime, two new issues were raised. The Other becomes visible because he lives in inner cities (and no longer around company buildings) with second-generation migrant families. And Islam is the religion of most non-Europeans. In this period of the early 1980s, following the rise of oil Gulf countries, they began to have the money to subsidize Muslim associations, to build prayer rooms in migrants' origin countries and across Europe, and to have influence in migrant districts with libraries, halal meat shops, and Islamic clothing. Muslims became the enemies when Russia and Eastern Europe had ceased to represent the bipolarization of the world⁵. Islam is now viewed as the new challenge, and terrorism has begun to kill people in the streets of several European countries (France, Germany, the United Kingdom), as well as in countries of origin as the war spreads throughout the Middle East.

Progressively, the political approach of migration becomes defined as a security issue. In Brussels, migration went from a socio-economic concern to a question of Justice and Internal Affairs in the Amsterdam Treaty of 1997. In EU countries, the ministers in charge of the topic are no more ministers of work and social questions, but Home Ministers or even Ministers of Defense or Justice (in Nordic countries). The 1990s to the 2000s were a theater of these new images of the migrant as

⁴ Sayad, Abdelmalek: *La double absence*. Paris, Seuil, 1999.

⁵ Huntington, Samuel: "The Clash of Civilizations". *Foreign Affairs*, Summer 1993.

an internal and external enemy. The term ‘invasion’⁶ is used, hinting at both a demographic and cultural challenge but also as a military target to fight against in the Mediterranean, with the tools of Schengen, Frontex, and the SIS⁷. Other approaches stress the evolution of terms, from ‘assimilation’ to ‘integration’ and then to ‘living together with various philosophies’ — ‘multiculturalism’ in the UK, Germany and Benelux, or ‘social cohesion’⁸ versus ‘separatism’⁹ in France. Others use the word “*sauvageons*”,¹⁰ and talk of inner cities to be cleaned with Karcher¹¹. Southern Europe did not define a clear philosophy, as it entered more recently into immigration realities with ‘illegals’ to be legalized, and stratifying labor markets in Italy, Spain, Portugal and Greece.

Another theme is ‘*Leitkultur*’ in Germany, suggesting that migrants are supposed not to have it in their cultural background, while anti-migrant movements are rising on the themes of the Islamization of Europe (AFD Germany), of a demographic shift between whites and non-whites (“*grand remplacement*” in Rassemblement National France), of a failure of integration or of multiculturalism,¹² of national identities to be defended, and of a danger to security and borders (Lega, in Italy). Extreme right parties find, in these themes, most of their arguments.

The last step was reached in 2015, with the so-called refugee crisis, when the values of Europe (human rights, solidarity, hospitality) were weakened by the sovereigntism of many nation-states’ refusal to welcome refugees.

All the themes used to define migrants have been the same, even if the profiles and nationalities have changed: external danger, lack of belonging, religion, disease, economic competition, violence, and a challenge to national identity were all present from the end of the nineteenth century until now.

3. THE REFUGEE CRISIS AS REVEALING THE CHALLENGE OF THE OTHER

The refugee crisis of 2015 was perceived as a challenge for policymakers, and as the subject of intense political controversy. EU member states mostly managed the crisis with security-oriented and anti-immigration policy instruments, with a few results: thousands of deaths in the Mediterranean; formal and informal camps; tensions at the borders of Europe; violation of rights and of legal provisions at the national, European and international level; and a boom in trafficking and criminal

⁶ Valéry Giscard d’Estaing during his tenure as President of the Republic (1974–1981).

⁷ The Schengen Information System, born in 2000. Frontex was created in 2005.

⁸ Jacques Chirac, 1995.

⁹ Emmanuel Macron, 2020.

¹⁰ Jean-Pierre Chevènement, Home Minister, 1997.

¹¹ Nicolas Sarkozy, 2007.

¹² Angela Merkel: “Multikulti has failed.” 2014.

activity around migrants and migration. The acute politicization of migration and refugee issues in the European context questioned the relationship between the reality of new flows and policy decision-making.

Europe in 2015 was facing an unprecedented flow of refugees. Previously Europe had counted around 200,000 asylum seekers per year: then 625,000 came in 2014, and 1.2 million in 2015. But this crisis was not new; after the fall of the Berlin wall in 1989, Europe received 500,000 asylum seekers per year from 1989 to 1993, mostly in Germany, which welcomed three quarters of all the asylum seekers in Europe from communist regimes, and then most refugees from the crisis of former Yugoslavia, and finally one million from Syria and the Middle East.

A turning point appeared in September 2015, when Chancellor Angela Merkel announced that Germany would welcome 800,000 asylum seekers that year. The president of the European Commission Jean-Claude Juncker then proposed that 160,000 recent asylum seekers should be accepted by other European countries for resettlement. These important steps, also supported by Pope Francis, were insufficient in addressing the refugee crisis. The European political crisis was exacerbated, challenging the European values of solidarity and human rights, as well as the sovereign positions of some Eastern European countries that feared that their ideal of homogeneous identity and culture could be shifted by newcomers.

Europe has some difficulty thinking of itself as an immigration continent, and public opinion has been manipulated over the years by a rise in extreme rightist movements and parties hostile to migration and refugees. The different and conflicting ways in which states and EU institutions managed the crisis defined a fracture between East and West Europe, a lack of trust from Northern European States towards Southern ones confronted daily with refugees, and the inability of Europe to find an agreement between the 28.

The photograph of Aylan Kurdi — a three-year-old Syrian boy, dead on a Turkish beach in Bodrum — who perished when the boat carrying him and his family to Greece sank in September 2015, spread across the world. It showed that these refugees look like us, and threw doubt on the security approach responsible for his death, along with the 40,000 other deaths in the Mediterranean since the end of the 90s. The border regime imposing visas to cross the Mediterranean for departure countries to destination ones explains the rise of trafficking.

Since the 1990s, the European Union has continuously increased efforts to discourage new arrivals, placing at the top of its agenda the fight against immigration, and making immigration a security issue. In 2000, Eurodac introduced digital fingerprints in order to identify false asylum claims. In 2004, the EU created the Frontex agency, which militarizes the EU borders and places common police forces to protect them. Bilateral (nearly 300) and multilateral (24) agreements of repatriation between European and non-European countries have reinforced this war on migration.

When Italy launched the *Mare Nostrum* operation in 2013 to save newcomers by the sea, it was met with indifference from other EU states. In 2015 the countries of the so-called Visegrád group (Poland, Hungary, the Czech Republic and Slovakia) refused to share the burden of newcomers. The borders of the Balkan route were lined with barbed wire as a symbol of evaded solidarity.

Some myths and paradoxes are featured in European migration policy, driving anti-immigration discourses and their effects. Many of them are answers to short-term political and electoral concerns in member states: one could list military dissuasion as a means to stop migration; or considering migration as a security issue to be managed by repression; or conflating irregular migration with terrorism and criminality; regularizations as a pull factor leading to new flows; or return and development as an alternative to migration, an idea renewed in the Valletta Euro-African summit of October 2015.

A striking feature of migration politics in the increasingly integrated EU is that European nations and public opinion, as well as governments, failed to change their status from emigration lands into immigration countries. Historically a continent of intense emigration — sending millions of its natives all over the world through labor emigration, colonisation, trade, missions, wars, and cooperation — Europe clearly became a land of immigration between the 1960s and the 1990s. But both migration and refugee policies seem to lag behind statistical and demographic facts.

In 2015, most countries belonging to the Visegrád group refused newcomers and closed their national borders, citing a challenge to their homogenous identity and the threat of terrorism. Solidarity is, however one of the values of the EU, defined in several articles of the EU Treaty of Lisbon, and part of the founding values of Europe alongside democracy, human rights, liberalism, secularization of the state and diversity. But the return to national borders and symbols of state sovereignty have often been quoted by EU member states during and since the refugee crisis.

II – CONSTRUCTING THE OTHER

I. THE GAP BETWEEN THE ANCIENTNESS OF IMMIGRATION AND THE RELUCTANCE TO ACCEPT ONESELF AS AN IMMIGRATION COUNTRY: THE MYTH OF AUTOCHTHONY IN FRANCE

Republican values have not always fit with France as a country of immigration, because they developed a political myth of homogeneity in the French population. In spite of its republican myth though, France is a multicultural country.¹³ This

¹³ Wihtol de Wenden, Catherine: Multiculturalism in France. In Rex, J. – Singh, G. (eds.): *The Governance of Multiculturalism*. Aldershot, Ashgate, 2004.

blindness towards immigration and internal diversity is linked with the founding national myth, mostly built on the heritage of the revolution and its republican values. When the Third Republic born in 1875 proclaimed its ambition to create a public, compulsory, free and secularized primary school in a France made 80% of peasants (laws of 1882 and 1884), the chance to teach a common history acceptable for all answered the desire to make educated republican citizens. One priority was to write a simplified history of France, and Professor Ernest Lavisse, at the 'Collège de France', was appointed the task. He created the citizen myth of the 'Gaulois', ancestors of the French, presenting an image of the autochthonous French invaded by foreigners (the 'Francs') who settled in the feudal society and gave birth to the kings, princes and nobles of the Ancien Régime. So, in spite of its high cultural and ethnic diversity — represented by the division into the countries of 'langue d'Oïl' in the North and 'langue d'Oc' in the South — France was described as a homogeneous and unified country, thanks to centralized rules without any reference to ethnic belongings or foreign components. This myth of autochthony progressively emboldened the peasant citizen in his revolutionary struggle against a monarchy made of foreigners (the families of the kings), and then the manual workers against cosmopolitan capitalism, and antisemitic and xenophobic ideologies. Paradoxically, France went on to define itself as the country of the 'social contract', with a nation built on the shared values of the French revolution ('Marianne', as opposed to 'Germania'), defined by language and culture but not referring to a political project or a territory or common philosophy.

Until the 1980s there was no interest in the unwritten history of immigration, although France had for a long time relied on immigration for demographic, economic and military reasons. But except for refugees and long-term settled people, immigration was thought to be turned towards return, particularly after the economic crisis of 1973 and 1974.

2. THE GAP BETWEEN THE POLITICAL WILL TO CONTROL IMMIGRATION FLOWS AND A STRONG DEMAND FOR LABOR FORCE: THE LIBERAL PARADOX

The history of immigration control in France can be summed up in a fight between the state and the employers, who first had the monopoly on recruitment until 1945 when the National Office of Immigration (ONI) was created. But the ONI progressively lost the control of migration flows that employers had had to grant labor for the increasing economic growth. Most migration to France came from the Maghreb — specifically Algeria, Morocco and Tunisia — between 1945 and 1974. Another conflict pitted support for immigration of settlement against support

for immigration of labor.¹⁴ In 1945, the supporters of selected immigration flows claimed a distinction between ‘good’ immigration — those ready to assimilate — and a rapid turnover of the labor force. Georges Mauco, author of a pioneering 1932 book on migration, *Les étrangers en France*, already made a distinction between nationalities according to their abilities at work, which could be interpreted as announcing racist policies. In 1945 the demographer Alfred Sauvy pleaded to couple a populationist policy with a selective immigration policy, between those promising to stay in France and those deemed to come and go for work. Two sociologists, Alain Girard and Jean Stoetzel, illustrated this idea with extensive field research on French and foreign nationals, published in 1953 and 1954,¹⁵ showing the various capacities to assimilate according to the nationalities present within the territory. Due to the progressive failure of settlement immigration (except for Italians in the southwest of France, who became owners of farms and fruit producers in regions of rural exodus — numerous in the south of France), the solution of turnover migration prevailed. The immigration control debate positioned the ‘liberal’ trend represented by employers against the state, who wanted to control flows in this period of public planning. But immigration was a topic of low interest. Most decisions were adopted with circulars, telephone calls, telex: it was the reign of discretionary ‘infra law’. Immigration was used to weaken social contest and to fill labor shortages. Progressively, the ONI in charge of all recruitments lost control, with only 18% of entries managed in 1968 (and therefore 82% illegal entries, legalized after entrance). Attempts at a controlled immigration policy failed, which led, alongside the oil crisis of 1973, to the end of labor immigration in 1974. In 1977 the Conseil d’Etat, the highest administrative court in France, condemned the decisions prohibiting family reunification in 1974, and legalized this right. A policy of return to the countries of origin was settled by State Secretary Lionel Stoleru in 1977, but this was another failure.

While no law had been agreed on immigration control between 1945 and 1980, immigration became — along with the rise of the extreme right in 1983 — a theme of high politics and of legislative activism. The laws adopted between 1980 and 2018 followed the majorities in power. The ordinance of 1945 which ruled foreigners’ status, was reformed more than twenty times. In the 1990s, European rules began to enter into national laws, with the Schengen and Dublin agreements harmonizing border control and asylum at European level. Immigration policy became so dependent on shifting majorities and European policy, that it was difficult to perceive the impact of any republican inspiration, except for secularism. It looks to fit overall with an answer to and demand of the public opinion logic applied to a highly politicized topic. The division is more between an authoritarian approach

¹⁴ Tapinos, Georges: *L’immigration en France (1946–1973)*. Paris, PUF, Cahier INED N° 71, 1975.

¹⁵ Girard, Alain – Stoetzel, Jean: *Français et immigrés*. Paris, PUF, Cahier INED, N° 53–54, 1954.

to immigration policy and a liberal one, putting together strange bedfellows of left-wing and right-wing trends. In defense of open borders, employers' unions (such as the MEDEF) are coexisting with associations for human rights, migrants' associations, NGOs, and diasporic associations close to the countries of origin. For closed borders, the extreme right — and all trends fearing immigration for cultural or economic reasons — meet republicans desiring to restore the authority of the national state against European rules and uncontrolled practices, as well as some trade unions wanting to preserve national workers' interests.

3. THE GAP BETWEEN LAWS AND THEIR OUTCOMES: THE VARIATIONS OF A SYMBOLIC AND DISCRETIONARY POLICY

Republican rules are often challenged by the implementation of many laws and administrative rules at grassroots level (the '*guichet*' level) and by Europe. The 1980s were characterized by the entrance of a symbolic immigration policy — turned more towards public opinion, faced with the rise of the National Front, than towards the effectiveness of such a policy. This party used immigration control as its main topic. Many laws, such as the recurring debate on the reform of the nationality code between *jus soli* and *jus sanguinis* alike in the law of 1973, have been mainly brought by the extreme right — sometimes referring to the dark periods of the 1940s, such as the possibility to remove the citizenship of somebody who previously acquired it. As for entrance laws, in spite of their increasing security-focused trend, they were not able to dissuade illegal migration flows, to promote return to the countries of origin, nor to convince elites to 'help' their native countries with resettlement, although these three targets are present in almost all recent immigration laws. Most of these laws were adopted with some 'mise en scène' and were largely mediatized, to give the illusion that they were accounting for a part of the extreme right's demands, more than to have actually efficient outcomes. The laws of the republic are rarely a centralized frame universally enforced on the territory. The discretionary role of the Home Ministry administration also introduces some discretionary practices ("*politiques du guichet*") at local or regional level, which introduces some specificities into the implementation of laws.

Another factor of difficult implementation of laws is the role of counter powers and pressure groups, such as the High Courts of Justice and civic associations. Some associations, such as the RESF (*Réseau Éducation sans Frontières*), have been highly successful in fighting against the repatriation of families with children at school since 2007, while anti-discrimination associations (SOS Racisme and France Plus, both founded in 1984) inspired the introduction of diversity into public institutions and politics. Human rights associations such as the League

for Human Rights strongly criticized the security policy of repatriation quotas (between 25,000 and 30,000 per year since 2007). Many High Courts, such as the *Conseil Constitutionnel*, Guardian of the Constitution, the *Conseil d'État*, which has a strong jurisdictional role, the European Court for Human Rights, and the Court of Justice of the European Union, show the role of judge and of Europe, faced with the weak decision-making capacities of the national frame. Every law tries to give to public opinion the illusion of sovereignty while the decision is taken elsewhere, in Brussels or in Luxembourg. The result of such a policy, highly mediatized and turned towards public opinion, also leads to no decisions being taken regarding local political rights for foreigners (debated for thirty years and never adopted), or the lasting situation in Calais, where migrants and asylum seekers camp before crossing the Channel, in spite of many police operations, due to short-term electoral decision-making processes. The republican model seems to become a distant concern compared with this political logic.

4. IMAGES OF THE OTHER IN INTERNAL POLICY: DISCRIMINATION AND OTHERNESS

As France is an old immigration country compared with its European neighbors, which began their migration story in the middle of the twentieth century, many French citizens have immigrant origin. 25% of the population has an ancestor who migrated to France: grandparent or great-grandparent. This situation will similarly develop in other EU countries. So the second and third generations are French due to the mix of a right of citizenship, based in France on the right of the blood (*jus sanguinis*) and on the right of the soil (*jus soli*) since 1889. But many French people do not consider themselves as heirs of migration, because this is considered illegitimate. In a period of rising racism and discrimination, poor white people are stressing the fact that they are "true French", French due to their roots (*Français de souche*),¹⁶ compared with other French who are less French than themselves because they are visibly of Muslim culture (although France is a secularized country) and considered as belonging to a 'community'. Episodes of institutional racism are frequent: police discrimination leading to violence committed by the police towards 'visible' people (non-whites, youths and groups in inner cities), identity controls, harassment, systemic racist discourse inspired by the Algerian war, and confusion between individuals and the supposed ethnic groups to which they are supposed to belong (delinquents, drug dealers, post-colonial activists, radical Islamists). The fear of the Other is legitimized in their

¹⁶ Wieviorka, Michel (ed.): *Racisme et xénophobie en Europe*. Une comparaison internationale, Paris, La Découverte, 1994.

practices by terrorism, urban riots, and the idea of a war to be led against those French who are not considered as equally French as others. A part of the population does not see the nation as socially and politically cohesive, but as divided between compatriots who do not regard other French people as French. In public spheres there has been for a long time a tolerance of institutional racism committed by police and the military. The debate on ethnic statistics and its recognition in France attracts those who think that it could help to fight against systemic discrimination. However, the Constitutional Council refused it in 2007, arguing that it was contrary to the representation of France as indivisible, because it would ethnicize the image that the French have of themselves and so settle minorities in an ethnic determinism, in a country which never defined itself according to an ethnic French belonging. A European directive of 2000 prohibits discrimination, mainly in access to work, but street and institutional racism are still far from being recognized, let alone punished.

CONCLUSION

Hospitality and solidarity are European values: the first included in the Geneva Convention of 1951 on refugees, and the second in the Lisbon treaty of 2007. Europe failed to implement these values during the 2015 refugee crisis, due to the generalization of populist ideas and the reluctance to fight against oppositional countries and bad practices. Philosophers like Paul Ricoeur speak about thinking of the Other as oneself, but Europe struggles to accept this approach. The French case illustrates how politically strong the obstacles still are. But we see efforts to build a memory with the introduction of immigration as a national patrimony — thanks to education, museums of immigration, documentary films, and cultural diversity on the scene.

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PLEONEXIA

JÁNOS SALAMON

Abstract

In this essay I trace back the origin of both populism and democracy to the aristocratic power struggle of ancient Athens. I argue that as an unintended byproduct of this struggle, democracy created an ideological harmony between the aristocratic elite and the demos, and this enabled the Athenians to channel their joint greed (pleonexia) for power and wealth outward, against other Greeks, against foreigners in general. While the Athenians thriving on collective greed condemned its individual form as socially dangerous, the great innovation of the Enlightenment was the liberation and celebration of individual greed as the ultimate foundation of a flourishing commercial society. Instead of bringing together two social classes, greed, organized on a global level, now unites societies themselves and with it humanity as a whole. The target of rapacious acquisitiveness is now no longer just another city-state, but the common enemy of all humanity, as well as the common source of all development and progress: nature itself.

There are two ways in which people and their institutions can come to an end. They can cease to exist, or they can cease to be themselves. Democracy, universally celebrated since the middle of the last century, is still too popular for a general collapse, but it has become too weak to preserve its identity. The walls of the system are still standing, but its hollow interior now echoes with a new mode of speech. It is now haunted by a new specter: the specter of populism.

Yet this specter, like an old joke, is new only to us newborns, to us moderns. For the old joke of populism was invented by the Greeks, along with democracy. And the punchline of the joke is that its inventor is not the *populus*, the *plebs*, the *demos*, it's not the product of folk humor but that of aristocratic realpolitik.

The political arena of 6th century BC Athens was dominated by two rival aristocratic families, the Peisistratids and the Alcmaeonidae. They had no moral hang-ups and stopped at nothing when it came to gaining political influence and power. After he had gained and lost power twice, Peisistratos decided to make a more determined grasp for it. The money, the powerful allies, and the private army he had collected during his ten-year exile proved sufficient for him to take the Acropolis and from this height to lord it over the city for the third time.

However, learning from his previous failures he knew that all this would not be enough if this time around he wanted to make his reign a long-term affair. This realization led him to an outrageous political innovation, to an idea unworthy of an aristocrat: instead of *quality* (better allies, better strategy, better weapons), he went for *quantity*, for the poor masses of Attica.

The innovation proved to be a success. While he was able to hold on to power for the remaining twenty years of his life, the stabilizing force, the ballast of this power was provided by that *demos-plebs-populus* which, on account of the political numbness and inertia of mere quantity, can be shaped and molded at will by any given master of realpolitik.

Appearing on the scene as a populist dictator, Peisistratos began his rule by disarming first the good citizens of Athens and then the poor masses. He did this in a literal sense to the former by confiscating their weapons, and in a political sense to the latter, cajoling and obliging them by *popular* measures¹.

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As indicated by the original meaning of the word itself, “populism”² can only be something that the people do, or something that is done to them. If the former, then it must be a movement; if the latter, then it is likely to be an ideology, a power tool of politics.

History tells us that the people are typically the object and not the subject of populism. This is shown by the rule of Peisistratos and even more clearly by his successor, Cleisthenes of the rival Alcmaeonid clan, who took the political innovation of his predecessor and worked it to perfection³.

He too aimed at widening his power base. But to achieve his goal he introduced radically populist reforms which, beside placing him in a position of strength against his aristocratic foes, also allowed the masses, the *demos* to become of political age. In his zeal he went too far, and this gradually gave rise to a new political system, to democracy.

Coinciding with Cleisthenes’s momentous reforms of 507 BC, the Romans replaced their monarchy with a republic. The change of system did not result from a spontaneous grass-roots movement, but from aristocratic infighting in the highest circles, from an internecine war in the mostly Etruscan royal court. After the ousting of the king, a patrician dominated *comitia curiata* elected two *consuls*

¹ For an interesting discussion of the emergence of the “Age of Tyrants” in Greece between 650–510 BC, see Andrewes, Antony: *The Greek Tyrants*. London, Hutchinson, 1956. 8. “When historians speak of the ‘age of tyrants’ in Greece, it is this period that they mean ... The causes are largely internal, to be found in the oppressiveness or inadequacy of the aristocracies which held power in the early seventh century. The tyrants mark a turning-point in the political development of Greece, the moment when an old order was breaking down and a new order was not yet established.”

² For a thorough treatment of the historical and intellectual background of this concept, see Canovan, Margaret: *Populism*. New York, Harcourt Brace Jovanovich, 1981.

³ On this connection between aristocratic rivalry and populism, see Fornara, C. W. – Samons II, L. J.: *Athens from Cleisthenes to Pericles*. Berkeley, University of California Press, 1991.

who, acting as natural checks and balances of each other, were supposed to prevent the return of a tyranny.

It appears then that in Rome, as much as in Athens, a politically alert, active, rational minority led, manipulated, and used an inert, passive, and irrational majority: *qualitas* ruled over *quantitas*. But appearances are deceiving. For contemporary sources, detailed accounts of historians and poets give us a picture of an elite which, with all its political activity and machinations, proved to be every bit as irrational as the *populus* it kept under its thumb.

While the elite of the Greek and Roman “*ancien régime*” had longed for eternal glory, for eternity itself, the new elite, the *aristoi* and the *optimates* looked for wealth, status and power to be gained *hic et nunc*. In the cases of heroes immortalized by Homer and Virgil, or the athletes celebrated by Pindar, everything revolved around the exceptional quality, beauty and sheer excellence of the accomplishment or the performance, and the laurel wreaths, the various prizes, awards and the resulting wealth had mostly symbolic meaning. But in the eyes of the new worthies, of the epigone elite, the accomplishment itself became symbolic or rather, now it was only the acquisition and secure possession of wealth and power that counted as true accomplishment, as truly excellent and beautiful.

The interrogatory words *quantus*, meaning “how much/how many?” and *quails*, meaning “what kind/of what nature?” are the key words of two diametrically opposed views of life. The curiosity of the first is directed at making a living, at the quantity of goods required for the continuous maintenance of life. The second, however, is curious about living itself about the quality of human life and its relation to existence in general. One could say that while the former perception thinks of man as an object of existence, the latter takes it to be a subject.

It is the urgent and insatiable desire for “goods”, taken to be necessary for survival or for the good life that makes man an object, a servant, or even a victim of existence. The populist leader, possessed by a longing for wealth and power, is then just as much an object, a victim of existence, as the *demos* ruled and also despised by him. The difference between ruler and ruled cannot be measured in *qualia* here, but only in *quantum*: the ruler simply has vastly more of what the ruled, of what everyone, desires to possess.

To want more and more is an irrational passion in itself whether one wants more than necessary, more than one deserves, or more than one’s neighbor or anyone else has. According to Thucydides, this urge to have more, this greed (*pleonexia*), is a defining characteristic of democracy. For it is this new regime that liberates this passion, this obsession on a social scale.

Pleonexia as an epidemic has an extensive literature in antiquity. Solon, the famed lawgiver and poet, living a generation before Peisistratos, had claimed that – contrary to the warning of Theognis, his contemporary – Athens would be destroyed not by the wrath of gods but by the city dwellers (*astoi*) themselves,

who in their natural small-mindedness (*micropsuchia*) are obsessed by gain and riches.

According to the currently popular view, going back to Rousseau and Marx, nothing is natural to man, for man has no “nature”, since it is always a product of a given set of social conditions. Just conditions will make man just, while unjust conditions will make him unjust. But who or what forms the conditions forming man? The modern answer is that this formative power is History. But then we might as well say that it is the gods. For, in essence, the modern view and that of Theognis amounts to the same: man is the object and not the subject of his fate.

By contrast, our poet lawgiver insists that social conditions are formed by man, and not the other way around, and that to perform this task is always an uphill battle. For men, the *aristoi* as much as the *demos*, are naturally given to greed, the ultimate source of every form of social injustice and collective self-destruction. “The ruin of our state will never come by the doom of Zeus or through the will of the blessed and immortal gods ... it is the townsfolk themselves and their false-hearted leaders who would fain destroy our great city through wantonness and love of money.”⁴

In his comedy *The Knights*, Aristophanes lampoons the populists pandering to the people. At the end though it turns out that “good old *Démos*” is not so dim-witted and gullible after all, for it is perfectly capable of duping and manipulating its politicians, its partners in greed, to make them regurgitate all the public goods they have swallowed. But this only reveals yet another of its qualities to be lampooned: its unlimited, voracious appetite for money and advantage amounting to general, wholesale *pleonexia*.

According to Socrates, the unexamined life is not worth living. Since his fellow Athenians appeared to live just such a life, in his love and concern for them he considered it his professional duty to buttonhole them in the agora or on the streets, to exhort them, saying: “Are you not ashamed that you give your attention to acquiring as much money as possible, and similarly with reputation and honor, and give no attention or thought to truth and understanding and the perfection of your soul?”⁵

Walking around in the same agora, looking at a multitude of wares, he was pleased to realize how many things he could do without, and in general how little *quantity* of anything is required to maintain a great *quality* of existence. The secret of the good life lies in the indifference the body and the soul show to a great multitude of things or opinions, respectively. To anyone wishing to pay attention to the perfection of his soul the best advice is: “to collect and concentrate

⁴ Freeman, Kathleen: *The Work and Life of Solon*. With a translation of his poems, Fr. #4. Cardiff, University of Wales Press Board, 1926.

⁵ *Apology*, 29c. In Plato: *The Last Days of Socrates*. New York, Penguin Books, 1969. 61.

itself by itself, trusting nothing but its own independent judgment upon objects considered in themselves...".⁶

According to this ancient moral psychology, there are four caretakers (*therapontes*) or four cardinal virtues attending to the soul. The virtue of the mind, or reason is wisdom, of the heart courage, of the appetites temperance, while justice results from the harmonious cooperation of the three components, from each performing its own, and *only* its own function. Reason leads, the heart feels, and the appetites satisfy the sheer hunger and thirst for living.⁷

The regime of a harmonious soul is a liberal dictatorship. Liberal because in this system each component is free to realize itself, to operate according to its own nature, that is, without the imposition of any unnatural, artificial constraints. And it's a dictatorship because reason is obliged by its own nature to supervise the soul – nature dictates reason to dictate.

The unjust, disharmonious soul is the product of a populist, illiberal uprising against the dictatorship of reason. The injustice consists in the appetites taking over and usurping the function of reason: the blind lead the seeing.⁸

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As the great synthesizer of the classical viewpoint, Aristotle points out temperance (*sophrosune*) and intemperance (*akolasia*) have to do with the pleasures of the body, particularly those pleasures, such as touch and taste, that human beings share with other animals and which, therefore, appear "slavish" (*andrapododeis*) and "bestial" (*thériodeis*).⁹ Fighting among each other for wealth and power, that is in essence, for tangible and tasteable goods, the aristocrats proved to be no less slavish than the Athenians keen on perfecting their properties, their assets, instead of perfecting their greatest assets: their souls. It was a political consequence of this shared slavery that, although the aristocrats, jealous of their privileges, looked at the fruit of their

⁶ *Phaedo*, 83a. In Plato: *The Collected Dialogues*. Ed. Edith Hamilton. Princeton, NJ, Princeton University Press, 1961. 66.

⁷ For a good summary of Plato's moral psychology: Irwin, Terence: *Plato's Ethics*. New York – Oxford, Oxford University Press, 1995. See also Vlastos, Gregory: *Socrates, Ironist and Moral Philosopher*. Cambridge, Cambridge University Press, 1991.

⁸ Plato introduces the analogy between the state and the individual soul in Book II of the *Republic*: "...justice, which is the subject of our enquiry, is as you know, sometimes spoken of as a virtue of an individual, and sometimes as a virtue of a State." (Plato: *Republic*. New York, Modern Library, 1982. 59. 368c–d.) For a critical assessment of the analogy, see Cooper, J. M.: *The Psychology of Justice in Plato*. In *Reason and Emotion*. Princeton, Princeton University Press, 1999.

⁹ Aristotle: *Nicomachean Ethics*. Cambridge, MA, Cambridge University Press, 1975. 175 (1118a1–3), 247 (1128a21–26).

holy matrimony with the people as an unwanted child, this child, democracy had a stabilizing effect on their relationship and so on society as a whole.

As one can gather from Herodotus' and Thucydides' accounts, democracy created an ideological harmony between the epigone elite and the *demos*, which enabled the Athenians to channel their acquisitiveness outward against other Greeks, against *foreigners*. The basis of this ideological harmony was then nothing else than a newfangled Athenian nationalism and imperialism.

After their successful war against the Persians, peace was not enough for the Athenians; nor was power enough for them after becoming a political superpower; and having become a flourishing commercial center, wealth was still not enough, not even with the silver treasures of the Laurion mines added.

Suppressing, shouting down all opposition to their schemes, a fervent majority had rushed to vote for the twenty-seven-year Peloponnesian war and later, with the same enthusiasm, they clamored for launching the similarly disastrous Sicilian campaign. And overwhelming democratic support was also given to treating member city-states of the Delian League as subjects instead of allies and the inhabitants of occupied, subjugated islands (Milos, Naxos, etc.) as no better than livestock.

All this formed an organic part of an aggressive and unlimited expansion pursued in the hope of gaining those tangible and tasteable goods. An immense wealth accumulated in the course of the imperial expansion that had started in the golden days of Periclean democracy. But no amount of money seemed to be enough to finance the operation of this new and most expensive political system. The state-financed populist projects, the festivals, the processions, the theater performances running for days and, most popular of all, the public building projects proved to be so costly that in order to build the Parthenon Pericles had to plunder the treasury of the Delian League, that is, he had to dig deep into the pockets of foreigners.

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Unlike democracy, greed was not an invention of the Greeks. Yet it was the populists and democrats of Athens – the city Pericles called the “School of Hellas” – that for the first time understood the political significance of this passion. The consensus formed by their teaching was that *pleonexia* committed on individual or group level was the main source of social injustice and as such could lead to civil war. Yet, on the other hand, committed on a national level as organized greed directed against the pocket and lives of others, it could ensure social harmony and cohesion.¹⁰

¹⁰ Callicles, the most formidable opponent of Socrates in Plato's *Gorgias*, develops an argument in defence of *pleonexia*, claiming that it is the virtue and luxury that only the strong can possess and afford. On his view, temperance, the standard opposite of *pleonexia*, is for the

But all this, we might say, belongs to the unenlightened past. The new morality, inspired by the Eighteenth-century Scottish Enlightenment, rehabilitated individual pleonexia, viewed as socially dangerous by pagan antiquity and condemned as one of the seven deadly sins by the Christian Middle Ages.¹¹ According to the new teaching, individual greed was neither dangerous nor sinful. On the contrary, the omnipresent desire, even the obsession to have more and more, operating as an “invisible hand”, is actually the safest guarantee of individual, social, national or international harmony and cohesion, and of universal progress.

Instead of bringing together social classes, ideological harmony from now on unites societies themselves and with it humanity at large. The target of rapacious acquisitiveness, of intemperance thinking in pure quantities, is now no longer another city-state or kingdom inhabited by foreigners, but the common enemy of *all* humanity as well as the common source of all progress and development: nature itself.

This indeed was a momentous, an epoch-making innovation. For the necessity and the rightfulness of an alliance encompassing all mankind, this very idea had been as unknown to medieval Christians as to ancient Greeks and Romans. The celebrated document of this universal alliance, the Declaration of the Rights of Man and of the Citizen (1789) talks only of rights: the “natural and imprescriptible” rights to Liberty, Property and Safety. But rights cannot exist without obligations. If, for instance, I have the right to work and to housing then someone must guarantee the provision of these goods to me.

If mankind as a whole has a natural right to liberty, property, and safety then, theoretically, it is the duty of all animate and inanimate things, that is of nature itself, to guarantee these rights, and to satisfy all demands that might arise from them.

Does this mean that man must enforce his natural rights *in opposition to* nature? How can this be? The most likely explanation is that illiberal individuals, incapable of self-control and self-government, are constitutionally unfit to guarantee these rights *to each other*. And they are unfit to perform this task whether they dominate society in the form of an elite minority or a democratic majority.

Greed, concentrating on the slavish pleasures derived from tangible and tasteable things, can never guarantee rights but only the disharmony and chaos of injustice

weak. “Luxury and intemperance and license, when they have sufficient backing, are virtue and happiness, and all the rest is tinsel, the unnatural catchwords of mankind, mere nonsense and of no account.” *Gorgias*, 492c. In Plato: *The Collected Dialogues*. Ed. Edith Hamilton. Princeton, NJ, Princeton University Press, 1961. 274.

¹¹ See St. Thomas Aquinas who, in condemning *avaritia* warned that trade which aimed at no other purpose than expending one’s wealth was “justly deserving blame” for “it satisfies the greed for gain which knows no limit and tends to infinity.” (Aquinas, Thomas: *Summa Theologica*. New York, Benzinger Bros., 1947. II/2: 77:4.)

in the soul as well as in society. As internal, intrapsychic injustice becomes external and political, greed becomes organized on a national, international, and, finally, on a supranational level: individual pleonexia is transformed into nationalism, imperialism, and, in the end, into humanism.¹²

From the point of view of animate and inanimate things surrounding humanity, the Declaration of the Rights of Man and of the Citizen is a classic case of what the ancients called hubris. To base our hope for universal peace and justice on outsourcing to nature the aggressiveness and injustice of pleonexia is nothing less than conducting a populist, democratic, and illiberal revolt against nature, including human nature.

The illiberalism of populism consists in its legitimizing man's slavish, bestial desires, while liberating them from the control of reason. Psychic or social harmony can never be born from outsourcing internal chaos. True justice, in the soul as well as in society, can only be insured in a liberal system directed by a true (intellectual and moral) elite.

Rights and justice can be guaranteed solely by an enlightened absolutism where reason shows solidarity not with humanity but with the cosmos itself. And this reason will systematically suppress not only a large quantity of irrational desires but also the irrational desire for quantity (for what Locke called *increase*) itself.

Our defining characteristic as humans, our unique quality, independent of all countable quantities, lies in our reason operating in solidarity with the cosmos. Nothing compels us to preserve this special quality: not the gods, not History, and not even our given social conditions. In our greed we are free to surrender this quality at any time and to imagine this to amount to freedom. We can, if we so choose, cease to be ourselves without ceasing to exist. We can use our hands, freed by getting up on our hind legs, to bury ourselves under a mountain of waste of our own creation. We are free to bury ourselves alive.

¹² In his classic 1920 book, *The Acquisitive Society* R. H. Tawney talks about a morally defensible notion of acquisitiveness existing under conditions where social ethics is organically tied to accumulation of wealth in what he calls a "Functional Society". "A society which aimed at making the acquisition of wealth contingent upon the discharge of social obligations, which sought to proportion remuneration to service and denied it to those by whom no service was performed, which inquired first not what men possess but what they can make or create or achieve, might be called a Functional Society, because in such a society the main subject of social emphasis would be the performance of functions." (*The Acquisitive Society*. Mineola, NY, Republished by Harcourt Brace and Howe, 1920. 29.)

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CONTRADICTIONS OF DEMOCRACY, EQUILIBRIUM OF FORCES, AND AUTHORITARIAN POPULISM

ALEX DEMIROVIĆ

Abstract

Alex Demirović argues that populism exploits inner contradictions and fallacies of basic assumptions of modern representative democracy, and to that degree is inherent to democratic institutions. For that reason, populism exists in liberal, left and right forms. The recent conjuncture of populism must be explained. The argument is that because of an equilibrium of social forces, it is possible to speak of authoritarian populism. Its promise is to solve the problems that the multiple crises of neoliberalism sharpened over the last decades. Authoritarian populism is an answer, but also continues and deepens the crisis of crisis management and unfolds a new stage of neoliberalism.

THE CAESARIST MOMENT

Many states have seen a rise in nationalism, authoritarianism, racism, and threats to democracy and the rule of law for some years now. These sometimes far-reaching processes are largely driven and represented by right-wing and authoritarian populism and its representatives. Authoritarian populism often determines the political agenda, and promotes national-conservative, ethnocentric-racist and authoritarian-etatist political goals. Some commentators regard this populism as a 'tide' that threatens the integration of pluralist societies and the stability of democracy throughout the world, including Europe, and needs to be contained.¹ The suggestive image implies that democracy is suddenly threatened from outside *the liberal democratic realm*. However, such an analysis is misleading and overly innocuous. For populism is not a phenomenon that can only be observed on the margins of democratic societies, from where it pushes its way towards the center. Such an 'externalization' of the problem is inadequate and politically ineffective once authoritarian populism has crossed certain thresholds, and penetrates and defines official politics. Authoritarian populism obviously arises from society itself.²

Political dynamics does not depend, at least not primarily, on popular attitudes pooled and mobilized by right-wing and populist parties. These attitudes and ideological patterns have been around for a long time, although their form and

¹ Cf. Meyer, Thomas: "Editorial". *Neue Gesellschaft | Frankfurter Hefte*, H. 5. (2017). 1.

² See Decker, Oliver – Kiess, Johannes – Brähler, Elmar (eds.): *The disinhibited middle. Authoritarian and far-right attitudes in Germany*. Gießen, 2016. 12.

links may change and go through different developmental cycles. The parties that rely on, support and reinforce these attitudes, and mobilize themselves based on these, are in many cases not new either. There have however been significant changes that can be observed in the political parties and how they relate to each other. The field of right-wing and right-wing populist parties and organizations is dynamic. In so many cases there are shifts and an existing party *may* move towards the right (such as the Republican Party in the USA). Other parties *can become* more cautious and tactical (like the FPÖ, Alleanza Nazionale, and AfD), trying to avoid the impression of taking antisemitic positions or changing political institutions. In other cases they change their names (Lega Lombarda was renamed Lega Nord, and more recently Lega; the Front National was renamed the Rassemblement national), members are expelled, subdivisions are dissolved, and to a certain extent, objectives are modified in order to avoid public criticism. There is a kind of adaptation to 'censorship', and the impression is given that it actually is censorship that restricts freedom of expression. In the third case, new party organizations are formed to enable a recomposition of right-wing groups so that they become tactically and strategically more successful in the *public arena* (Berlusconi's various parties, the NPD, the Republicans, the AfD). There are of course new formations emerging as well that are able to articulate a broad political spectrum (like Grillo's Five Star Movement). In Germany there is a certain continuity of this social, right-wing populist tendency or party considered in the broad sense, even though it takes the form of various organizations and changes its composition again and again: the CDU and especially parts of the CSU, as well as the NPD, the DVU, the Republicans, the Schill Party, or the Pro Cologne Citizens' Movement (Brügerbewegung Pro Köln), and since 2013 the AfD. It is clear, however, that these parties have not been able to permanently attract and capture the part of the population that can be characterized as authoritarian. Apart from the CDU/CSU, they have only managed to get into state level parliaments or the European Parliament for short periods, and none of them have made it to the Bundestag before the AfD.

A crisis of the representational party has been observed for some time: party loyalty is declining; parties, especially on the left side of the political spectrum are eroding; and some people, especially on the lower end of the income scale, who are entitled to vote, do not do so. What is new is that a new representational relationship seems to be emerging. The parties liable to form governments and organize the large political camps – often according to a vague left-right pattern – are far less successful in organizing and retaining voters. There is openness, short-termism and volatility in voting behavior and in the approval ratings of political leaders.³ Authoritarian-populist parties are increasingly successful in

³ See Kahrs, Horst: *The State Elections 2014–2017: Movement and Stability in the Regional Party Systems and the Voting Behaviour of Workers*. Working Paper 2, July. Berlin, Rosa-Luxemburg-Stiftung, 2017.

mobilizing and organizing critical sentiments against the power bloc as a feeling of resentment against ‘those up there’, who ‘do what they want’. With the help of racism, nationalism, occasional antisemitism, historical revisionism, conspiracy myths or anti-genderism, they can influence the political agenda or successfully participate in elections from the municipal to the European level, laying claim to political leadership, contributing to a new arrangement of the political forces in the power bloc, and changing the relations of domination among the social classes. They benefit from and reinforce a tendency towards polarization in the power bloc and among the population, and contribute to undecided or stalemate situations in presidential and parliamentary elections or in referendums. In these constellations, large camps face each other, and tiny, often seemingly random majorities can tip the balance. This has been the case in recent years in Austria, France, Spain, the US, the Czech Republic, the UK (concerning the Brexit referendum), and in Scotland and in Catalonia (concerning their independence referendums). Forming governments may prove difficult (like in Spain, Belgium, Germany, the Czech Republic, and Austria), and may result in rather unlikely coalitions. Social democratic parties in Greece, France, Spain, Italy, Germany and Austria, as well as liberal parties in countries like Hungary, the Czech Republic and Poland, have suffered bitter defeats – in some cases having been significantly weakened as party organizations and even disappearing from the political stage. The parties themselves are also facing such stalemate situations. This suggests that social forces are forming on the fringes of established party organizations and perhaps even taking them over (Sanders, Trump, Corbyn, Kurz), or are trying to leave behind well-established lines of conflicts and forming a new party within the party itself (see Podemos, Cinque Stelle, LaREM (La République en marche), or La France insoumise). Since such parties are not deeply entrenched, they can also quickly become embroiled in programmatic conflicts and crises; the accountability of their leaders is low, because they soon disappear from the political stage.

In this constellation — described as blockade, paralysis, stagnation, or rejection of politics — social forces prove in the long run incapable of shifting the balance of power in one direction or another. This leads to a crisis of representation. Gramsci sees such a situation as a crisis of hegemony.⁴ Gramsci had in mind an unstable balance in which neither the ruling forces (landowners, industrialists, bourgeois intellectuals, the urban petty bourgeoisie) nor the subaltern forces (workers, agricultural workers, small farmers) were in a position to form a social alliance and a historical bloc that would create a collective will for social renewal. Stuart Hall, following in Gramsci’s footsteps, developed the concept of authoritarian populism to describe the historical conjuncture of the late 1970s, in which the

⁴ For an analysis of the Front National, see Syrovatka, Felix: “The rise of Madame Le Pen. The Strategy of the National Front in the 2014 European Election Campaign”. *Prokla*, 180, H. 3, 2015.

crisis had pushed both the left and the right beyond the limits of passivity. In such an unstable constellation of equilibria, in which there is also a crisis of hegemony, forces regroup: on the one hand there are those in favor of deepening democratic existence and expanding the popular-democratic struggle; and on the other, the ruling class faced the political task of preserving the integrity of the state. According to Hall this requires the right to adopt a transformist strategy which results in renewing itself, regrouping its forces, and establishing a new balance. The right, argues Hall, knows that the strategic arena of contestation in the restoration/revolution process is democracy, and pursues a policy of populist democracy characterized by elements of creeping authoritarianism and passive popular consensus.⁵ The main features of this populist mobilization are moral panics, fueled by a number of issues. These include issues such as security and order, immigration, the affirmation of familialism and the fight against the liberalization of sexuality and sexual orientation. In contrast, the left should pursue a popular-democratic strategy that is broader than the class-versus-class dichotomy, and instead divides and mobilizes forces along the opposites of power bloc/people, rich/poor, oppressors/oppressed, exploitative/exploited, and old/new.

Hall's analysis⁶ follows the Gramscian distinction between hegemony and coercion. Both forms of domination create a kind of zero-sum game in this concept. Thatcher's authoritarian populism therefore represents a crisis of hegemony. She was not hegemonic, but dominant; because she could not lead the country and manage its problems, she had to exert coercion. Nevertheless, she was able to shift the balance of forces to the right even in the longer term. Many of Hall's considerations still seem to me important points of reference for analyzing recent developments. But the theoretical scheme of hegemony or hegemonic crisis and coercion seem too narrow to me in Hall's concept. On the contrary, I believe that the neoliberal reorganization of capitalist reproduction is not directed at hegemony at all, and therefore hegemony is not in crisis. According to Gramsci, hegemony must be based on concessions made by the ruling classes, and they consider themselves bound by these concessions: collective agreements, rising incomes and consumption, democratic participation, and educational advancement. In contrast, neoliberal policies are pursued in an authoritarian-populist manner, which is precisely characterized by the fact that companies withdraw from their obligations to the wage-earners/workers: there are no negotiations, trade unions are not recognized or are dissolved, wages and social standards are reduced (e.g. pension, health care), *and loans are used for household consumption*. In *enterprises*, the exploitation of wage-earners is intensified and the subaltern classes are further

⁵ Hall, Stuart: Popular-democratic or authoritarian populism. In *This: populism, hegemony, globalization*. Selected Fonts 5, Hamburg, 2014a. 104.

⁶ Hall, Stuart: The importance of authoritarian populism to Thatcherism. In *This: populism, hegemony, globalization*. Selected Fonts 5, Hamburg, 2014b. 126.

divided economically, politically and ideologically (through precarious employment, or by incitement against *migrant workers*). In a crisis the authoritarian populism of the middle classes allows the open involvement of criminal and fascist groups; fraud, corruption, and the plundering of the state and private households take place more or less publicly; freedom of expression and the free press are under threat; and a climate of hostility is created against science. These bourgeois forces rely on some fragments of the subaltern classes in order to prevent the solution of major social problems, and at the same time to change conditions in their favor without any compromises.

The financial crisis of 2008/2009 led to a demoralization of the *middle class*, and the climate and ecological crises are leading to widespread inertia within the ruling forces. The social protests, which have taken place in several waves since 2009, with peaks in 2011 and 2015, led to a defensive situation. The stalemate is above all one within the power bloc. There are *civil* forces that are well aware that more or less radical changes are taking place: the transformation of energy systems, mobility, education, digitalization and global communications, an interconnected global production and service economy, leading to a highly organic composition of the collective labourer with people around the world interconnected and interdependent in real time – and who know that these developments are inevitable in order to continue capital accumulation. Other forces, by contrast, are willing to deny real difficulties and rely on authoritarian solutions (i.e. continuation of the use of fossil fuels, protectionism, conventional/traditional gender relations, low-level physical labor, drastic limitation of participatory behavior). This has led to an impasse, which allows us to speak of authoritarian populism, following Stuart Hall. Security and order, sexual morality, domestic violence and women's self-determination, immigration and racism are once again central political issues. We may also talk about the balance of power within the power bloc and in relation to the subalterns. It is an attempt on some part of the middle class to change the balance of power at a time of representational crisis, when former political forces are not in a position to decide on further social development in one direction or another. Some of the middle classes are dissatisfied with government policy. There is a self-separation from the bourgeois camp. To be successful, they not only criticize the dominant policies within the power bloc, but also rely on the discontent of the subalterns with 'those up there' fueled by neoliberal policies, and mobilize them against the so-called political class – even though they themselves belong to the middle class and are involved in the management of the political business (rich people like Blocher, Berlusconi, Trump, Le Pen, Farage, Babiš, or political personnel such as Orbán, Grillo, Köppel, Gauland, Haider, Strache, and Kurz).

THE THREE PHASES OF THE NEOLIBERAL REORGANIZATION STRATEGY

Although it is sometimes argued that this right-wing, authoritarian-populist policy is the end of the period of neoliberalism,⁷ I would rather argue that it is more of a continuation of the neoliberal practice of the rule of the middle classes. Authoritarian populism is the third phase of neoliberalism. I will outline this very briefly, relying on Jamie Peck and Adam Tickell.⁸ The first phase can be defined as the destructive, deregulating roll-back neoliberalism, the goals of which are referred to as the Washington Consensus: privatization, deregulation, liberalization, cutting government spending, and red-tape. This was accompanied by efforts to achieve a neoconservative, intellectual-moral shift – directed against ‘68 – characterized by elements such as traditional family orientation, cautious nationalism, or practices of privatized surveillance and social segregation. The aim was not only to discredit the trade unions, but also to weaken or even destroy them organizationally, and to restore the ‘governability’ of the state, which according to the Trilateral Commission was damaged by the interventionism of the welfare state.

In the second phase, which Peck and Tickell call roll-out or deep neoliberalism, in Nancy Fraser’s term a supposedly ‘progressive neoliberalism’ was practiced (by Clinton, Blair, and Schroeder for example), characterized by a state that again took regulatory measures, through governance mechanisms, relying on a multiplicity of civil society actors, activating and ‘educating’ individuals. Civil society and limited participation become strategic elements of the dominant policy which did not let itself be distracted from its goals, but gave denormalizing minorities space, promoted otherness, plurality and consumerism – and precisely by referring to otherness, diversity and plurality it helped to avoid the emergence of antagonisms. Poverty became a location factor (“poor but sexy”, as it was called in Berlin), and the precariousness of the new creatives was stylized as an attractive way of life in the ‘global village’. The orientation towards competitiveness and the logic of locationality gave rise to cuts in government expenditure, and a further dismantling of the welfare state. Globalization (i.e. relocation, *outsourcing*, *lean* and *just-in-time production*) and financialization were being promoted; reproduction was being shifted to privatized Keynesianism (debt-based consumption, private pension provision, education financing, property acquisition); and daily life and the rights of the wage-earners drastically deteriorated (through over-exploitation, high rents, and long commuting times between home and work). This was coupled with the governmental and social techniques of contingency. Individuals needed to take the initiative to ensure their competitiveness and maintain their *employability*, monitor

⁷ See Koppetsch, Cornelia: “Right-wing populism, established and outsiders. Emotional Dynamics of Social Declassification”. *Leviathan*, Year 45, Special Volume 32, (2017).

⁸ Peck, Jamie – Tickell, Adam: “Neoliberalizing Space”. *Antipode*, 2002.

and update their 'portfolio' of competences, be flexible in the face of new demands, monitor, evaluate, control and optimize their performance, and act responsibly. In the context of this freedom, which is articulated in a neoliberal way with an ideology of contingency, morally permissive, ecologically informed, minority ways of life and new, fluid and flexible identities could also be introduced. These are often closely linked to new info-com or bio-technologies.

The multiple crisis — which forms a complex unit of many autonomous crisis dynamics such as flight and migration processes, climate change or biodiversity, democracy, or education and science — was linked and exacerbated in 2007 and 2008 by a major financial market and economic crisis.⁹ This multiple crisis marks the failure of the second phase and the transition to the third phase of neoliberalism, but not its end as such. The moral superiority and persuasive power of the capitalism restructured in a neoliberal manner has been significantly weakened. Even the staunchest representatives of the middle classes perceived a crisis of legitimacy and had grave doubts about the survival of capitalism.¹⁰ After a global wave of protests, the middle class reorganized itself. Contrary to expectations though, there was no effort to create a new form of hegemony, but a shift in the right in which coercion, governance by decree, weakening of the parliament and the civil sphere, and transformation of the rule of law at both the legislative and judicial levels (attacks on the right of assembly, freedom of the press, freedom of expression, science, expansion of surveillance, non-enforcement of judicial decisions by the police or the administration, scarcity of financial and human resources, attacks on the judiciary), and the renewal and expansion of the police forces play a significant role in addition to a strengthening of a national-conservative, racist and fascist public opinion and the mobilization of civil society fascist violence (the street mob, the violent gangs, or paramilitary and police groups). Authoritarian populism establishes a new relationship within the power bloc itself and in relation to the subalterns, which can be understood as authoritarian-plebiscite leadership without concessions. The dissatisfaction and disappointment among the subalterns, which arose as a result of the policies pursued by the rulers in the second phase, is being exploited and fueled by them. The subalterns are encouraged by moral panic and media focus to translate those feelings, increasingly dissociated from thought and understanding, into resentment, racist practices, coldness and de-solidarization — and they are rewarded by attitudes of attention and concern from above: “we get it”, “we take people’s concerns seriously”. Forces in the power bloc rely on the subalterns as a means to assert their own positions in the power bloc. The bourgeois class no longer leaves governance to a paid political leadership

⁹ Cf. Demirović, Alex – Dück, Julia – Becker, Florian – Bader, Paulien (eds.): *Multiple Crisis in Financial Market-Dominated Capitalism*. Hamburg, 2011.

¹⁰ Cf. Schirmacher, Franz: “I begin to believe that the left is right”. *Die Presse*, 17.08.2011. <https://diepresse.com/home/meinung/gastkommentar/> (Accessed 8 January 2018.)

emerging from the bourgeois parties, but becomes politically active itself (Blocher, Berlusconi, Trump) – whether through increased lobbying and direct activities in ministries and administrations, or through its own organizational political activity in the formation or transformation of parties, in parliaments or governments. This is because with the governance and participation techniques practiced in the second phase, political leaders are still too attuned to compromise and rational action (in the power bloc and against the subalterns), involve numerous civil forces, and lack the determination and ability to make tough decisions. Politicians often allow themselves to be corrupted by certain civil forces and thus give their policies a clientelistic trait. Under the direct leadership of the representatives of the bourgeoisie or people directly associated with it (like Macron and Kurz, who practice the populist method of party and will-building from the top down), the state apparatuses are quasi-privatized, and tend to operate as businesses – or close to them – which also means that corruption can turn into kleptocracy. The leadership becomes increasingly unplanned, unpredictable, narcissistic, arbitrary, irrational, and refuses to listen to reason. They themselves are overwhelmed, confused, hysterical and panicky, generating fear, conformism, mistrust, disorientation, stress, ignorance or irrationality among the population. The mode of governance consists of an accelerated, non-transparent decision-making process without elaborate and constructive democratic will-formation or scientific deliberation. The state, and in particular the top executive, is further strengthened; new police forces are established and networked; and the military (including cyber-warfare divisions) and the arms industry are reinforced. Experiments are carried out with offshore ‘states’ and cities where public services have been completely privatized. Financial market regulation is restricted, undermined or called into question; austerity and tax competition policies are pursued; taxes on companies and the rich are further reduced and public debt is accepted; state functions are deliberately weakened; and ecological and social standards and unemployment insurance are thrown into question. Unemployment insurance, pension and health care systems are threatened by further cuts or abolition in favor of private provision; wage-earners are pressured through precarious employment; and labor market policies and corporate labor policies continue to increase, and in many cases exceed the breaking point, with serious consequences such as substance abuse or illness. Illegal workers face multiple forms of overexploitation and racism. Conservative, religious-fundamentalist, pro-life, creationist ideologies become part of the official political spectrum. Sexism, racism, torture, genocidal practices and illegal police practices are not only glossed over, but covered up or officially confessed to, while criticism is devalued as moralizing political correctness. The nationalist and ethnic right (including its violent activities) is met with official understanding or even support. The left and its projects and movements is repressed through the mute means of economics and pushed into disintegration, marginalized or discredited on charges

of totalitarianism or extremism. Science and the shaping of public opinion are attacked and devalued. The politics of ‘post truth’ policy, ‘fake news’ or ‘alternative facts’ undermine claims to objectivity; facts, objectivity and truthfulness lose their importance as arguments, and everything is seen as an opinion to be accepted. In this way, it becomes impossible to apply standards by which government action can be judged. Irrationality, lies, ignorance of facts, sexism and violent symbolism are practiced from the highest political position. State violence, genocide, torture and war are presented as acceptable. Racism and supremacy, i.e. the systematic definition of individuals in relation to a supposed biological-culturalist collective identity and a claim to superiority or its devaluation, become overtly expressed and practiced policies.

POPULISM AND DEMOCRACY

Authoritarian populism at this stage seeks to forge an alliance from above with groups of the petty bourgeoisie and the working class, without the bourgeois class having to make concessions. In this respect it radicalizes neoliberal governance techniques. It functions as a kind of short-circuit between forces of the bourgeoisie and the subalterns, because compromises and negotiations no longer take place. This does not lead to a rejection of democracy, but to a reactionary reworking of the understanding of democracy. The interpretation of democracy and freedom becomes a major area of debate. Following Stuart Hall’s distinction, popular democracy and authoritarian populism draw different lines of division. The former constructs an antagonism between people and power bloc, exploited and exploiters, rich and poor, peace and war, sustainability and destruction, difference and normalism. In this case, the progressive processes of opinion- and will-formation and the shared worldview take place at a high and rational level of knowledge. Authoritarian populism, on the other hand, is a plebiscite strategy that divides and mobilizes along racist, nationalist, religious, sexist, or natural exploitative lines, reproducing the bizarre, everyday mind and neuroticising its subjects.

The concept of populism is considered to be undefinable in terms of content,¹¹ and the political ideology it denotes poorly worked out.¹² It is therefore also recommended not to gather recent and heterogeneous developments under this term as a single entity, since the term populism is often used negatively and as a pejorative political concept of struggle — there to penalize oppositional movements and parties “that do not represent the prevailing interests”.¹³ However,

¹¹ Dubiel, Helmut: *The Spectre of Populism*. In Ders. (ed.): *Populism and Enlightenment*. Frankfurt am Main, 1986.

¹² Priester, Karin: *Populism. Historical and current manifestations*. Frankfurt – New York, 2007.

¹³ Korsch, Felix – Wölk, Volkmar: *National Conservative and market radical. A political classification*

the accusation of populism does not apply, because it can be regarded “as an award” (as discriminatory) by those against whom it is levelled.¹⁴ But more than that, populism is seen as closely linked to modern democracy. It denotes the rule by a sovereign people. Populism, for its part, appeals to the people and the general will embodied in them. From this perspective, Korsch-Wölk¹⁵ argues that populism is not a suitable term to characterise a particular stage in the debate on democracy, since there is no difference between populism and hegemonic democratic idealism. If there is no difference between the two, populism is ultimately only about style and rhetoric.

Nevertheless, it makes sense to me when Priester¹⁶ rejects the idea that populism is essentially a political style or rhetoric (i.e. dressed down, folksy, simplistic, emotional). No concept can escape social debate, but is intrinsically linked to social forces and trends and thus acquires its objectivity, not through alleged detachment and neutrality. In the case of democracy, it is precisely a question of understanding the specific disputes surrounding the concept of democracy. Indeed, the authoritarian populists’ strategic aim is to discredit liberal democracy by demonstrating its inconsistency: freedom of expression is allegedly upheld, but the freedom of expression of those who represent the interests of the German people on the national-conservative-right is restricted; freedom of religion is allegedly upheld, but the state proves incapable of protecting its own Christian tradition from Islamization. Therefore, to expect normalization in the ‘cooling/decomposition basin’ of parliamentary functioning ignores the fact that it is precisely the spectrum of political issues, actors and forms of action that have shifted to the right and normalized the reference to fascism (the so-called “conservative revolution”).

Populism has become the subject of extensive academic study. According to widespread understanding, which is rather negative, it differs from pluralism and democracy. Jan-Werner Müller argues strongly that populism is not only not democratic per se, but is always anti-democratic.¹⁷ Even though this assertion bypasses the question of the dispute over democracy, the three characteristics that constitute populism for Müller are helpful in providing a more precise understanding. The first feature of populism is the construction of an opposition between the top and the bottom, i.e., an anti-elitist attitude directed against the establishment, the ‘political class’, and the media. Allegedly, they all violate or betray the will and interests of the people. In its manifesto of May 2016, the AfD outlines a kind of theory of domination based on the term ‘political class’ enshrined in the

of the “*Alternative for Germany*”. Analyses No. 13, 2nd Oct. Berlin, Rosa-Luxemburg-Stiftung, 2014. 11.

¹⁴ Müller, Jan-Werner: *What is populism?* Berlin, 2016. 12.

¹⁵ Korsch-Wölk, 2014.

¹⁶ Priester, 2007. 10, 12ff.

¹⁷ Müller, 2016. 18.

fascist tradition.¹⁸ According to this, popular sovereignty, the foundation of the state, is a fiction in Germany: “The home/secret sovereign is a small, powerful political leadership group within the parties. This group is responsible for the mistakes/undesirable developments of the last decades. A political class of professional politicians has emerged, whose primary interests are power, status, and material well-being/wealth. It is a political cartel which controls the levers of the power of the state — unless it has been transferred to the EU — the whole of political education and much of the supply of political information to the population.”¹⁹ Populists complain that their views are silenced by the media in a ‘silence spiral’, or that a range of issues cannot be discussed under the auspices of political correctness. This allows them to fake the heroic gesture of breaking taboos, pretending that they have the “courage to speak the truth” and that they are addressing current problems that politicians have concealed. It was actually the demand for freedom of expression and the criticism of political correctness and the so-called cancel-culture that was able to penetrate and confuse liberal intellectual circles far and wide in recent years, and that has led to the formation of new alliances committed to defending freedom of expression, debate and science precisely against those who fight racism and colonial traditions of violence and sexism. Thus, the authoritarian populists can wage a constant liberation struggle, even though they have been part of the political establishment for years and are constantly present in all relevant media, and the topics they pursue and their views determine news and talk shows, and journalists talk about the authoritarian-populist party formation.²⁰ The SVP in Switzerland demonstrates that it is possible to participate in governments for many years and still present itself as marginalized or even persecuted by the left and the media. The FPÖ also successfully applies this trick.

Secondly, populism represents an anti-pluralist understanding of democratic processes: other opinions are seen as deviations from the true will of the people. Populists claim to know and be in touch with real people, and take their concerns and fears seriously — that is to say, to know, embody and express the will of the people courageously, directly and immediately. Thus, the identity of the speakers and those they (profess to) speak for are the same. Müller speaks of the populists as representatives. They are, because they are elected in formal elections. But they are (in their own self-image too) more than just elected representatives of the people. They want to be the people themselves; they want to act as catalysts, and they want to say directly what the people think and feel.²¹ That is what Trump’s slogan “I

¹⁸ Cf. Demirović, Alex: *Democracy and Domination. Aspects of Critical Social Theory*. Münster, 1997. 131ff.

¹⁹ AfD Basic Program 2016. 8.

²⁰ See Gäbler, Bernd: *AfD and Media. Analysis and handouts*. Otto Brenner Foundation Workbook 92. Frankfurt am Main, 2017.

²¹ Cf. Priester, 2007. 32.

am your voice” means. But in doing so, they do more; in a magical act they create identity and the possibility of recognition. This is done, as far as possible, through permanent mobilization. As a means to this, there is a constant search and detection of enemies: migrants, refugees, Muslims, cultural Marxists, gender ideology, and some prominent Jews such as George Soros. Direct democracy is not understood by authoritarian populists as a constitutional form of decision-making on bills, but is mystified as an immediate expression of the will of the people. This ‘people’ is the national, ethnically understood people, for whom the claim is made that they should be able to shape “their country themselves”.²² Yet populists position themselves as the traditional intellectuals of an authoritarian bloc: “Of course, the people cannot govern themselves, they need representatives to do that. But do they also have to establish themselves as a class?”²³ Populists pursue a strategy of undemocratic subordination of the many to demagogic leaders; they prevent horizontal debates and open will-formation in all areas of society. Their practices include binding social groups and individuals to traditionalism and bizarre everyday understanding. This is reinforced by the incoherent unity of the discourses of authoritarian populism. The incoherence, the lack of logical rigor, the self-immunization against empiricism is programmatic — otherwise it could not work. Populism blocks access to political literacy, scientific insight, and rationality: circumstances that led to or can lead again to war, genocide, torture, persecution are dethematized when politicians of the AfD talk about the merits of the Wehrmacht, and when they talk about wanting to reclaim the “Germany of our fathers and mothers” (in other countries too, authoritarian-populist forces pursue similar historical revisionism). It is claimed that a hegemony of the left creates speech bans and taboos — meaning it is not a matter of historical and sociological insight. This not only puts the rumors spread from the left in a conspiracy context against the national community, but relativizes or destroys the knowledge, criticism, standards that would lead to the rejection of authoritarianism. They create a new space of the expressible (“to be free to speak out”; rejection of alleged political correctness) and the action (hate speech, demonstrations, acts of violence). Strategically designed provocations, subsequent relativizations and apologies (to unaffected addressees) follow one another, thus changing the social perception habits, plausibilities and relevance criteria. They are therefore not a passive medium through which the people speak: they are active, they invest time, mobilize money and support in civil society and the economy to organize social trends, and try to influence public opinion formation through the media, advertising and lectures.²⁴ But they deny that they are just one of many social currents, and they deny their political activity by turning it into a struggle

²² Cf. Frauke Petry. Cit. in Häusler, Alexander: The AfD as right-wing populist profiteer of the refugee debate. In Decker–Kiess–Brähler 2016. 170.

²³ Konrad Adam. Cit. in Häusler, 2016. 171.

²⁴ See Laclau, Ernesto: *On Populist Reason*. London – New York, 2005. 72f.

for freedom and stylizing themselves, the persecutors, as the persecuted. Left-wing and critical actors are placed in a difficult and seemingly contradictory situation in the face of this constellation, as they necessarily question everyday thinking and the normalized way of life and argue for their further development to the highest historical standards. This can then be regarded as elitist, and the insights gained can be discredited as moralizing political correctness and repressive taboos. The standards of rationality are overridden by authoritarian populists, and disputes over truth and objectivity are undermined, by claiming authoritarian and apodictic truth, or by reducing everything to opinion or individuals to emotions ('anxiety,' 'fear,' 'insecurity,' 'hatred,' 'anger') which authoritarian populists claim to take seriously and elevate, while helping to create or reproduce such psychological moods by constantly inciting them, to create a paternalistic relationship of hermeneutic subordination.

The third feature is that if the relationship between top and bottom, between populist leaders and the people fall into place, a unified 'we' with clear affiliation will be established with/by the people summoned by the populist speakers. This 'we' is nationally, culturally, religiously, masculinely, politically distinct from others. However, the vertical top and bottom opposition is not replaced by the inside/outside opposition, but rather both — that is, the experience of a lack of democracy and exploitation on the one hand, and immigration on the other, are articulated critically simultaneously²⁵ insofar as the political class is accused of betraying its own population.

A fourth feature is differential racism. Cultural and biological ideologies are intertwined. Culture, and religion in particular, become means of identification, in order to filter out those who are supposed to be biologically different (in the case of the same skin color), and those who are considered inferior or mere animals and may undermine cultural superiority. Fears of the displacement of the white race and population exchanges are fueled; there is a misconception that Christian Europe is at war with an invading Islam; and it is claimed that the 'political class' is on the side of the invaders against the interests of its own people. The fight against refugees, asylum seekers, Muslims, Roma or certain nationalities can then be reinterpreted as a struggle against domination. There is also a campaign against Jews. Yet it is noteworthy that proximity to the Israeli government is deliberately sought in order to dispel suspicions of antisemitism. In this case, too, there is retaliation. Left-wing critics of Israeli government policy towards Palestinians in the occupied territories are accused of being the actual antisemites.

Müller fails to recognize in his deliberations that authoritarian populism — unlike right-wing radicalism — does not oppose democracy, but appropriates it

²⁵ Cf. Dörre, Klaus: Democratic class politics — a response to right-wing populism. In Butterwege, Christoph — Hentges, Gudrun — Lösch, Bettina (eds.): *On the way to another republic? Neoliberalism, Location Nationalism and Right-Wing Populism*. Weinheim, 2018.

and argues in the name of a genuine democracy.²⁶ There are three problems raised by Müller's definition. First, it assumes a plurality and diversity of the people, but does not confront the difficulty of the concept of popular sovereignty, which in fact presupposes the unity of a will which bears the constitution, which must give space to diverse interests. Populism plays a double game: it moves on the level of pluralistic political elections, and wants to be one party among others in accordance with the constitution. At the same time, however, it moves at the level of the people (understood biologically and culturally unified) who created the constitution. Hence, secondly, the question arises of who those are who come together in advance politically, and decide to create a political constitution for themselves. This fundamental problem of representative democracy cannot be solved, and can therefore be exploited by authoritarian populists. They promise a solution by pointing to a pre-political people and suggesting that they can create a unified will. It is precisely this will that should form the basis of the constitution, and which they say is distorted by those who control the constitutional institutions and then turn in a particular way against the interests of the people. The fact that the political staff does not constitute a 'political class' in its own right, but is an organizing factor of the ruling classes and embodies a compromise of the different and opposing politico-social camps, is thus dethematized. Thirdly, populists claim another meaning of the term 'people', which refers to the fact that the villains are in control. In this case the debate is about the political order in which the people are not represented. In democracy, however, there is necessarily a debate about the 'people' — that is, who belongs to it and with what rights. It is in these conflicts that the 'people' is constituted.²⁷ By invoking the concept of the people in their dispute with the powerful, the common people claim a share that was denied them in the established order of things. Populism in fact is striving to make the voice of the people heard, and thereby to change the political order. Authoritarian populism is therefore logically inherent in the basic concept of democracy, namely popular sovereignty. This also applies to popular democracy. Contrary to extremist-theoretical approaches, it must therefore be said that both tendencies emerge from social normality, order or 'centre', but want to steer social development in different directions, left-forward or right-backward, i.e. in a solution- or status-quo-oriented way. One of the crucial questions is how to get this authoritarian-populist short-circuit to come about, and why it can work. The question arises because authoritarian populism does not solve any problem but only creates new ones, because it is associated with lies, false claims and irrationalities, and symbolic and real violence.

²⁶ See also *ibid.*

²⁷ Cf. Rancière, Jacques: *The Unbeard. Politics and Philosophy*. Frankfurt, 2002. Laclau, 2005.

FIGHT FOR THE SUBALTERNS

Right-wing attitudes and their corresponding elaborate intellectual positions and practices are constantly reproduced in civil society. These include nationalism, authoritarianism, populism, racism, antisemitism and sexism. Right-wing tendencies can be found in various practices and organizational forms that are an essential part of public life. These include certain groups in the police, military, judicial, administrative and parliamentary bodies. At the level of civil society, these include parties, actors of movements, associations, publishers, books and magazines, intellectuals and their meetings, intellectual centers (with a quasi-scientific or religious character), music groups, sports clubs, companies offering identity-creating products (militaria, clothing) or engaged in advertising, marketing and policy consulting, movement groups (such as the Identitarian Movement or Casa Pound), hooligans and groups practicing violence, and those which, like the NSU, operate underground with a wide network of supporters. All of this exists in a continuous, ever-changing form. Considering recent decades, it can be said that right-wing leaders in the Federal Republic failed to unite these elements through their activities. If there still are German leadership ambitions, the defeat and division of Germany demonstrated to the appropriate forces that these could not be pursued through large-scale racist-militant policies. But it was not just the external obstacles that were too great. In Germany itself there was an increasing confrontation with authoritarian traditions and a criticism of that second, non-public opinion which allowed right-wing ideologies to circulate under the surface of official language regulations, conveying a kind of silent resignation in bourgeois circles. The openly active right-wing groups and parties, as well as the silent consensus that sometimes came across as failure, were reasonably successfully contained and socially isolated by a variety of state and civil society activities (although some of them were often discredited as 'left-wing extremism', VVN, or Antifa).

The right was therefore weak because some of its parts could be absorbed by the established parties, while other parts were sanctioned by the state — or could not cross the threshold of official politics because they were considered too radical. This acted as a split in the right. With authoritarian populism, this has changed. For a long time, populism was a subordinate aspect of the right-wing syndrome, but there has been a shift here. The populist movements have proved capable of rearticulating other elements of right-wing ideology. Populism creates a medium that enables the various currents and organizational elements of the right to modernize themselves.²⁸ It is not a teleological process. In the context and through a political search process in which electoral successes and public attention

²⁸ Ivaldi, Gilles: Europe in confrontation with populist far-right parties. In Hentges, Gudrun – Nortbohm, Kristina – Platzer, Hans-Wolfgang (eds.): *European identity in crisis? European Identity Research and Right-Wing Populism Research in Dialogue*. Wiesbaden, 2017.

have a catalytic effect, right-wing political-ideological elements combine to form a reinforcing unity.²⁹ Right-wing positions become acceptable in this context; goals of the national and ethnic revolution are not renounced; male supremacy, antisemitism, racism, Christian fundamentalism, neopaganism or conspiracy ideologies are also formative elements. Despite all the caution, distancing and warning not to appear too radical to the outside world and to not lose sight of the metapolitical struggle for hegemony, these ideologies remain as features on the spectrum of opinion of authoritarian populism in the name of freedom of expression. As in an interlaced crystal, some of these ideologies come to the fore on occasion, and in the struggle against political correctness, in defense of masculinity or freedom of expression they even find their way into bourgeois newspaper articles. Authoritarian populism allows the crossing of the threshold of legality and official politics and combines the various activities of the national conservatives and fascist-national socialist right. This is new: it shows how flexible the right is and makes it appear stronger in contrast than it really is. In fact, there is factual evidence that the proportion of those with a so-called closed far-right worldview has declined from 9.7 percent in 2002 to 5.4 percent in 2016, however, this decreasing group is becoming radicalized.³⁰ Nevertheless, this once again makes it clear that public attitudes are only one and a rather passive element of the social process. What is much more decisive is what those who hold the power do. The actors of the power bloc increase their room for maneuver if they can rely on the authoritarian-populist compliance and the rebellious conformism of the population — while simultaneously narrowing the room for maneuver of the popular-democratic forces who cannot, as a matter of course, rely on the emancipatory and solidarity tendencies of the subalterns.

So why can the authoritarian-populist short-circuit succeed? Why do the subalterns recognize themselves, if only briefly, in this evocation, and why do they allow themselves to be subjectivized in a way that aligns them with the authority, and subordinates them to an imaginary national-ethnic community in which they subordinate themselves to the rich who individualize them and turn them emotionally against each other? The single, decisive answer is that there has been a national-conservative right-wing secession within the ruling class, which is interested in governance and with its vast resources can influence the bourgeois agenda. It enters into an alliance and cooperation with radical right-wing groups of petty bourgeoisie and the working class. At the same time, efforts are being made to exacerbate the crisis of representation and seek to influence voters by promising them radicalism, agency and solutions that are more or less risk-free, because they do not address the challenges of social development and are detrimental to the weak and minorities. Grassroots criticism of domination and exploitation is

²⁹ See White, Volker: *The Authoritarian Revolt. The New Right and the Fall of the Occident*. Stuttgart, 2017.

³⁰ Decker, 2016. 48.

thus mobilized, and takes the form of rebellious conformism: rebellious because domination is attacked; conformist because the criticism is harmless and remains within the framework of bourgeois norms. The subalterns use this permission to criticize, given by one group of the rulers to another group of the rulers, because it allows them to make their voices heard, and they can express radical criticism without really getting into an antagonistic conflict with the rulers. Their rebellion is authoritarian and conformist, as they are not attacking the bourgeois class but the paid personnel (i.e. the main representatives of politics: Chancellor Merkel, the political class, the Washington swamp, the corruption of certain politicians), or individuals and groups considered powerful conspirators (Muslims, Jews, Bill Gates, George Soros). The subalterns do not receive any concessions and only in certain aspects of their lives, while in other respects they are severely restricted. At best, they can expect migrant workers to be forced into a subordinated or subservient position. But through these racist practices of disunification, they are contributing precisely to the very labor market competition that they believe they can prevent by protesting.

OUTLOOK

Authoritarian populism is a political boom. It is a moment of bourgeois rule. But its elements are long lasting, and they can be utilized again and again. After some disturbingly spectacular electoral successes that have attracted a great deal of public attention (i.e. the electoral success of Trump, the coalition government of the Five Star Movement and Lega, the governments of Bolsonaro and Erdoğan) or the efforts of certain right-wing figures (such as Steve Bannon, Frauke Petry) to bring the various authoritarian-populist parties closer together, there has been somewhat of a slowdown in the past two or three years. This had to do with the confused politics and questionable strategies of their self-aggrandizing representatives, who overestimated each other. Salvini, the top representative of the Lega, pursued a bad strategy and lost his position as interior minister, forcing the party into opposition. Trump lost the election to Joe Biden. The Indian Prime Minister provoked many protests on the part of small farmers against his neoliberal agricultural policy. PiS's policy concerning women in Poland has led to significant protests. Apparently, authoritarian-populist policies have proved themselves to be unsuitable to deal with crises. Nevertheless, there has been no fundamental change in the balance of power. Trump won more voters in the November 2020 election than he did in 2016. In France, Marine Le Pen is gaining ground in the polls and enjoys the support of a majority of the police and military cadres, although Macron, as president, has moved significantly to the right and even restricts civil liberties. Despite all the setbacks in their health care or economic policies, Erdoğan and Bolsonaro are

holding on to government power. In Germany, the AfD has weakened according to polls, but has firmly anchored itself in the party system and the parliaments. The overall balance has tilted only slightly in the other direction, with anti-democratic and freedom-threatening racist and nationalist forces not substantially weaker, but becoming more erratically violent (attacks in Germany, the storm on the US Capitol on 6 January 2021). The parties concerned, their politicians and many of their staff (often funded by the state or by tax-advantaged donations) provide a public platform for racist and historical revisionist arguments; they promote the rejection of gender-theory or post-colonial enlightenment; they also provide the space for an underground networking and mobilization of fascist groups or tendencies within the state apparatus and across state borders; and they provide material/financial resources and contribute to the development of what might be called osmotic flows between the official political public and fascist discourses. To a considerable extent, they contribute to public irrationalism, and violence: attacks on Jews, Muslims, gays, lesbians or trans people, as well as murderous attacks. This irrationality has become more apparent during the pandemic, with the unwillingness to accept scientific evidence, the spreading of conspiracy theories, and the propensity to violence against those who are willing to wear protective masks.

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II. POPULISM AND THE RADICAL RIGHT-WING

MORE THAN RESENTMENT: THE AFFECTIVE APPEAL OF RADICAL RIGHT-WING POPULISM

HANS-GEORG BETZ

Abstract

Radical right-wing populist parties have been a fixture of Western European party systems for several decades. Once considered 'flash parties', they have since become part of the political establishment. A number of factors account for their staying power. For one, radical right-wing populist parties offer an attractive mixture of anti-establishment rhetoric (populism) and an exclusionary policy program (nativism) which appeals to a diverse range of constituencies. At the same time, they evoke and play to a range of strong emotions engendered by large-scale structural changes, which threaten to disrupt the lives of a substantial number of citizens in advanced capitalist societies. When in a position of power, however, these parties largely fail to meet the needs of their core constituencies.

THE ENDURING RESILIENCE OF RADICAL RIGHT-WING POPULISM

Radical right-wing populist parties have been around for decades. A number of them, such as the FPÖ, the Rassemblement national (formerly the Front National), the Fremskrittspartiet, and the Lega (formerly Lega Nord) are among the most well-established parties in Western Europe. The Lega for instance, which was founded in 1991, is now the 'oldest' still-existing party of the Italian Second Republic, having survived all the ups and downs of almost three decades of Italian politics, including Berlusconi.

This differentiates the contemporary radical populist right from earlier populist movements and parties in liberal democracies (such as the Poujadists in 1950s France), which tended to have a relatively short shelf life. To be sure, most contemporary radical right-wing populist parties have experienced a series of fluctuations at the polls, in some cases quite dramatic. The Belgian Vlaams Belang, at one time not so long ago had virtually disappeared, only to come back with a vengeance in the most recent national and regional elections. The resurgence of Pauline Hanson in the Australian parliamentary elections of 2016 is even more stunning. After all, she had spent almost twenty years in the political wilderness.

In general, explanations for the emergence and success of these parties have primarily focused on macro-structural factors such as 'modernization', globalization, economic and financial crises, and, more recently, rapid technological innovation.

These factors are certainly of prime relevance, particularly for understanding the most recent upsurge of radical right-wing support across advanced liberal democracies in the wake of the Great Recession of 2008/2009 and the Sovereign Debt Crisis of 2010/2012. The crucial question is, however, how these macro-structural factors translate into support for the radical populist right.¹ Empirical evidence indicates that crises, such as financial crises or periods of economic depression, tend to result in a significant increase in support for far-right political parties.² Correlation, however, has nothing to say about the mechanisms that link macro-structural factors to electoral outcomes. In the analysis that follows, I submit that one important factor accounting for the contemporary radical right's remarkable staying power is its ability to evoke, appeal to, and mobilize a range of primarily negative emotions.

MICRO-FOUNDATIONS AND THE CRUCIAL ROLE OF EMOTIONS

Ernesto Laclau has argued that any analysis of populism has to start on the individual level.³ On this view, populism is the result of individuals' demands that remain ignored, dismissed and, as a result, unmet and unsatisfied within the established democratic framework, primarily because of the political establishment's unresponsiveness to these demands. Political space for populist mobilization opens up when individuals realize that their grievances are part of a larger chain of equivalent demands routinely dismissed by the political establishment as unreasonable and/or politically incorrect. This results in the constitution of an "antagonistic frontier *vis-à-vis* an antagonistic force" – i.e. the elite: what started as single, unconnected demands turns into a fundamental populist challenge to the socioeconomic and socio-political establishment, aka the elite.⁴

The analysis that follows takes up Laclau's individual-level approach. The focus is on one single issue, the question of recognition. The point of departure is an observation made by the sociologist Jansen. Jansen defines populism as a political project that mobilizes ordinary people into contentious political action while "articulating an anti-elite, nationalist rhetoric that *valorizes* ordinary people"⁵ Jansen's formulation addresses an essential facet of populism: the fact that populism

¹ Kriesi, Hanspeter – Pappas, Takis S. (eds.): *European populism in the shadow of the great recession*. Colchester, ECPR Press, 2015.

² Funke, Manuel – Schularick, Moritz – Trebesch, Christoph: "Going to extremes: Politics after financial crises, 1870–2014". *European Economic Review*, 88 (2016), 227–260.

³ Laclau, Ernesto: *On Populist Reason*. London, Verso, 2005.

⁴ Thomassen, Lasse: "Antagonism, hegemony and ideology after heterogeneity". *Journal of Political Ideologies*, 10, no. 3 (2005). 292.

⁵ Jansen, Robert S.: "Populist Mobilization: A New Theoretical Approach to Populism". *Sociological Theory*, 29, no 2 (2011). 82. Italics added.

accords recognition to ordinary people, their anxieties, and concerns. This is an important point. Recognition, Charles Taylor has argued, constitutes a “vital human need.” The act of recognition entails the acknowledgement that the other person possesses “social ‘validity’”.⁶ As such it is fundamental for a person’s sense of self-esteem. Recognition, in turn, is closely tied to dignity and respect.⁷

A range of studies suggest that these days, recognition, dignity and respect are in short supply. In fact, in recent decades a number of structural and cultural developments have led to widespread ‘devalorization’ of ordinary people. Rapid technological innovation and change is one such process. As Mabel Berezin has recently argued, technological change has resulted in the devalorization of cultural capital in the form of formal education, with the ‘poorly educated’ most immediately and dramatically affected. In the past, manual workers formed the backbone of the postwar recovery and the ensuing economic boom that characterized what the French call *les trente glorieuses* (the glorious thirty-year period) with full employment, rising wages, and an expanding welfare state. This, however, is a distant past. Today, routine workers are finding it increasingly difficult to compete in the job market. With this came the devalorization of status and image. Increasingly, it became acceptable in movies, on TV and in the media to make fun of ordinary people, and to “treat them with thinly veiled contempt.” At the same time, “it became acceptable to ignore, to devalorize, and ultimately to ‘forget’ the people who worked by doing rather than manipulating abstractions”.⁸

The denial of proper recognition — or what Nancy Fraser has referred to as ‘misrecognition’ — and disrespect represent “an injustice not simply because it harms subjects or restricts their freedom to act, but because it injures them with regard to the positive understanding of themselves that they have acquired intersubjectively.”⁹ Experiences of injustice and injury, particularly if made repeatedly, tend to provoke and breed a range of emotions – distress, anger and perhaps even rage, indignation and particularly resentment, together with anger: the central emotion of the current age.

⁶ Honneth, Axel – Margalit, Avishai: “Recognition”. *Proceedings of the Aristotelian Society*, Supplementary Volumes, 75 (2001). 115.

⁷ Honneth, Axel: “Recognition or Redistribution? Changing Perspectives on the Moral Order of Society”. *Theory, Culture and Society*, 18 (2–3) (2001). 43–55.

⁸ Berezin, Mabel: “On the construction sites of history: Where did Donald Trump come from?”. *American Journal of Cultural Sociology*, 5 (3) 2017. 333–334.

⁹ Honneth, Axel: *The Struggle for Recognition: The Moral Grammar of Social Conflicts*. Cambridge, Polity Press, 1995. 131.

AT THE HEART OF POPULISM'S APPEAL: RESENTMENT AND ANGER

Resentment is a complex emotion. Etymologically, it derives from the French verb *ressentir*, which has the connotation of feeling something over and over again, of an obsessive revisiting of a past injury or slight, caused by the actions or words of another person. Adam Smith, in his 1759 treatise on moral sentiments, ranked it among the 'unsocial passions'. At the same time, however, Smith insisted that resentment constitutes "one of the glues that can hold society together." It is this more positive connotation which prevails today. John Rawls, for instance, ranks resentment — as well as indignation, a related emotion — among the 'moral sentiments' on the grounds that both "invoke the concept of right".¹⁰ What distinguishes resentment from nearby emotions, such as anger, is that resentment "always claims to rest on moral principle".¹¹ On this view, resentment stems from a profound sense of injustice triggered by the perception that "claims of rights, benefits, and privileges" in society are unfairly distributed, and that this is the result of "intentional malevolence and collusive intrigue".¹² It is in this sense that "the perturbing passion of resentment" is a moral sentiment, since it motivates "our concern for injustice".¹³ Resentment is not only "an appropriate individual response to failures of justice, but it is also an indispensable attitude to cultivate if an overall degree of fairness is to be maintained in society".¹⁴ It is for this reason that Robert Solomon has insisted that resentment, as "a passion of justice denied [...] lies at the heart of democracy".¹⁵

On a social level, resentment represents "an interpersonal dynamic which desires the restoration of respect".¹⁶ It is at this point that resentment and populism meet. Populists not only appeal to and mobilize latent resentments, but they also give them a venue for release. Populist rhetoric articulates the sentiments of those who feel abandoned and forgotten, denigrated if not despised, counting for nothing in the eyes of all those in positions of power, economic, social, political and cultural.¹⁷

¹⁰ Rawls, John: *A Theory of Justice*. Rev. ed. Cambridge, MA, Belknap Press, 1999. 423.

¹¹ Neu, Jerome: "Rehabilitating resentment and choosing what we feel". *Criminal Justice Ethics*, 27, no.2 2008. 34.

¹² Oksenberg Rorty, Amélie: "The Dramas of Resentment". *Yale Review*, 88, no.3 2000. 92–93.

¹³ Schwarze, Michelle A. – Scott, John T.: "Spontaneous Disorder in Adam Smith's Theory of Moral Sentiments: Resentment, Injustice, and the Appeal to Providence". *The Review of Politics*, 77, no. 2 (2015). 466.

¹⁴ Brighi, Elisabetta: "The Globalisation of Resentment: Failure, Denial, and Violence in World Politics". *Millennium: Journal of International Studies*, 44, no. 3 (2016). 421.

¹⁵ Solomon, Robert C. A.: *A Passion for Justice: Emotions and the Origins of the Social Contract*. Reading, Addison-Wesley, 1990. 270. Quoted in Brighi, 2016. 422.

¹⁶ Hunt, Grayson: "Redeeming Resentment: Nietzsche's Affirmative Ripostes". *American Dialectic*, 3, no. 2/3 (2013). 120.

¹⁷ Rosanvallon, Pierre: *Le siècle du populisme*. Paris, Seuil, 2020. 68.

In today's world, with ever growing inequality, rampant individualization, and equally rampant social devaluation and *déclassement*, reasons for resentment are hard to find; as are reasons for their occasional eruptions, reflected, for instance, in Brexit. As early as 2008, a top BBC executive noted that the people "most affected by the upheaval" that had characterized Britain in the preceding decade "have been all but ignored".¹⁸ The occasion was a BBC documentary series on Britain's white working class. What the authors found was a profound sense of "victimhood, rage, abandonment and resentment"¹⁹ — emotions which less than a decade later would find release in the vote to leave the European Union.

Two acclaimed recent studies of the rise of populism in the United States make similar points. In *Strangers in Their Own Land* (subtitled *Anger and Mourning on the American Right*) Arlie Russell Hochschild characterizes Trump supporters as having been "in mourning for a lost way of life." Yearning "to feel pride" they instead "have felt shame. Their land no longer feels their own".²⁰ Kathy J. Kramer, author of *The Politics of Resentment* makes a similar point with respect to the mood — which had been building up long before Trump's campaign — that would lead disenchanting rural Wisconsinites to support Donald Trump. Listening to them, she finds many of them sharing a common sentiment that "they aren't getting their fair share of power and resources and respect. Small town Wisconsinites feel deeply disrespected by urban dwellers".²¹

Observations like this led Arthur C. Brooks, president of the American Enterprise Institute, to claim that the USA had a 'dignity deficit'. This was important because "to be treated with dignity means being considered worthy of respect." Individuals gain a sense of dignity when they feel their lives produce value, for themselves and for others. "Put simply, to feel dignified, one must be needed by others".²² This, however, is no longer the case. Delocalization, offshoring, outsourcing and, as a result, deindustrialization in advanced capitalist countries, have made a large

¹⁸ Klein, Richard: "White and working class ... the one ethnic group the BBC has ignored". *The Daily Mail*, February 29, 2008. <https://www.dailymail.co.uk/news/article-523351/White-working-class---ethnic-group-BBC-ignored.html>. Revoir, Paul. "'The white working class feels alienated, threatened and voiceless,' says BBC boss". *The Daily Mail*, February 26, 2008. <https://www.dailymail.co.uk/tvshowbiz/article-518641/The-white-working-class-feels-alienated-threatened-voiceless-says-BBC-boss.html>

¹⁹ Ware, Vron: "Towards a Sociology of Resentment: A Debate on Class and Whiteness". *Sociological Research Online*, 13 .no. 5 (2008). 9. <https://journals.sagepub.com/doi/pdf/10.5153/sro.1802>

²⁰ Hochschild, Arlie Russell: *Strangers in Their Own Land: Anger and Mourning on the American Right*. New York, The New Press, 2016. 225.

²¹ <https://civic.mit.edu/2017/05/31/kathy-cramer-on-the-politics-of-resentment-what-i-learned-from-listening/> <https://www.vox.com/the-big-idea/2016/11/16/13645116/rural-resentment-elites-trump>

²² <https://www.foreignaffairs.com/articles/united-states/2017-02-13/dignity-deficit>

number of workers not only redundant, but “structurally irrelevant”.²³ They are no longer needed and are therefore dismissed and ignored, as if undeserving of dignity and respect. Trump supporters, more often than not depicted as hopelessly ignorant, racist, misogynist rubes in need of enlightenment, are a case in point.²⁴

What distinguished Donald Trump from his competitors was his willingness and ability to tap into these sentiments. As Hochschild puts it, Trump is an ‘emotions candidate.’ More than any other presidential candidate in decades, Trump focuses on eliciting and praising emotional responses from his fans rather than detailed policy prescriptions. His speeches – evoking dominance, bravado, clarity, national pride, and personal uplift – inspire an emotional transformation. His audience, as if ‘magically lifted,’ no longer feel like strangers in their own land.²⁵

In his campaign speeches, Trump emphasized the concerns of the white working class, “raising their moral value” and thereby according them some measure of dignity.²⁶

The politics of misrecognition and resentment might also shed some light on an intriguing ‘puzzle’ – the fact that the German radical populist right (AfD, Alternative für Deutschland) has done significantly better in the Eastern part of the country (the former GDR) than the rest of the country.²⁷ A recent study of public opinion found that thirty years after reunification, many East Germans still feel like aliens in their own country.²⁸ A significant number think of themselves as second-class citizens. These sentiments can be traced all the way back to the period right after reunification, when East Germans were told in so many words that their skills and experience acquired during the communist era “had no value in a market economy.” The result was a feeling of ‘worthlessness’ experienced as a loss of dignity, which has apparently had a long-lasting psychological impact.²⁹

²³ Castells, Manuel: Informationalism, networks, and the network society: a theoretical blueprint. In Castells, Manuel (ed.): *The Network Society*. Northampton, MA, Edward Elgar, 2004. 3–45.

²⁴ Lynch, Connor: “The smug style in American liberalism: It’s not helping, folks — but there’s a better way”. *Salon*, March 20, 2017. <https://www.salon.com/2017/03/20/the-smug-style-in-american-liberalism-its-not-helping-folks-but-theres-a-better-way/>

²⁵ Hochschild, 2016. 225–226.

²⁶ Lamont, Michèle – Park, Bo Yun – Ayala-Hurtado, Elena: “Trump’s electoral speeches and his appeal to the American white working class”. *The British Journal of Sociology*, 68 no. S1 (2017). 153.

²⁷ Betz, Hans-Georg – Habersack, Fabian: Regional Nativism in East Germany: The Case of the AfD. In Heinisch, Reinhard – Massetti, Emanuele – Mazzoleni, Oscar (eds.): *The People and the Nation: Populism and Ethno-Territorial Politics in Europe*. London, Routledge, 2019. 110–135.

²⁸ Köcher, Renate: “Fremd im eigenen Land”. *Frankfurter Allgemeine Zeitung*, January 23, 2019. https://www.ifd-allensbach.de/fileadmin/kurzberichte_dokumentationen/FAZ_Januar2019_Ost_West.pdf

²⁹ Marin, Dalia: “Germany’s Divided Soul”. *Project Syndicate*, September 2, 2019. <https://www.>

In a representative poll from 2019, 80 percent of respondents agreed with the statement that in post-reunification Germany, their achievements did not receive the recognition they deserve.³⁰

The appeal to resentment, subtle or overt, is central to contemporary radical right-wing populist mobilization, and for good reasons. Resentment is intricately linked to a range of related sentiments, such as indignation, anger, rage, and embitterment, more often than not products of resentment. What they have in common with resentment is the fact that they represent reactions to perceived moral injuries, injustices, slights and insults. Embitterment, for instance, is characterized as an emotive response to “persistent feelings of being let down, insulted or being a loser”, a “feeling and perception of injustice together with the urge to fight back” but unable to do so, a combination of revengefulness and helplessness.³¹ George Marcus and colleagues have convincingly shown that among the negative emotions, anger is particularly conducive and responsive to populist mobilization.³² Like resentment, anger is closely associated with appraisals of unfairness experienced as an undeserved injustice and the perception of having been wronged.³³ This perception, in turn, is closely associated with ‘other-agency’, i.e., the notion that an external agent is responsible for a negative event or condition.³⁴ For anger to manifest itself, there has to be an “appraisal of accountability” – the notion that negative outcomes or conditions are the result of “human intentional agency”.³⁵ The perception of having been intentionally wronged, in turn, “renders anger ‘legitimate,’ that is, it makes anger coincide with *resentment* proper,” which makes anger an ideal motivating factor for populist mobilization.³⁶

project-syndicate.org/commentary/germany-economic-psychological-divide-by-dalia-marin-2019-09

³⁰ Borsutzki, Doreen – Machowecz, Martin – Wefing, Heinrich: “Jetzt hört mal zu!”. *Die Zeit*, October 2, 2019. https://www.policy-matters.de/site/assets/files/1397/zeit_2019_41.pdf

³¹ Linden, Michael: “Posttraumatic Embitterment Disorder”. *Psychotherapy and Psychosomatics*, 72 (2003). 197.

³² Marcus, George E. – Valentino, Nicholas A. – Vasilopoulos, Pavlos – Foucault, Martial: “Applying the theory of affective intelligence to support for authoritarian policies and parties”. *Political Psychology*, 40, Suppl 1 (2019). 109–139.

³³ Miceli, Maria – Castelfranchi, Cristiano: “Anger and Its Cousins”. *Emotions Review*, 11. No. 1 (2019). 13–26.

³⁴ Ellsworth, Phoebe C. – Smith, Craig A.: “From Appraisal to Emotion: Differences Among Unpleasant Feelings”. *Motivation and Emotion*, 12, no. 3 (1988). 276.

³⁵ Smith, Craig A. – Lazarus, Richard S.: Emotion and adaptation. In Pervin, Lawrence A. (ed.): *Handbook of personality: Theory and research*. New York, Guilford. 619; Petersen, Michael Bang: “Distinct Emotions, Distinct Domains: Anger, Anxiety and Perceptions of Intentionality”. *The Journal of Politics*, 72, no. 2(2010). 359.

³⁶ Miceli, Maria – Castelfrenchi, Cristiano: “Anger and Its Cousins”. *Emotion Review*, 11, no. 1 (2019). 15. See also Rico, Guillem – Guinjoan, Marc – Anduiza, Eva: “The Emotional Underpinnings of Populism: How Anger and Fear Affect Populist Attitudes”. *Swiss Political Science Review*, 23, no. 4 (2017). 444–461.

What differentiates anger from resentment, however, is that it involves the desire for retribution and punishment in one form or another, “a desire to lash out, retaliate, or wish for things to go badly for the target of anger”.³⁷ It is for this reason that anger lends itself particularly to populist mobilization. Central to anger is the desire for payback. In populist politics, the target of anger is the establishment, is the elite. In politics, one way to exact retribution on the elite is via the voting booth, by “throwing the rascals out.” The vote is the only means at the disposal of those who otherwise have no power to become visible and make themselves heard. At the same time, it is a way to ‘stick it’ to the elite by voting for parties and their representatives deemed unacceptable by the elite. In anger-driven populist politics, *Wahltag ist Zahhtag* (election day is payback day), as Austrian political analysts once put it, commenting on the electoral gains of Jörg Haider’s FPÖ.³⁸ Haider’s ascent in Austrian politics occurred in the 1980s, largely fueled by popular resentment and anger directed against Austria’s ensconced sociopolitical and sociocultural establishment. In the meantime the protagonists have changed, in Austria and in other advanced liberal democracies — but the resentment and anger have largely remained.

NOSTALGIA AND COLLECTIVE IDENTITY

So has another sentiment, the yearning for times past, the good old days when the world was still ‘in order’. Nostalgia has been around for ages. It was first recognized and defined by a Swiss doctor, Johannes Hofer. Hofer coined the word, a compound derived from the Greek *nostro* (home) and *algos* (pain), to describe the malaise he detected among Swiss mercenaries, a profound yearning for their home (what in German is called *Heimweh* – homesickness).

Since Hofer’s times the meaning of nostalgia has substantially changed and broadened. Instead of homesickness, nostalgia today stands for a sentimental longing for a lost past, an idealized past, for a moment that never actually existed. It is triggered “by an evocation of something we recognize from our past” more often than not “airbrushed or fictionalized by our memory”.³⁹ As such, nostalgia is closely linked to identity, both individual and collective. Nostalgia “reassures us of past happiness and accomplishment” and “simultaneously bestows upon us a certain worth, irrespective of how present circumstances may seem to question or obscure

³⁷ Silva, Laura: “Anger and its desires”. *European Journal of Philosophy*, 2021, early view. 1–21.

³⁸ Plasser, Fritz – Ulram, Peter: “Wahltag ist Zahhtag. Populistischer Appell und Wählerprotest in den achtziger Jahren”. *Österreichische Zeitschrift für Politikwissenschaft*, 18, no. 2 (1989). 151–164.

³⁹ <http://www.contemporarypsychotherapy.org/volume-5-no-1-spring-2013/the-nature-of-nostalgia/>

this”.⁴⁰ This type of nostalgia reflects an “affective yearning for a community with a collective memory, a longing for continuity in a fragmented world”.⁴¹

Tuukka Ylä-Anttila has argued that nostalgia derives much of its emotional impetus from a sense of familiarity, which “is particularly compatible with the populist valorization of the experience of the common people”.⁴² This is particularly noteworthy since, as Svetlana Boym has noted, nostalgia is all about “the relationship between individual biography and the biography of groups or nations, between personal and collective memory”.⁴³ Or, as Guobin Yang in his analysis of Chinese nostalgia in the 1990s observes, nostalgia “affirms identity through articulation”, which “makes possible the public sharing of private experiences.” It “brings private thoughts and feelings into the public sphere while also helping to transform that sphere by creating or reconstructing collective identities among particular social groups.”⁴⁴

At the same time, nostalgia serves as a coping mechanism in times of turmoil and crisis, “an important resource that helps people find meaning in life and regulate meaning-related distress”.⁴⁵ In fact, in an age characterized by grand-scale social, economic, and cultural destabilization, the politics of nostalgia can also represent an emotional counterweight providing a positive sense of meaning, reassurance and comfort for those profoundly troubled by these developments.⁴⁶ As Catarina Kinnvall has put it, “narratives of the past are often used to supply ontological security in the present” — i.e., a “sense of biographical continuity in the light of emerging changes”.⁴⁷ At the same time, nostalgia can serve as a “repository of social belongingness” meeting an individual’s “fundamental need to belong” and reinforce their sense of social connectedness to others, and thus mitigate the

⁴⁰ Davis, Fred: “Nostalgia, Identity and the Current Nostalgia Wave”. *The Journal of Popular Culture*, 11, no.2 (1977). 420.

⁴¹ Boym, Svetlana: “Nostalgia and its Discontents”. *Agora8*, 2015. https://agora8.org/SvetlanaBoym_Nostalgia/

⁴² Ylä-Anttila, Tuukka: “Familiarity as a tool of populism: Political appropriation of shared experiences and the case of Suvivirsi”. *Acta Sociologica*, 60 no. 4 (2017). 342.

⁴³ <http://monumenttotransformation.org/atlas-of-transformation/html/n/nostalgia/nostalgia-svetlana-boym.html>

⁴⁴ Yang, Guobin: “China’s Zhiqing Generation: Nostalgia, Identity, and Cultural Resistance in the 1990s”. *Modern China*, 29, no.3 (2002). 278–279.

⁴⁵ Routledge, Clay – Roylance, Christina – Abeyta, Andrew A.: Nostalgia as an Existential Intervention: Using the Past to Secure Meaning in the Present and the Future. In Russo-Netzer, Pninit – Schulenberg, Stefan E. – Batthyany, Alexander (eds.): *Clinical Perspectives on Meaning*. Cham, Springer. 343.

⁴⁶ Routledge, Clay – Wildschut, Tim – Sedlikides, Constantine – Juhl, Jacob – Arndt, Jamie: “The power of the past: Nostalgia as a meaning-making resource”. *Memory*, 20, no. 5 (2012). 452–460.

⁴⁷ Kinnvall, Catarina: Fear, Insecurity and the (Re)Emergence of the Far Right in Europe. In Nesbitt-Larking, Paul – Kinnvall, Catarina – Capelos, Tereza – Dekker Henk (eds.): *The Palgrave Handbook of Global Political Psychology*. Basingstoke, Palgrave Macmillan, 2014. 322.

anxieties provoked by the accelerated processes of individualization characteristic of the present times.⁴⁸ And above all, looking back to an idealized past serves to engender “hope that the romanticized past will become our future”.⁴⁹

Examples of this kind of nostalgia abound: from the nostalgia undergirding Erdogan’s neo-Ottomanism to the nostalgic evocation of India’s ancient history prior to the Mughal conquest in the service of Hindu nationalism, to nostalgia for the lost Empire in pre-Brexit Britain, to the nostalgic memory of the former GDR in the eastern part of Germany — aka *Ostalgie* — which explains, at least in part, why the AfD has been so successful there. The AfD is hardly the only radical right-wing populist party to evoke the past to bolster its identitarian discourse. In fact, it is the question of identity, a central trope in radical right-wing populist discourse, which explains nostalgia’s appeal on the right — a case in point is Vox in Spain, whose ascent in the polls over the past several years has largely been a result of its ability to tap “in to voter anxieties which are fueled by culture wars and an acute sense of loss: the loss of a former way of life, of national sovereignty, of their privilege as well as the loss of jobs”.⁵⁰

Seen from this perspective, nostalgia represents a “symptom of the real unease caused by an unjust society, a condition that would disappear as soon as the underlying cause of the dissatisfaction was done away with”.⁵¹ This was the case with late nineteenth-century American populists’ embracing of a bucolic vision of the Jeffersonian republic, directed against bankers and commodity speculators, railroad magnates, grain elevator operators and local money lenders. And this is the case today when, for instance, Marine Le Pen invokes *les trente glorieuses* when France still was a great power, a leader in technological innovation (exemplified by the Concorde supersonic airplane), and a model of rational planning.

Under the circumstances, it is hardly surprising that nostalgia is an essential part of the radical populist right’s ideational toolkit. Radical right-wing populism is above all a form of identitarian populism.⁵² Emotions are essential for identity. As Ronald Grigor Suny has noted, groups “are held together by emotional ties as well as rational considerations; indeed, the two work together to solidify and

⁴⁸ Wildschut, Tim – Sedikides, Constantine – Routledge, Clay – Arndt, Jamie – Cordaro, Filipino: “Nostalgia as a repository of social connectedness: the role of attachment-related avoidance”. *Journal of Personality and Social Psychology*, 98, no. 4 (2010). 574.

⁴⁹ Stephan, Matthias: “Nostalgic Narrative and Affective Climate SF in George Turner’s *The Sea and Summer*”. *Science Fiction Studies*, 48, no.1, SF and Nostalgia (2021). 110.

⁵⁰ Faber, Sebastian: “Who voted for Vox?”. *UnHerd*, April 28, 2019. <https://unherd.com/2019/04/will-vox-call-the-shots-in-spain/>

⁵¹ Natali, Marcos Piason: “History and the Politics of Nostalgia”. *Iowa Journal of Cultural Studies*, 5, Fall (2004). 18.

⁵² Betz, Hans-Georg – Johnson, Carol: “Against the current—stemming the tide: the nostalgic ideology of the contemporary radical populist right”. *Journal of Political Ideologies*, 9, no.3 (2004). 311–327.

reinforce group identification. Identification is basically an emotive tie. At work here are the sharing feelings of empathy within the group and the distancing emotions from others outside the group.” This holds true both for ethnicities and nations, “the former based on purported common origins or kinship, the later existing in the ‘discourse of the nation’ that constituted groups of common culture as the appropriate communities to legitimate political power”.⁵³

NATIVISM, ISLAMOPHOBIA AND EMOTIONS

Identity, community and kinship are central constitutive elements of nativism — the notion that ‘our people’ should come first. Radical right-wing populism is to a large extent defined by nativism. Nativist mobilization, in turn, is to a large extent laced with emotions – most prominently anxiety, fear, anger, resentment and nostalgia. The radical right-wing populist vilification of Islam, its presence and role in Europe, reflected in the hysterical conjuring up of the specter of the imminent ‘Islamization’ of Europe and the ‘Great Replacement’ is arguably the most paradigmatic contemporary case.

Surveys from across Western Europe confirm the extent to which these negative emotions inform the public’s perceptions of Islam. There are widespread views that Islam represents a threat to Western values and ‘our’ identity and way of life; that Islam is fundamentally incompatible with secularism and democracy; that Islam promotes fanaticism and violence; that Islam disrespects, if not oppresses, women; and, last but not least, that the West faces a genuine threat of being subjected to a creeping process of ‘Islamization’, particularly via the introduction of Sharia law in Muslim dominated ‘no-go zones’ in Europe’s big cities.

Opinions *per se* do not necessarily translate into political action, such as voting. In order for this to happen political entrepreneurs have to frame the issue in such a fashion that it resonates with the targeted audience. Extant research suggests that “the persuasive effect of a frame depends on emotional reactions to that frame”.⁵⁴ Emotional ‘framing effects’ are particularly important on the radical populist right, given their political pariah status.⁵⁵

⁵³ Suny, Ronald Grigor: “Why We Hate You: The Passions of National Identity and Ethnic Violence”. Paper submitted to the Workshop in Mass Killing and Genocide, December 2–3, 2005. Available online at https://www.researchgate.net/publication/46438458_Why_We_Hate_You_The_Passions_of_National_Identity_and_Ethnic_Violence

⁵⁴ Gross, Kimberly: “Framing Persuasive Appeals: Episodic and Thematic Framing, Emotional Response, and Policy Opinion”. *Political Psychology*, 29, no. 2 (2008). 170.

⁵⁵ Kühne, Rinaldo – Schemer, Christian: Emotionale Framing-Effekte auf politische Einstellungen und Partizipationsbereitschaft. In Marcinkowski, Frank (ed.): *Framing als politischer Prozess: Beiträge zur Deutungskraft in der politischen Kommunikation*. Baden-Baden, Nomos, 2014. 195–210.

Radical right-wing populist parties have been quite effective in framing Islam in highly emotional fashion. Take, for instance, the FPÖ's campaign for the 2010 local election in Vienna, a traditionally socialist stronghold. The FPÖ went into the campaign with a poster which symbolically juxtaposed Vienna under an FPÖ government against Vienna under an SPÖ government: Here the St. Stephen's Cathedral, there a mega mosque. The poster evoked both the FPÖ's self-promotion as Austria's "*Heimatpartei*" (homeland party) and its contempt for cosmopolitanism, exemplified by 'red' Vienna.⁵⁶

The second example comes from Switzerland — a famous SVP poster designed to scare Swiss voters into supporting the 'anti-minaret' initiative targeting Switzerland's growing Muslim community. The poster depicted a chador-clad woman in front of a Swiss flag, menacingly sprouting numerous minarets into the sky. The poster was designed to evoke strong emotions of fear and revulsion, and thus goad voters into supporting the initiative.

The third example comes from Sweden. Ahead of the 2010 parliamentary election, the Sverigedemokraterna (SD) produced an election spot which Swedish public television refused to air, on the basis that it promoted "racial hatred." It was subsequently put on YouTube.⁵⁷ The spot features a race between an elderly white woman desperately clutching a rollator, competing against several young women wearing black burqas pushing baby strollers. All of them are seeking to reach two state bureaucrats sitting in the background, apparently in charge of dispersing welfare benefits, indifferently counting money. An initial shot shows an electronic bar featuring the steadily rising national debt. Obviously resources are scarce and getting more so every second. The atmosphere is dark and menacing, reminiscent of Terry Gilliam's dystopian 1980s movie 'Brazil'. The spot is clearly designed to provoke a range of emotions: anger that an elderly Swedish woman is forced to fight for her pension; resentment against migrants who are accorded the same rights to resources as the native-born, and this despite the fact that they don't appear to want to 'fit into' Swedish society; and fear of demographic trends that threaten to turn the native-born into foreigners in their own country.

The spot was part of a larger project SD strategic project to promote themselves as the legitimate heirs to the traditional social democratic left. Evoking a time when life was harder, but also simpler and more 'innocent', they adopted the Swedish social democratic notion of the *folkhemmet*, the 'people's home' — one of the foundations of Swedish postwar identity.⁵⁸ In this way, the SD managed to

⁵⁶ Wodak, Ruth – Forchtner, Bernhard: "Embattled Vienna 1683/2010: right-wing populism, collective memory and the fictionalisation of politics". *Visual Communication*, 13, no.2 (2014). 231–255.

⁵⁷ <https://www.youtube.com/watch?v=XkRRdth8AHc>

⁵⁸ Elgenius, Gabriella – Rydgren, Jens: "Frames of nostalgia and belonging: the resurgence of ethno-nationalism in Sweden". *European Societies*, 21, no.4 (2019). 583–602.

fuse nostalgia for the lost world of Astrid Lindgren with an emotionally charged appeal to egalitarianism and solidarity into a coherent nativist program, while at the same time stoking the fire of nativism.

Similar projects can be found elsewhere on the Western European radical populist right. Tuukka Ylä-Anttila, for instance, has shown how in Finland the populist radical right has appropriated a “culturally shared, familiar experience” — the traditional singing of the Summer Hymn by school students at graduation ceremonies — in order “to infuse exclusionary nationalist demands with the feeling of familiarity, and exclude from ‘the people’ those who do not share the feeling” — i.e., migrants.⁵⁹ In both cases, nostalgia serves to advance the nativist politics of the radical populist right.

WHERE DO WE GO FROM HERE?

In a recent analysis of the rationale behind the recent upsurge of populism cum nativism in India, under the banner of Hindu nationalism, Catarina Kinnvall lays out the logic of the links between nostalgia, identity, and support for radical right-wing populism. Citing a passage from Anthony Giddens’ *The Constitution of Society*, she notes that “ontological security is about having a ‘sense of place’ as the world is changing, a ‘place’ that provides ‘a psychological tie between the biography of the individual and the locales that are the settings of the time-space paths through which that individual moves’.”⁶⁰ John Sides and colleagues advance similar points to explain why Donald Trump won the election in 2016. They argue that the election was “symptomatic of a broader American identity crisis. Issues like immigration, racial discrimination, and the integration of Muslims boil down to competing visions of American identity and inclusiveness.” Trump won to a large extent because questions of identity make “politics ‘feel’ angrier, precisely because debates about ethnic, racial, and national identities engender strong emotions.”⁶¹ With the impact of globalization, rapid technological change and mass migration, Giddens’ ‘sense of place’ has increasingly become disjointed and unstable. Individuals feel increasingly “trapped by a series of structural changes that they cannot control, but which affect them directly” — rendering them “strangers in their own land”.⁶² Emotions, Mabel Berezin has suggested, “are physical and expressive responses to

⁵⁹ Ylä-Anttila, Tuukka, “Familiarity as a tool of populism: Political appropriation of shared experiences and the case of Suvivirsi”. *Acta Sociologica*, 60 no. 4 (2017). 352.

⁶⁰ Kinnvall, Catarina: “Populism, ontological insecurity and Hindutva: Modi and the masculinization of Indian politics”. *Cambridge Review of International Affairs*, 32, no. 3 (2019). 285.

⁶¹ Sides, John – Tesler, Michael – Vavreck, Lynn: *Identity Crisis: The 2016 Presidential Campaign and the Battle for the Meaning of America*. Princeton, Princeton University Press, 2018. 10.

⁶² Busquet, Jordi: “The fear of loss of status”. *Transfer: journal of contemporary culture*, no. 6 (2011). 70.

some sort of destabilization”.⁶³ Over the past decades, destabilization and strains have become an almost daily experience, both on the national and international level. COVID-19 is just one more example of developments, occurrences and events that together amount to a rapid increase in unpredictability and threat. These are deeply emotionally charging experiences. They have provoked – and continue to do so – a whole slew of affects, from anxiety, fear, anger and resentment to a pronounced yearning for times past. These, in turn, have been profitably exploited by the radical populist right to advance their nativist agenda. Those who genuinely seek to find an effective way to respond to the nativist challenge need to respond to the structural causes of the widespread sense of disorientation and insecurity engendered by rapid socioeconomic, sociostructural and sociocultural change. Business as usual — which includes the by-now sterile and largely symbolic warnings of the danger posed by the radical populist right — won’t do. The stakes are high. Given the extent of the challenge, what lies in wait is a Herculean task.

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⁶³ Berezin, Mabel: “Secure states: towards a political sociology of emotion”. *The Sociological Review*, 50, no. 2 suppl. (2002). 36.

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POPULIST DISCOURSE AND MIGRATION IN THE POLICY OF THE NATIONAL RALLY

ÉVA SZÉNÁSI

Abstract

This study offers the example of the National Front (Front National, FN), currently called National Rally (Rassemblement National, RN), to describe how the 'classical' extreme right party, founded in 1972 and initially thought ephemeral, was able to become a significant political factor in France, and a leading force of populist radical right parties in Europe. After a short historical overview, the paper focuses primarily on Marine Le Pen's major speeches during the migrant crisis of 2015-18. Beside the actual analysis of migration discourse, this offers a view of the communicational strategy and the ideology of the party: its interpretation of human rights, an ethnic approach to the idea of the nation, its concept of politics as a conflict zone, and its populist interpretation of democracy. Nevertheless, the vision of the future lurking in Marine Le Pen's speeches implies an omnipotent state, a closed society, and an authoritarian political system.

POPULIST TURN?

Based on its first two decades, social scientists have often characterized the 21st century as the age of populism (or even populisms). Cas Mudde has used the term 'Populist Zeitgeist' to indicate that "today populist discourse has become mainstream in the politics of contemporary western democracies".¹ Similarly Pierre Rosanvallon, in his *Le siècle du populisme*, describes populism as an influential phenomenon that "revolutionizes the politics of the 21st century," as it answers the need to "use a new language for determining a so far unknown dimension of the political cycle that evolves at the turn of the 21st century".²

Most researchers agree that populism is a widespread phenomenon, which is difficult to describe because of the various forms it takes (ideology, political system, discursive style, party or personality). Though it has no canonized definition, some cornerstones of populism have gradually been stabilized in the past decades — although according to Rosanvallon, despite the different typologies "the core of its basic elements" ("le noyau des éléments invariants")³ has not been identified. This

¹ Mudde, Cas: "The Populist Zeitgeist". *Government and Opposition*, Vol. 39, No. 4 Autumn, 2004, 542. https://www.jstor.org/stable/44483088?seq=4#metadata_info_tab_contents (Accessed 21 April 2021.)

² Rosanvallon, Pierre: *Le siècle du populisme*. Paris, Éditions du Seuil, 2020. 9–10.

³ Rosanvallon, 2020. 13.

can be related to the fact that populism is a 'fragmentary' ideology which, unlike other political ideas, can be linked to no key author and work like liberalism, conservatism or anarchism can, and which only has partial economic, social and political vision.⁴ Drawing on Michael Freeden, Cas Mudde characterizes populism as "thin centred ideology"⁵, which can then be linked easily to other ideologies. In contrast to individualistic society, it is motivated by creating a community, the need to rethink and recreate the notion of 'community'.

Populism appeared in Europe sporadically after 1945, and has become an unsurpassable phenomenon of political life since the 1980s. The rise of populism can be linked to several factors: the crisis of classical right-wing and left-wing parties, the alteration of party structures, the negative effects of globalization, the widening gap between the political class and other parts of society, and the fear generated by migration – just to mention the most important aspects.

After the millennium, one can witness not only the expansion of radical right-wing populist parties but also the change of themes and rhetoric. To indicate this change, relevant research relies increasingly on the terms 'new'- or 'neo-populist'. Its appearance is generally connected to the terrorist attacks on September 11 2001 and the financial crisis of 2008. Neo-populism resulted not only in the modification of earlier populist discourse, but also in the appearance of new *topoi*, the redefinition of the 'enemy', the strengthening of anti-migration and anti-Islam rhetoric and argumentation, the extension of the discourse of cultural threat, and in relation to this, the appearance of new forms of racism and nationalism. Moreover, there are signs that populist regimes, so far characteristic of Latin America, are being constructed in the European continent as well.

THE ROOTS OF THE FRENCH RADICAL RIGHT

The Front National is one of the oldest far right parties in Europe. The sources of this French rightist radicalism are to be found in the first decades of the Third Republic (1870-1940), which were infamous for financial scandals, political and ideological controversies (the Dreyfus affair, the Panama crisis, General Boulanger's attempted coup). As Raoul Girardet pointed out in his work on the changes of nationalism, the history of French political thinking was characterized by a nationalism which basically relied on the ideology of 1789 and the experiences of revolutionary home defense until the last decades of the 19th century. In the 1870s, this impetus was lost because of the defeat suffered in the Franco-Prussian war (1871), and was gradually replaced by a rightist nationalistic sentiment defined by

⁴ Gyurgyák János: Politikai ideológiák. In Gyurgyák (ed.): *Mi a politika?* Budapest, Századvég, 1994. 320.

⁵ Mudde, 2004. 544; and Rosanvallon, 2020. 14.

the experience of “*défaite*” and the weakening status among the great world powers. Thus, by the end of the 19th century a conservative, revisionist ideological system evolved on the political far right, which was not free from antisemitism even, and was linked with a desire for order and authority and a hostility towards democracy and parliamentarism.⁶ After the German occupation, the Vichy collaborative government (1940-1944) relied strongly on this radical right ideological framework shaped at the end of the 19th century. This ideology was also characterized by the traditionalism of Maurice Barrès, the ‘integral nationalism’ and anti-democratic sentiments of Charles Maurras, and the spirituality of his *Action française* and the ultra-rightist leagues of the 1930s, which in turn was linked with an antisemitic and anticommunist authoritarian system calling for a ‘national’ revolution.

Although far right movements in France since 1945 have been related to their 19th century beginnings and the myth of Pétain’s strong state ideologically and politically, their repeated emergence is connected to those social convulsions which France faced in the decades following its short post-WWII euphoria. The bloody war in Indochina (1946-1954), the war for independence of Algeria (1954-62), and the Évian Accords that were considered a newly inflicted defeat, turned those groups which were unable to accept the loss of Algeria — nationalist groups, paramilitary organizations and far-right movements — against the system of de Gaulle.

JEAN-MARIE LE PEN AND THE FRONT NATIONAL

The Front National⁷ was established by nationalist, monarchist circles, neo-fascist groups and Catholic fundamentalists, the proponents of French Algeria and ex-Poujadists in October 1972. From among these, the most influential group was the *Ordre nouveau* (New Order) founded in 1969. Its leaders, François Duprat and François Brigneau, followed the example of the Italian neo-fascist party *Movimento Sociale Italiano* (Italian Social Movement), aimed at creating an organization which would be able to unite the heterogeneous groups of differing views and tactics, and would ensure the possibility of fitting them into a democratic system.

Jean-Marie Le Pen was elected as the leader of the party: he started his political career in the movement of Pierre Poujade, considered to be one of the predecessors of populism. Le Pen intended to be the spokesperson for the “popular, social and national right”⁸, as he explained at his first press conference. Le Pen’s authoritarian but parliamentary views were soon challenged by the extremist ideas of Maurras propagated by Brigneau and his circle, and the disputes led to a breach. The party

⁶ Girardet, Raoul: *Le nationalisme français (1871–1914)*. Paris, Éditions du Seuil, 1983. 7–35.

⁷ Since the issues addressed in this paper concern mainly the period before 2018, I am using the earlier name of the party throughout the article.

⁸ Kauffmann, Grégoire: “Les origines du Front national”. *Pouvoirs*, 2, 2016. 13.

was predicted not to survive long, and the first results seemed to confirm this scenario: the Front National achieved 1.3% in the legislative elections in 1973; the founding president received only 0.7% (190,000 votes) at the presidential elections in 1974, and one year later only 0.3% in the legislative elections. With these results, the party barely reached the level of visibility.

The period of “crossing the desert”⁹, as Alexandre Dézé called the years after the party was founded, lasted for almost a decade. The turn in the party’s political fortunes arrived with the end of the so-called *Trente Glorieuses* (Thirty Glorious Years) era, marked by the second oil crisis, slowing economic expansion, growing unemployment, and social dissatisfaction. Recurrent themes of party discourse could be called “thin centered ideology”: this period marked the birth of the threefold slogan “immigration – insecurity – unemployment.” Linking these three suggested that immigrants were responsible for unemployment, increasing insecurity and the rising crime rate. Based on Duprat’s idea the slogan “Un million de chômeurs c’est un million d’immigrés en trop” (One million unemployed is one million immigrants too many) was born at this time, which presented unemployment as the social result of immigration.

The first signs of political breakthrough were seen at the canton elections in March 1982 — even though the European Parliamentary Elections held in June 1984 are usually viewed as the real political appearance of the party, during which the Front National led by Le Pen acquired 11% of the votes. After the temporary introduction of the proportional electoral system for the legislative elections, the party took almost 10% of the votes in March 1986, and got into the National Assembly for the first time by acquiring its highest number of seats ever (35 of them). After this success, the leader of the party and his views became increasingly well-known due to his more and more common appearance in the media and in television debates. Le Pen’s extremely nationalist, racist and openly antisemitic statements, which aroused tremendous uproar, can be dated to this period.

The renewal of the radical right ideology in general, and of the politics of the Front National in particular, was (and has been) influenced by the intellectual movement *Nouvelle droite* (Alain de Benoist, GRECE, Club de l’Horloge) that came into being at the end of the 1960s. As a result, Le Pen’s provocative expressions, and his racist and antisemitic language, became more subtle in the late 1980s. Instead of openly racist themes, racism was veiled by the idea of protecting cultural identity, which emphasized “the differences in stature and culture among the peoples” and questioned the chances of integrating non-European, primarily North-African immigrants.¹⁰

⁹ Dézé, Alexandre: *Le Front national: à la conquête du pouvoir?* Paris, Armand Colin, 2012. 55–56.

¹⁰ Taguieff, Pierre-André: “Réflexions sur la question antiraciste”. *Lignes*, 4, 1990. 15–52. <https://www.cairn.info/revue-lignes0-1990-4-page-15.htm?contenu=resume> (Accessed 21 January 2020.)

Despite transitional success, the Front National leader's political scope remained limited. He was becoming more and more marginalized and he could not overcome this situation, even with his historic success in the 2002 presidential elections when he got into the second round. He could not break the Republican coalition against him, neither could he renew the political direction of the party nor increase its electoral base. Eventually, the 82-year-old Jean-Marie Le Pen announced his resignation in April 2010, and gave over the party leadership to his youngest daughter, Marine Le Pen, in 2011 at the party congress in Tours. The new leader started a new kind of party, and appeared to leave far-right themes behind.¹¹

CONTINUITY OR DISCONTINUITY?

Marine Le Pen made it clear in her inauguration speech that her strategic goal was to transform the party into a “renewed, open and effective” organization, and to “get the power”.¹² Marine Le Pen not only brought a change in the communicational strategy of the Front National, but strove to change its mentality, and after a long quarantine, its appearance, to portray the Front as a presentable party that would be able to govern the country. At its inception, members of the Front National consisted of opponents of democracy and the republic, but after the change of leadership the party parades itself as the major defender of republican values and rights of freedom. The party's radical vocabulary has been toned down; the characteristic Jean-Marie Le Pen-style antisemitic and racist statements have disappeared from the party communications.¹³ A more markedly populist language and themes of a wider spectrum have appeared in the speeches of the new party. The reason for the breach with the past and for the new image was to reach out for a bigger electoral base, and results were coming in by 2012.¹⁴ At the same time, the prioritization of these values indicates an attempt to situate the party in a Republican political space.

¹¹ It must be noted here that the leader of the FN was often accused of nepotism and building a clientele, since the important decision-making positions of the party were ‘distributed’ among his family members and close friends. The ex-Secretary General of the Front humorously noted, regarding this practice unusual within democratic systems, that it would be more precise to call the party ‘*Front familial*’ instead of *Front National*. Perrineau, Pascal: *La France au Front*. Paris, Fayard, 2014. 61–63.

¹² *Discours d'investiture de Marine Le Pen*, Congrès de Tours, 16 janvier 2011. www.rassemblementnational.fr/videos/congres-du-fn-a-tours-discours-d-investiture-de-marine-le-pen/ (Accessed 21 January 2020.)

¹³ This process was described in French journalism and research as ‘de-demonization’. The victim of which was Jean-Marie Le Pen himself, who was expelled from the party by his own daughter.

¹⁴ The party led by Marine Le Pen received three times as many votes in the legislative elections as in 2007, and won two mandates in the National Assembly.

Academic research has interpreted the political change represented by Marine Le Pen in diverse ways. Some see it as a radical turn, others think of it as continuous with the party's traditional policies. Cécile Alduy argues for *continuity*, because she thinks that the Front National and its new leader follow the ideas of the old party, the ideological elements that were standardized in the 1980s.¹⁵ She claims that the change happened only on the level of words, not in the content and the ideology. It is a fact that Marine Le Pen has modernized the party with young faces and has introduced new topics into the party's program. But essentially, her way of thinking "remains remarkably similar to the perspective of the party's founder", to the values Jean-Marie Le Pen always professed: "the nation, the homeland (*patrie*), order, safety, work, family, France, the future of the French, and Jeanne d'Arc."¹⁶ According to Alduy, the renewal of the party and its image remain a disguise that only serves to make the Front National presentable and more acceptable for a wider audience.

As opposed to Alduy, Dominique Reynié emphasized *new elements* and maintained that the change was real, and was due to the weak results of the 2002 presidential elections and the 2007 national assembly elections.¹⁷ (Marine Le Pen worked as a member of her father's campaign staff for the first time in 2007.) In 2002 the leader of the party managed to get into the second round of the presidential election process. However, he was unable to raise the number of votes in the second round, which indicated the limits of Le Pen-ism. Reynié linked the change to the appearance of a new type of populism that he described, not so much as a French but rather as a general European tendency. He claims that this new kind of populism — which he calls 'patrimonial populism'¹⁸ — was born in the liberal Netherlands with Pym Fortuyn's movement in 2002. The movement criticized Islam on the basis of values like tolerance, human rights, and freedom of speech. In France, Marine Le Pen was using the same strategy when she defended gender equality, women's rights, freedom of speech and the press, and secularism (*laïcité*) against Islam.

¹⁵ Alduy, Cécile: "Nouveaux discours, nouveaux succès". *Pouvoirs*, 2, 2016. 17–29.

¹⁶ Alduy, 2016. 21.

¹⁷ Reynié, Dominique: "Le tournant ethno-socialiste du Front national". *Études*, 11, 2011. 463–472.

¹⁸ Réynié uses the term 'patrimonial populism' for the radical right-wing populism that focuses on defending the material and immaterial valuables of an ageing European population, in the face of the economic effects of globalism. This term describes the radical right-wing populism of Scandinavian countries generally, and does not cover the full extent of FN populism. Reynié, 2011. 467.

THE INTERPRETATION OF HUMAN RIGHTS

The leader of the party criticizes Islam in the name of respect for human rights and the secular state; yet in other contexts she refers to the relationship of the individual and freedom in a restrictive sense. For her, freedom does not appear as individual freedom but attains a collective quality. On the one hand, collective freedom is embodied in the freedom of the nation of France. On the other hand, it is strongly connected to an order and safety that she thinks can only be guaranteed by a strong state. In her speech to the party congress at Lille in 2018 she went even further, explaining that globalization produces a world of individuals who focus on their egoistic needs, which leads to the emptiness of individual freedom. Marine Le Pen opposes the 'I'-centered social perspective to the 'We'-centered one, and prefers the community to the individual. She links the feeling of belonging to the experience of belonging to a wider community, the nation. "We prefer 'We' to 'I' and think that existence is better than the possession of wealth"¹⁹ — she explains.

Starting in 2010 and peaking in 2015, the migrant crisis triggered the strengthening of radical right-wing parties in several European countries. Together with this, anti-migration discourse in populist disguise also got the upper hand. The crisis also strengthened the themes of anti-migration and anti-Islam in the communicational strategy of the Front National. The tone of Marine Le Pen's speeches changed: migration appeared as an eddying river that threatens the existence of Europe, and she envisioned war conditions in the manner of Enoch Powell's infamous "Rivers of Blood" speech. Whilst she emphasizes the priority of basic human rights, she proposes discriminative and stigmatizing solutions for actual issues, and she does not distinguish between economic migrants and political refugees. This kind of double discourse is quite palpable in relation with migrants and the regulation of their status.²⁰ Marine Le Pen tries to justify a series of sanctions for the defense of the nation by threats of the migration crisis. She announces zero tolerance against immigration, which in effect means that she would reduce the number of migrants to zero. She would reach this by two kinds of measures: on the one hand she would withdraw migrants' rights to social services (benefits, free housing and medical care, etc.); and on the other hand she would impose physical obstacles, and close down external (Schengen) and internal (French) borders.²¹ The latter involve areas that play a key role in securitization.

¹⁹ Discours de Marine Le Pen au congrès du Front national à Lille, 11 mars 2018. <https://rassemblementnational.fr/videos/discours-de-marine-le-pen-au-congres-du-front-national-a-lille/#> (Accessed 2 April 2021.)

²⁰ Marine Le Pen et les libertés: une remise en cause derrière des déclarations de principe, 12 04 2017. <https://www.amnesty.fr/liberte-d-expression/actualites/lepen-libertes> (Accessed 7 June 2021.)

²¹ Discours de Marine Le Pen à Brachay le 29 août 2015: retranscription manuelle, 23–31.

Radical right-wing parties use the issue of securitization to provoke and maintain the fear of immigration.²² The discourse of securitization plays an important role in Marine Le Pen's politics as well, in that it represents migration as an economic, cultural, and religious threat. She reused the triadic slogan of the party from the 1980s: "immigration – insecurity – unemployment" in the form of "immigration – communitarianism – Islamic fundamentalism" to link new issues. After the terrorist attacks in Paris in 2015, she added the issue of terrorism too.²³ The Front National posits a direct relationship between immigration, the spread of radical Islam in Europe, and terrorism. Marine Le Pen defines Islamic fundamentalism as a "totalitarian ideology", and terrorism as a weapon serving the purposes of fundamentalism.²⁴ She has declared an "ideological world war" against terrorism, following the lead of George W. Bush's communicative strategy after the terrorist attacks on September 11 2001.²⁵

NATION AND NATIONAL IDENTITY

In this situation, Marine Le Pen felt an urgent need to defend French historical and cultural heritage, nation and national identity. Her ideas of the nation and of nationalism are composed of several elements. In order to strengthen social cohesion, she highlights the importance of a national feeling and of identification with the national community.

*We believe in the nation. The nation, as we have always maintained, is the only measure of national unity, it guarantees the safety, cultural extension or simply the independence of a people. We, being connected to identity instinctively, know that the feeling of identity is the strongest, that it exceeds all artificial intellectual constructions and rejects truths remote from reality.*²⁶

https://dial.uclouvain.be/memoire/ucl/en/object/thesis%3A12203/datastream/PDF_08/view (Accessed 20 January 2020.)

²² Feischmidt Margit: "Manipulált félelmek és dehumanizált idegenek". *Régió*, 4, 2016. 5–10. I would like to thank Éva Gedő for drawing my attention to the role of securitization in the political discourse against migration.

²³ Discours de Marine Le Pen (Vendredi 1er mai 2015). <https://rassemblementnational.fr/discours/discours-de-marine-le-pen-vendredi-1er-mai-2015> (Accessed 20 January 2020.)

²⁴ Discours de Marine Le Pen à Ajaccio (Corse) le 28 novembre 2015: retranscription manuelle, 43. https://dial.uclouvain.be/memoire/ucl/en/object/thesis%3A12203/datastream/PDF_08/view (Accessed 20 January 2020.)

²⁵ Discours de Marine Le Pen à Brachay le 29 août 2015: retranscription manuelle, 31; and Discours de Marine Le Pen à Lille le 30 novembre 2015: retranscription manuelle, 64. https://dial.uclouvain.be/memoire/ucl/en/object/thesis%3A12203/datastream/PDF_08/view (Accessed 20 January 2020.)

²⁶ Discours de Marine Le Pen à Lille, 67.

Beside the idea of belonging to a community, her conception of the nation is informed by revolutionary, republican, and national symbols as well (like the hymn “invoking the nation”, the flag as “the symbol of national unity and freedom”, national holidays, etc.). An iconic figure of this symbolism is Jeanne d’Arc.²⁷ The cult of Jeanne d’Arc has always been an important element in the political and ideological arsenal of the party, and — similarly to its founder’s talks — represents a recurring theme in Marine Le Pen’s speeches, too. Jeanne d’Arc appears as the symbol of Christianity, patriotism, and heroism. Marine Le Pen uses the Jeanne d’Arc story to draw a historical parallel between the Hundred Years’ War and contemporary France. She implies that contemporary France needs exactly that kind of heroism and self-sacrifice in the fight against unemployment, immigration and Islamic fundamentalism, that Jeanne d’Arc took it upon herself to fight against the English, i.e. foreign intruders, in her own age.²⁸

Although she integrates elements of Republican national identity construction into the views of the Front National, for Marine Le Pen the idea of the nation is a primarily ethnically oriented approach. Her idea of the nation does not entail a community of equal citizens but, continuing the concept of the founder of the party, is an ethnically rooted collectivity. As opposed to the idea of ‘imagined communities’ described by Benedict Anderson, a widespread reference in academic literature, the concept of the party stays closer to Anthony Smith’s ethno-symbolist notion of nation.²⁹ Modernists, Benedict Anderson among them, think of the nation as a product of the modern age; they equal nation formation with industrialization and connect it to different phases of capitalism. Anderson, in his notion of nation, emphasizes the importance of the invention of book printing (the role of ‘print-capitalism’) which contributed to the emergence of the united national languages, then “the convergence of capitalism created the possibility of a new form of imagined community, which in its basic morphology set the stage for the modern nation.”³⁰

In contrast, Smith places the emphasis on the pre-modern roots of nations and their organic development. He does not deny the role of the modern era in the emergence of nations, but according to him the ethnic communities and the

²⁷ “For our party, remembering Jeanne d’Arc equals the celebration of the state, the defense of the national community” – emphasizes Marine le Pen. Discours de Marine Le Pen (Vendredi 1er mai 2015). Although the date of Jeanne d’Arc Day is May 8th, the anniversary of the reclaiming of Orléans in 1429, the party has traditionally celebrated it with a parade on May 1 since 1988, connecting the festival of the workers to the festival of the homeland, or, as the ex-Secretary General of the party articulated it: the social and the homeland (le social et la patrie). https://www.liberation.fr/france/2015/05/01/pourquoi-le-fn-defile-t-il-le-1er-mai_1272058/

²⁸ Discours de Marine Le Pen (Vendredi 1er mai 2015).

²⁹ Alduy, Cécile – Wahnich, Stéphane: *Marine Le Pen prise aux mots*. Éditions du Seuil, 2015. 123.

³⁰ Anderson, Benedict: *Imagined Communities*. London – New York, Verso, 1989. 49.

‘ethnic core’ had already existed before (in the pre-modern eras) and had played a crucial role in the formation of a nation. Smith mentions the collective name of the ethnic group, its myths of origin, ideas of common territory and homeland, common culture, language, customs, religion, and the sense of solidarity among members of the community as common features of ethnic communities.³¹ He argues that “since nations contain elements of both ethnicity and citizenship, they are usually organized around an ethnic core.”³² Finally, in the nation-building debate between modernists and ethno-symbolists Marine Le Pen clearly takes the side of the second opinion as the term *autochtone* (*Français de souche*, native-born) often used by Jean-Marie Le Pen implies too.

This ethnic conceptualization of the nation is rather exclusive than inclusive. Marine Le Pen’s idea of the nation only allows for the inclusion of assimilating immigrants, and immigrants who accept assimilation. This view rejects multicultural society and contests the possibility of different cultures and ethnic-religious communities living together peacefully. She shares the populist argument of the radical right that Europe has the right to prevent the mixing of cultures. It maintains that multiculturalism poses a threat to French national identity because it disrupts national cohesion and generates conflicts — in other words multicultural society equals multiconflicted society.³³ The party endorses ‘Republican assimilation’ that “strengthens and unites the national community, as it takes a firm stand on the conditions those must fulfill who want to live on our land. Being French can be inherited or it needs to be deserved.”³⁴ Citizenship is conceived of as the main goal of assimilation and it has several preconditions: “one needs to be able to speak French, to eat the French way, to live like the French, respect French laws, learn about French history, and integrate its values.”³⁵

The strategy of assimilation by the Front National is based mainly on adaptation, respect for law and culture, and the acceptance of the majority lifestyle and values. Marine Le Pen stresses the need to assimilate immigrants (primarily Muslim), despite the fact that a rigid interpretation of assimilation may strengthen segregation and communitarianism further, while its more inclusive interpretation relates more openly to distinctions of culture and religion. This strategy opposes immigrants’ efforts towards the less rigid interpretation of assimilation, because it holds the inclusive version to be antithetical to Republican tradition and an attack on secularism. It considers a lax immigration policy and minimal integration to be

³¹ Kántor Zoltán: *Nacionalizmuselméletek*. Budapest, Rejtjel Kiadó, 2004. 208–209; and Smith, Anthony D.: *The Ethnic Origins of Nations*. New York, Basil Blackwell, 1986. 21–41.

³² Kántor Zoltán, 2004. 213.

³³ Discours de Marine Le Pen à Ajaccio (Corse), le 28 novembre 2015. 50.

³⁴ Ibid.

³⁵ Ibid.

responsible for the current situation.³⁶ It therefore claims that France must create a new kind of identity politics, and reassess and tighten the conditions of citizenship.

A SYSTEM OF ANTAGONISM

In relation to social and political conflicts, the Front National takes the classical argumentational strategy of populism. In contrast to the principles of liberal politics that seek compromise and consensus, the party draws on Carl Schmitt's idea of the friend and foe relation, and regards politics as an area of escalating conflicts. The 'fight' is fought on several levels: its economic aspect is the attack levelled against globalization, its political aspect is the battle against the elite that embodies liberal political culture, while on a religious level a war is waged against Islam. Marine Le Pen envisions the model of a dichotomous society that is based on diverging interests and values, where the basic disagreement is embodied by the conflict between the 'patriots' represented by the Front National — who defend the interests of the nation — and 'globalists' who serve foreign interests. This notion of the enemy enables her to lump together and place on the same ideological platform political formations that are in fact very wide apart on the political palette. This projection of the enemy's image gives birth to combinations in her speeches that do not exist in real life: the centre-right party UMP (Union pour un mouvement populaire) and PS (Parti socialiste) become joined in UMPPS, and later the connection of the parties LR (Les Républicains) and PS, which are joined in the also nonexistent LRPS.³⁷ This dichotomous model, limited to the friend-foe relation, divides economic, political, and social life in two like a fissure. The common enemy and the threat against the country reinscribe differences of interests between classes in the political discourse of the Front National.

This allows Marine Le Pen to transcend the multi-party system of pluralist democracy and present her party and the 'patriots' behind it as the only alternative force representing the interests of the whole nation, positioning them as the only true Republicans. In this projected 'fight' the National Front appears as the symbol of 'resistance' and national unity, and Marine Le Pen becomes the savior

³⁶ Later on the term 'assimilation' was replaced by 'integration', an expression 'more presentable' in the party discourse.

³⁷ Discours de Marine Le Pen à Arras le 30 juin 2015: retranscription manuelle, 3–6. https://dial.uclouvain.be/memoire/ucl/en/object/thesis%3A12203/datastream/PDF_08/view (Accessed 20 January 2020.); and Discours de la Présidente du Front national à l'occasion du banquet patriotique et populaire qui s'est tenu à Paris le premier mai 2016. <https://rassemblementnational.fr/discours/1er-mai-2016-discours-de-marine-le-pen/> (Accessed 22 January 2020.)

of the country.³⁸ The new name of the party, 'Rassemblement National', accepted in 2018, implies this drive for unification beyond social and political divisions.

The "fight for the independence and sovereignty of France" against the European Union plays a major role in the program of the radical right party. The Front National accepts the doctrine of the four sovereignties instead of the Union's four fundamental freedoms. As of today, there are three remaining sovereignties to reclaim for France: *political* (strengthening of the Member State's competences within the EU), *economic* (protectionism with national priorities), and *territorial* (exit the Schengen zone, reinstate national borders and border control). From 2018 on, themes like *monetary* sovereignty, leaving the Eurozone, reintroducing the national currency, and the plan to leave the EU (Frexit), were left out of the party manifesto as 'not current.' All these measures would serve to restrict Community competences, reduce the dependence on Brussels, and extend the role of member states. Marine Le Pen also questions the efficiency of EU policies in managing the migration crisis politics.

THE CONCEPT OF DEMOCRACY AND THE STRATEGIC STATE

It can generally be stated that criticism of democracy within populism reacts to signs of a crisis of liberal democracy, a disappointment with representational democracy, corruption scandals, and loss of trust in the political elite. It is seemingly driven by the impulse to renew democracy. Populism resurrects the conflict between democracy and liberalism, and as Nadia Urbinati claims, "it repeats the initial democracy-debate on another level".³⁹ In other words, with the invention of a populist reading of democracy, the traditional synthesis between liberalism and democracy established in the mid-19th century is disrupted, and democratic majority will and principles of liberalism (like tolerance or minority rights) are played out to oppose each other.

The debate is centered on Rousseau's theory of *souveraineté populaire* and *volonté générale* and its populist interpretation. According to the populist conception, on the one hand the main source of power is the people, and the people's power cannot be limited; and on the other hand the role of politics should be the expression of the people's general will.⁴⁰ This interpretation of general will is based on taking the

³⁸ War rhetoric forms a dominant part of Marine Le Pen's political vocabulary. (Political life as a battlefield, the opponent as enemy, the enemy needs to be fought against, defeated, eliminated; the country is threatened, it needs to be defended, etc.)

³⁹ In Benedek István: "Üdvözetlet a győzőnek? A populizmus térhódítása: szükséges fordulat, múltó korszellem vagy autoriter veszélyforrás?". *Jelkép*, 2, 2019. 27.

⁴⁰ Mudde, 2004. 562.

majority will for the general will, regarding it exclusive and thereby disregarding the minority will.

Populist ideas about the renewal of democracy are motivated by the critique of the above mistakes of representational democracy, and the approval of direct democratic methods, which aim at correcting the mistakes of indirect democracy. The thought of using plebiscite political means already came into being at the time of Jean-Marie Le Pen in the 1980s, in the elite circle around the *Nouvelle droite* and the leadership of the Front National. They critiqued indirect democracy as the monopolization of representation by the political elite, and wanted to return power to the people in the form of popular initiative.

Marine Le Pen's resounding interpretation of democracy finds its ideal definition in the works of the royalist essayist-philosopher Claude Polin, who belonged to the *Nouvelle droite*.

*‘The person elected by the people to represent it is only a shadow of the people, yet the people put him above themselves, to be able to follow him better.’ Rarely have I found a finer definition that would tally with my thoughts better. The President of the Republic, even if he is elected, does not possess the vote of the French people, but is the representative of it, acts upon the request of the French people, but in a democracy the people must always have the possibility to express their will directly, in case they wish to.*⁴¹

Marine Le Pen posits a unified, homogeneous people, and like populist leaders she does not acknowledge the possibility that the leader's will and the will of the people they 'represent' may differ. On the contrary, the will of the people is incarnate in the will of the leader. Such an identification of the leader with the people — which is usually a feature of Latin-American populisms — appeared already in the pun “Le Pen = Le Peuple” (Le Pen = the people) by Jean-Marie Le Pen, but it appears on Marine Le Pen's poster as well: “La Voix du Peuple – Marine le Pen” (The Voice of the People – Marine Le Pen).

Marine Le Pen insists on the use of popular initiative as a way to renew democracy. Her idea relies on Italian examples, and she plans to initiate a popular referendum when 500,000 citizens sign the call for it. At the same time, she aims to end the confusion among the different levels of administration and to simplify and distribute competences clearly, which would result in a more transparent operation. In connection with this, the reduction of the number of the Senate and the National Assembly also appears in her political program.⁴² However, Le Pen's idea of democracy — centered on the popular initiative — is not based on genuine

⁴¹ Discours de la Présidente du Front national à l'occasion du banquet patriotique et populaire qui s'est tenu à Paris le premier mai 2016.

⁴² Ibid.

social participation rooted in citizen's active agency, but rather on following the leader as the voice of the people. Her concept of plebiscite democracy amounts to a regulated and 'controlled' form of participation that may also allow for limiting the operation of democratic institutions and the evasion of intermediary corps, if these stand in the way of the expression of people's general will.

Marine Le Pen draws a dramatic picture about the decline of the country and the moral and identity crisis caused by immigration. She sees one solution: the *strong state*, because it is only "the state that serves the national community, defends, and is efficient" that can ensure secularism, republican principles, and the withdrawal of radical Islam. The 'Strategic State', as she calls it, is both defensive and innovative, and guarantees safety. It has a central role in managing the economy and in supporting investments. At the same time the ideal state, according to the Front National, envisions the creation of new workplaces and access to employment in a discriminative way by eliminating the foreign (primarily non-European) workforce. Similarly, social benefits are also thought of in the framework of national protectionism, as the party holds that the social functions of the state are to be performed not by relying on the principle of humanitarian solidarity, but rather by relying on the policy of 'welfare chauvinism', and taking consideration of the 'national priorities' mentioned above.

The Rassemblement National has redrawn the electoral map of the country in the past decades, and has become a significant factor in French political life. To achieve this, Marine Le Pen, following her father's example, has relied on populism as a consistent communicative strategy. She has taken over its classical topics, whilst also preserving several ideological elements of the old Front National and adopting new themes of neo-populism at the same time. She can be characterized by both an ideological continuity and a new communicational style, in that beside her new linguistic and rhetorical strategies, thematically she remains strongly connected to the doctrines of the founder of the party.

The vision of the future lurking in Marine Le Pen's speeches implies a monolithic system and an intolerant, closed society. The discriminative application of human rights, the concept of the omnipotent state, the exclusive notion of the nation, and the idea of democracy, project the image of an authoritarian regime. The chances of further political success of the Rassemblement National – without a stable ally – will most likely be determined by French domestic policy and migration, and related tensions of multicultural coexistence.

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THE NATIONAL RALLY IN 2020: STRENGTHS AND WEAKNESSES OF THE RADICAL RIGHT IN FRANCE

JEAN-YVES CAMUS

Abstract

The Front National, now renamed the Rassemblement National, has become a potent political force that challenges the hegemony of the mainstream conservatives in the wider spectrum of the French Right. With more than 20% of the national vote, and a solid core constituency among the working class and the lower-middle class, it remains, however, an outcast party, because of the racist and antisemitic ramblings of its founder and former chairman Jean-Marie Le Pen. This paper attempts to assess the strengths and weaknesses of the RN, two years away from the 2022 presidential election. It contends that, while Marine Le Pen's mainstreaming strategy had enabled her to gather 33% of the popular vote in 2017, the RN remains the 'excluded part' of the political system — that is, a party which cannot achieve any coalition agreement with the mainstream right, and therefore is unlikely to come into power. The core values of the RN — populism, nationalism, and ethnocentrism — are gaining ground in the population at large, thus ensuring that the RN will remain a relevant party. However, its sociological base is too narrow, and its image as an extreme party is too strong to give Le Pen the path to victory.

INTRODUCTION

Following the Front National conference held in Lille on 11 June 2018, the name of the party changed. On the proposal of Marine Le Pen it became the Rassemblement National (RN). This change of denomination — intended to further 'normalize' the party after the 2017 presidential election that Le Pen lost to Emmanuel Macron by a wide margin (66% versus 33%) — was approved by 80% of those rank-and-file, dues-paying members who were asked to vote on the new statutes. Le Pen's idea was to definitively break away from the hardline political line imposed by her father, Jean-Marie Le Pen, who was known for racist and antisemitic ramblings that gave his party no chance of being accepted even as a minor coalition partner by the mainstream conservative right. Such an aggiornamento was not easily achieved: only 53% of the party members bothered to vote, which is certainly proof that the 'old-style' party was preferred by a significant proportion of militants. Marine Le Pen however was smart enough to understand that while the FN boasted only 51,000 dues-paying members, she had been voted in by 10 million people in the second round of the 2017 Presidential election. The change of name was intended for them, not for the militants, and for those who

were still uneasy about joining the ranks of FN voters. Indeed, they, and they only, have the capacity to make Le Pen president in 2022.

Since Marine Le Pen took the helm of FN in January 2011, she has pursued a policy of what is known in French as ‘dédiabolisation’, which can be translated as ‘mainstreaming’. Some historians¹ consider that the change of party name is phony and means nothing in terms of ideology, even reminding us that the National Rally is very similar to the name of the pro-Nazi National People’s Rally (RNP) founded by Marcel Deat (1941). This interpretation seems highly exaggerated, and is in line with the long tradition of French scholars who, since the 1980s, have tended to portray the party as being “Fascist in disguise”, without paying attention to the RN’s capacity to adapt to the democratic system and at the same time move from the traditional extreme-right to the populist radical right, while staying true to its agenda of nationalism, opposition to multiculturalism and further immigration. Except for the fact that RN, as opposed to FIDESZ and PiS, does not refer much to Christian values and stays away from controversies on same-sex marriage and abortion, the party can be said to support ‘Illiberal Democracy’, blended with a call for more direct consultation of the people through referendum, in a distinctly French tradition going back to the Third Empire.

Renaming the party responds to a clear political goal, which is to put an end to the isolation from which the RN suffers by appealing to all the ‘patriotic’ forces who wish to unite against the ‘elites’, embodied in the world of finance and liberal globalization. To achieve this, the RN is working to hasten the split of the traditional conservative right, in particular the Republicans (LR), hoping that the most conservative voters and elected representatives of LR will cross the floor to the RN because they share the party’s ideas on sovereignty, traditional values, and the motto of “France to the French”. The RN, whose motto remains “Neither Left nor Right” also hopes to attract voters from the left who have lost faith in social democracy and even in Jean-Luc Mélenchon, the leader of the radical left ‘France Insoumise’. Le Pen, who in an interview with this author claimed the vote for her party was “almost a class vote” of the workers, the unemployed and the lower middle-class, wants to convince more voters from the lower, less-educated segments of the population that she is the best defender of the welfare state, decent pension plans, keeping industrial jobs in France, and protecting French industry from dumping through Trump-style protectionism.

This question of the name of the party leads us to consider that of the ideological classification of the RN. The Front National was unquestionably born on the extreme-right. It then became a radical right populist party in the sense given to that term by Cas Mudde.² There remains some ambiguity, however, as there

¹ See Igounet, Valérie: “Le Front national ne s’affranchit en aucun cas de son histoire”. *Le Monde*, 12 mars 2018.

² Mudde, Cas: *Populist Radical Right Parties in Europe*. Cambridge University Press, 2015.

is no survey that can prove that the rank-and file militants genuinely endorse the new course set by Marine Le Pen. Do they simply want to close the door to new immigration and deport illegal foreigners, or are they still supportive of the repatriation of all non-European residents advocated by the FN before 2011? Do they agree with Marine Le Pen that assimilation into French society is something one can achieve, regardless of the color of their skin or their religion, or do they believe, as the extreme-right *Génération Identitaire*³ does, that French and European identity lies in your genes, so that assimilation is simply not possible even for those who want to adopt French values and culture? This issue is of the utmost importance, because we have to know whether Marine Le Pen made purely tactical changes, or really believes in the ideological shifts she adopted.

THE PROGRAM: ANTI-IMMIGRATION NATIONALISM, IDENTITY, AND LAW AND ORDER

This being said, we need to look at the electoral sociology after the 2017 presidential election, and present the salient features of the party's program.

Marine Le Pen's party has a goal of conquering power. She says: "Our will is to come to power"⁴ and describes a future 'victory course', the first step of which is supposed to have taken place taken in May 2019 with the elections to European Parliament (with RN finishing first with 23.34%), then with the City Council elections of March 2020, followed by the departmental and regional elections in 2021 and culminating with the presidential election in the spring of 2022. This strategy of conquest has the peculiarity of being undertaken with a program whose core items remain those of the pre-Marine Le Pen era, albeit with a different wording. Before the 2017 presidential election, 82% of Marine Le Pen voters considered the issue of the fight against terrorism to be 'decisive'; 84% decided their vote because the party stood against illegal immigration; 71% backed the party because they wanted higher wages and increased purchasing power; and 72% backed the party's program of fighting crime. By contrast, only 46% of Marine Le Pen's voters considered the issue of public debt to be decisive; only 37% were interested in environmental issues; and 52% in the situation of the educational system. In addition, the party manifesto revolves around the two key concepts of

³ *Génération Identitaire*, formerly *Bloc Identitaire*, is a group of Extreme-Right activists founded in 2012. It was banned by the government in March 2021, on the grounds of inciting racial hatred and discrimination. Several former activists of the group have joined FN and RN, either as elected officials or as staff members of FN/RN elected officials. Its Hungarian-sister movement is *Identitás Generáció*.

⁴ Those were Le Pen's words in the speech she gave at the opening of the campaign for local elections, on 12 January 2020. The elections were held in March, 2020.

sovereignty and identity. Its response to the first issue is the negotiated withdrawal from the European Union, unless Brussels agrees to allow France to regulate its economy without obeying the guidelines of the EU, which is of course impossible. Therefore, Le Pen says she will finally put the question to a referendum, probably at the end of her presidential term and not as a first step when she is inaugurated. She has dropped the idea of opting out of the Euro, but wants to establish tariff protectionism on imported goods, whether they be agricultural or industrial. The party now claims that its concept of national sovereignty is drawn from the ideas of Général de Gaulle at the time of the Common Market — that is, supporting cooperation with other European countries, but explicitly refusing the Federalist approach and the superiority of European law over national legislation passed by parliament. Although this is not often mentioned in Le Pen's speeches, the party in fact stands against all forms of supranational governance, not only against the EU — and that raises the topic of France's future membership of NATO.

As for the concept of national identity promoted by the RN, it is based on the 'droit du sang' (jus sanguinis) — that is, one is a French citizen if born of French parents, whereas citizenship is now automatically granted according to the 'droit du sol' (jus soli) to all people who become 18 and are born of parents who are foreign nationals. The possibility to acquire French citizenship by naturalization remains, but is conditioned on total assimilation, much as the Danish system — that is, under very restrictive conditions. The party stands for the French tradition of secularism (laïcité), that is, the separation of Church and State. The influence of Catholic traditionalists has vanished, those being found mainly among the supporters of Le Pen's niece Marion Maréchal, a former MP who has now moved away from partisan politics but is seen as a possible contender for the party leadership in case Marine Le Pen retires after 2022. Marion Maréchal is ideologically much akin to FIDESZ and can be best described as a National-Conservative who is resolutely on the right. RN does not deny the role of Christianity in the shaping of French cultural identity, but it is not central. Islam, on the other hand, is a very sensitive issue. 85% of those who vote for RN say Islam has no place in France⁵, and the supposed 'Islamisation' of the country is regularly denounced by Le Pen. But she is clever enough to distinguish between Political Islam, that is the Salafis and the Muslim Brotherhood, and 'peaceful' Islam, a religion which can fit into the secularist model.⁶ However, the notion of secularism has been hijacked by the RN, which is not satisfied with the separation of Church and State: the party wants to prohibit Jewish and Muslim religious symbols in the public space (including in

⁵ See this survey from *Le Journal du Dimanche*, 26 octobre 2019. SONDAGE. Face à l'islam, les Français s'inquiètent (lejdd.fr)

⁶ Marine Le Pen, 7 October 2012. "The French know one should not equate Radical Islam with those Muslims who totally accept the secularist model of our country."

the street), ban kosher and halal ritual slaughter, and abolish public funding for so-called ‘community’ associations, even when those have cultural purposes only.

It is the issue of citizenship and French identity that still separates RN from the mainstream conservative right. When it was in power under President Sarkozy (2007-2012), the right did not implement the FN proposals of priority access to employment, housing and social benefits for French citizens. The right claimed its goal was to allow in only 10,000 immigrants per year, admitted on the basis of professional skills, but the figure for 2012 was 230,000 new immigrants, according to figures released by the government⁷, and *jus soli* was not abolished. The current leadership of the RN, on this issue, is under a double-bind: its manifesto is much more radical than that of Les Républicains (whose voters, by the way, are not totally in tune with the party leadership, in the sense that many voters agree with the RN) and at the same time the RN must adapt its semantics in order to avoid being labeled an ‘Extremist’ party. Thus the *national preference* has become the *national priority*, the *reversal of migratory flows*, meaning the return of foreigners to their ‘native’ countries, has given way to a *reduction in the number of foreigners admitted to France*. Marine Le Pen’s presidential program uses the vocabulary and proposals of the Swiss Union Démocratique du Centre (UDC): it lambasts *mass immigration*, calls for the automatic deportation of criminal foreigners, and wishes that EU countries not let any further refugees in. The future of the RN and Le Pen may lie in the attitude of conservative voters on the immigration/identity issue. In 2006, 62% of conservative voters thought that there are too many immigrants in France. In 2020 the proportion was 87%, and 38% of those who had voted for the Conservative candidate François Fillon in 2017 were in tune with the RN on immigration.⁸ If the most right-wing faction of Les Républicains switches allegiance to Le Pen in 2022 because of the immigration issue, she can expect to narrow the gap that separates her from power. To add concern, the RN can capitalize on the usual core values of populism — that is, the gap between the elites (social, economic and political) and ‘the people’, who are told they are being deprived of their rights to decide their future: a rhetoric that has become very popular with the Yellow Vests movement (2018-2019) and the sharp turn to the right of President Macron’s social policies on pension reform and budgetary constraints. The solution proposed by the RN is the systematic recourse to a referendum of popular initiative on both social and local issues, as well as the introduction of legislation allowing citizens to recall their parliamentarians.

For the same reasons, we will insist on the anti-liberal turn taken by the RN under Marine Le Pen, whose presidential manifesto included a chapter entitled *The Strong State: Building the Etat-stratège* — that is, promoting regulation of the

⁷ See 10 chiffres qui vont vous surprendre sur l’immigration en France | Gouvernement.fr

⁸ See this survey, dated 5 February 2020: Thus in 2006, 62% of UMP voters thought “that there are too many immigrants in France”: this rate of agreement is now 87%.

economy, financial markets and monetary policy by the centralized State. This chapter heading continues with the following sentence:

Employment, the reindustrialization of the country, equality between the French, land planning and the vitality of public services depend on such a State. Because of our national history, it is naturally the State which will be the spearhead of this new potency of France: a strong State capable of imposing its authority on the money powers, communitarianism and local feudalism.⁹

The comeback of the State means a return to strategic economic planning; it also means ignoring the European directives which impose privatization of public utilities, as the RN instead stands for State supervision of banking activities, the separation of deposit banks and investment banks, the establishment of a global tax on financial transactions, and the possibility of nationalizing credit institutions. At the time of the big strikes that took place in 1995, the FN of Jean-Marie Le Pen had timidly embarked on a short-lived ‘social turning point’, whose credibility had remained nil, because Le Pen Sr. remained a faithful Thatcherite/Reaganite. This social shift is now in place and is credible because it meets the expectations of the RN electorate.

A POPULIST AND PROTEST POLITICAL FORCE, BUT NOT ONLY THAT

The FN/RN has never participated in any government coalition, whether at the national or regional level. This enables the party to catch voters who are disillusioned with the parties that have alternated in power since 1981, namely the Socialist Party and the Conservatives. Since the 1990s the party has embodied the ‘tribunician function’ that Georges Lavau attributed to the Communist Party.¹⁰ The only novelty is that it now shares this function with the Radical Left represented by France Insoumise, the party led by Jean-Luc Mélenchon, whose electoral success (19.58% in the 2017 presidential election) reached a record level that testifies to the emergence of another powerful form of protest against liberalism and the ‘system’. France Insoumise’s success, however, rests on values that are intrinsically different from those of the RN, because Mélenchon stands for the multicultural society, welcomes the melting-pot, and supports accepting refugees — being true to his personal history as a former Trotskyite and a former Socialist minister. We must therefore determine exactly what contributed to the Frontist vote in 2017, and what is the sociology of the RN’s voters.

⁹ See 144-engagements.pdf (rassemblementnational.fr)

¹⁰ Lavau, Georges: “À la recherche d’un cadre théorique pour l’étude du PCF”. *Revue française de science politique*, 18-3, 1968. 445–466.

According to an IPSOS-Steria survey published in April 2017¹¹, Marine Le Pen leads the working class and lower-middle class, with 32% of the votes of the employees and 37% of those of the workers. It also mostly appeals to the unemployed (26%) and public employees (27%). Also, her voters are the least educated, with 30% of them having only finished secondary school, whereas 30% of those holding a university degree voted for Macron, 24% for Fillon, and 20% for Mélenchon. In terms of age group, Marine Le Pen led with 29% among those aged between 35-49, and received 27% among 50-59-year-olds, meaning her electorate is that of citizens who are professionally active, as opposed to the 18–24-year-olds who gave her only 21% (she polled 24% among those 25-34). Finally, the electorate of seniors is not keen to vote for Le Pen, who received only 19% of the votes among the 60-69-year-olds, far behind Fillon (27%) and Macron (26%). This rejection increases further among those over 70, 49% of whom voted Fillon, 27% Macron, and only 10% for Le Pen. The reason is to be found in the importance of stability for the baby-boomers and those older, who seem to be uneasy with the possible troubles that could follow the coming to power of the RN, and who are quite happy with the conservative fiscal policies of both Fillon and Macron.

There is a need to geographically locate the areas of strength of the RN vote. It is clear that large cities vote very little for the RN (less than 5% in Paris; 7.39% in Bordeaux; 8.86% in Lyon) with the exception of Marseille (23.66%). The rule according to which “the further one moves away from the big cities, the more the Frontist vote increases” remains true, and the rural or peri-urban territories sometimes put Marine Le Pen first on the second ballot (in the département of Aisne with 52.91%) or very close to the majority (Haute-Marne: 49.52%; Southern Corsica: 49.41%; Ardennes: 49.27%; Meuse: 48.38%; Haute-Saône: 48.29 %). Compared to 2012, Marine Le Pen has seen her score increase almost everywhere, but more than the average in the north (+ 9% in Pas de Calais) and north-eastern France and in the Var. This finding seems to confirm the idea of a local establishment which is growing in areas where the FN exercised municipal responsibilities since 2014, and where there has been field work undertaken for a long time by well-established local officials from the region or at least ‘working’ it with constancy. This was also verified in the legislative elections where the FN obtained 5 seats out of 8 in the two departments of Nord and Pas de Calais, including that of Marine Le Pen, elected with 58.6%, while she won 2 in Hérault and Gard, where she manages the towns of Béziers and Beaucaire, the last seat narrowly falling to Louis Aliot, vice-president of the National Front and companion of Marine Le Pen, elected in Perpignan where he is very present, with 50.56%.

This tribunician function, which appears clearly in the percentage (around 40%)

¹¹ See 1er tour présidentielle 2017 : sociologie de l'électorat | Ipsos. All data in this paragraph comes from this survey.

of Frontist voters expressing their overall rejection of the political system (which is also evidenced by the structural rise in abstention, which reached 25.3% in the second round of voting in the presidential election, and 56.83% in the second round of legislative elections) should not lead us to consider the FN vote as merely a protest vote. While there is an anti-establishment dimension to it, FN voters also believe in a set of ideas that has remained stable for decades, such as the anti-immigration and anti-multiculturalist mindset. Prior to the 2017 election, 96% of those who intended to vote for Le Pen said they really wanted her to be elected, which proves that they trust her capacity to hold office. Just a reminder: the Poujade movement of the 1950s, which was considered the most successful attempt at building an anti-system populist party in the post-1945 era before the FN was launched in 1972, only lasted between 1953 and 1958. When President Charles de Gaulle came to power in 1958, Poujade, who had no program other than “ousting the political class”, fell into oblivion and lost his parliamentary representation. By contrast the FN and the RN have been around with more than 10% of the popular vote since 1984, and have survived the almost unanimous hostility of the mainstream left and right in the period from 1984-2012, which says something about the fact that it embodies much more than a protest vote.

A MODERNIZED AND REJUVENATED PARTY AIMED AT CONQUERING POWER

The FN took almost 15 years to reconstitute its militant potential and its apparatus after the split which took place in 1998-1999, culminating in the ousting of party number two Bruno Mégret. At the time of the split, when a lawsuit was filed by Mégret's supporters on the issue of owning the party's name and logo, the courts acknowledged that the FN had 42,000 dues-paying members.¹² In 2014, according to political scientist Nicolas Lebourg, the number was closer to 52,000. The FN and the RN still suffer from a deficit in their coverage of the country: in 2014 the party fielded candidates in 545 cities with more than 3500 inhabitants, whereas in the 2020 elections to the city councils they only fielded 392. That can be interpreted as proof that the RN is a weak party, relying mostly on the presidential election and its leader's popularity. However, the ascension of Marine Le Pen to the presidency of the FN accelerated the sociological and generational change of the movement. Lower and mid-level executives of the party are better trained in the field of public relations, social media and how to handle a political campaign, when compared to the era of Jean-Marie Le Pen.¹³ As a result, still according to

¹² Lafont, Valérie: “Les jeunes militants du Front national : trois modèles d'engagement et de cheminement”. *Revue française de science politique*, vol. 51, No. 1–2, 2001. 175–198.

¹³ See Crépon, Sylvain – Lebourg, Nicolas: Le renouvellement du militantisme frontiste. In

Crépon and Lebourg, there is a rejuvenation and feminization of the membership: 29.3% of members are under 30 years old, 34.2% are between 30 and 50 years old, 18.1% are between 50 and 65 years old, and 18.4% are over 65. The members are 39% female and 61% male, which is a handicap since French legislation requires that in elections, lists include an equal number of male and female candidates. However, while the *gender gap* was 5 to 7 points in the FN vote around 1990-2000, in the 2012 presidential election Marine Le Pen polled 19% among men and 17.5% among women, and her share of the vote among non-skilled working-class women exceeded the proportion among men from the same sociological group. If the sociology of FN/RN militants is now more balanced than under the leadership of J.M. Le Pen, one of the real issues the party has to face is that, with only 21 seats in the European Parliament, six seats in the French Parliament's Lower House, one in the Upper House (Senate), 264 councilors in the regions and only two mayors in cities populated over 30,000, it can offer its members fewer symbolic rewards and fewer staff positions than *mainstream* parties. In spite of that, it has managed to attract young rising stars who bet on the RN's ability to come to power, if not in 2022 then maybe later on. The party's vice-president Jordan Bardella is aged 25; its party spokesman and mayor of Beaucaire Julien Sanchez is aged 37; the mayor of Bruay Ludovic Pajot is 27. That also ensures a new generation is ready to take the helm when Marine Le Pen (who, aged 52, is still a relatively young politician) decides to step down. Her niece Marion Maréchal, who was elected to Parliament at the age of 23, is now 31, and may seek the top leadership position in the future, if she succeeds in changing RN into a national-conservative party whose model is FIDESZ and Law and Justice's 'Illiberal Democracy'.

Not only does the party have a future, it is also less ideologically divided than under the leadership of J.M. Le Pen. The former party number two, Bruno Gollnisch, is no longer a rival for Marine Le Pen. The Traditionalist Catholic wing of the party he relied on has lost its influence, in line with the party's new commitment to French Secularism as a bulwark against Islam. The neo-fascists and the neo-Nazis were purged from the party after 2011, following Marine Le Pen's decision to 'detoxify' the FN — that is, to reject any association with individuals or groups that can be labeled 'extreme', including all those who are either fascist or antisemitic, who deny the Holocaust or who are openly racist. Following the ban on *Génération Identitaire* in March 2021, a handful of those who were associated with it, among them Damien Rieu, Romain Carrière, Rémi Meurin, and Claire-Lise Bouton, have stood for the RN in the 2021 regional and local elections, quietly putting aside their own ideological preferences in order to avoid causing harm to their new political party.

This does not mean that there is a homogenous ideology within the RN. There are no officially recognized factions, such as was the case in the Italian Neo-Fascist MSI, or now within the German AfD. Ideological differences are simply set aside so that there is real unity around Marine Le Pen, which is made possible because of the electoral gains achieved under her presidency, and because of the bitter memories of the disaster caused by the split of 1998. Two ideological tensions still exist, however. The first is because of Marine Le Pen's references to a kind of Neo-Gaullist 'souverainisme'.¹⁴ References to Gaullism and General de Gaulle are poorly accepted within a movement whose history has its roots in the fight against de Gaulle's role as chief opponent to Pétain and, later on, as the man who decided to give independence to Algeria in 1962. The second tension is between the slogan "Neither Right nor Left", coined by the party leadership and the more right-wing, traditional Catholic, conservative ideology whose champion is the former MP and niece of Marine Le Pen, Marion Maréchal. Jérôme Fourquet, in a study by the IFOP polling institute,¹⁵ has shown that the "Neither Right nor Left" motto, and Maréchal's more conservative ideology, appeals to two distinct segments of the electorate, both in terms of sociology and in terms of geography. In the northern part of the country, "Neither Right nor Left" meets the interests of the predominantly working-class and lower middle class (the "losers of globalization"), who, having experienced both the left and the right in power, reject both and want the party to defend the French social model of pensions, health insurance and worker's rights. In the southern part of the country, Marion Maréchal's values meets the needs of former mainstream right voters who had a fall-out with the *Républicains*, whom they think are 'too soft' on Law and Order and Immigration. Maréchal's free-market economics also appeals to a segment of the educated middle class and the independent professions. The difficulty for Marine Le Pen is to keep those two quite different, if not opposite, wings of the party united.

AN ELECTORATE WITH A POPULAR BASE BUT IN THE PROCESS OF SOCIOLOGICAL AND GEOGRAPHIC DIVERSIFICATION

Since its creation, the FN has been a 'catch-all' party which aims to "bring together all kind of social unrest", according to the late first ideologue of the party François Duprat. In the 2012 presidential election, Marine Le Pen took 33% of the workers'

¹⁴ 'Souverainisme' is the doctrine of French sovereignty as opposed to European Federalism. It means trying to transform the European Union into a loose network of nation-states, so that the EU would only retain a role as a coordination agency, deprived of any normative competences. The RN, since 2018, has dropped the idea of leaving the EU and favors changing its institutions from within.

¹⁵ Fourquet, Jérôme: "Front du nord, Front du sud". *IFOP Focus*, No. 92, août 2013.

vote and 18% of the unemployed. At the same time, she captured 25% of the vote of craftsmen, independent entrepreneurs and shopkeepers. By receiving the vote of 19% of those aged 18-24, the FN has also made a significant inroad into an age group that is increasingly worried by unemployment and the dire prospects of finding a first job. Among the youth however, as in the electorate at large, the FN vote is very much correlated with the level of education: 75% of the FN electorate did not get a higher education — that is, did not attend university. The party mostly appeals to those who are active on the job market: those aged 25-34 (20% of the FN vote) and those aged 35-44 (24%). With the 2022 presidential election now in sight, the RN needs to broaden the scope of its electoral constituency while retaining its core base. On the opposite, those aged over 65 remain loyal to the *Républicains* whose 2017 candidate, François Fillon, took 36% of those who have already retired. The main issue for Le Pen is to attract former mainstream right conservative voters, but she badly needs to attract those with a university degree (81% of whom voted for Macron on the second ballot of the 2017 election), as well as those with a household income of more than 3000 euros/month (75% of whom voted for Macron).

Geographically, the map of the FN vote in 2017 shows that the party's best scores are recorded east of a line running from the city of Calais (in the north) down to Perpignan (in the south), though with significant gains in the south-western part of France. The regions of Hauts-de-France in the north (31%) and that of Provence-Alpes-Côte d'Azur in the south (28.17%) were Le Pen's strongholds, but she was also ahead in Corsica (27.88%) and in the south-western region of Occitanie (22.98%). But the newest trend was the fact that Le Pen came ahead of all other candidates in Grand-Est, Normandie, Centre-Val-de-Loire, and Bourgogne France-Comté, which proves that her party is now a potent political force nationwide, at least in mainland France, as its influence is far less strong (and is even marginal) in most overseas territories. Not all areas within those regions vote for the FN/RN in the same proportion, however. The map of the vote for the party clearly shows a link with the proportion of the population living below the poverty line, such as in the formerly industrial regions where the steel, mining and textile industries are now gone. There is also a link between support for the party and living in a peri-urban area, whether it is a village or small town located within a radius of 80-90 kilometers from a regional capital city — that is to say, where social precarity goes along with isolation from the main transportation networks and, in the north and north-east, with massive deindustrialization that goes back to the end of the 1970s.¹⁶

¹⁶ See the demographer Hervé Le Bras' explanation of the map of FN vote: <https://www.franceculture.fr/politique/exode-urbain-et-inegalites-les-cartes-du-vote-fn>

MOTIVATIONS FOR VOTING

According to an IPSOS poll¹⁷ dealing with the reasons why voters chose Le Pen in April 2012, 65% voted for her because they wanted ‘change’, whereas 59% of François Fillon’s voters explained their choice by the fact he campaigned with ‘a sound programme’. The most astonishing finding of this poll is that Le Pen and Macron attracted those who wanted ‘change’ (a motivation of 65% of Macron’s voters), although, of course, their definition of change was very different: 69% of Le Pen’s voters quoted immigration as a decisive topic, 46% quoted terrorism, and 42% quoted crime. The same old recipe that made Jean-Marie Le Pen popular in the 1980s seems to have worked as well for his daughter, and the conclusion is that the FN vote is not only a ‘protest vote’ against the so-called ‘System’: it is a mix between an overall rejection of traditional political parties, distrust of representative democracy, and belief in an authoritarian, nationalist and ethnocentrist agenda.

It remains, however, that the FN/RN does not have the necessary support to win the presidency or a significant position of power such as a parliamentary majority on its own. The ‘glass ceiling’ of the vote still remains and will most likely remain in the near future, in part because the mainstream Conservative party is totally hostile to any coalition agreement with the RN. One thing is for sure, however: the map of the French Right no longer fits into the framework set by René Rémond’s typology in his landmark study, *Les droites en France*.¹⁸ The counter-revolutionary right he wrote about is a remnant of the past. The liberal-conservative right, in the sense of David Cameron’s self-definition as a ‘Liberal-Conservative’ in 2010, faces a huge identity crisis, as it is challenged by Emmanuel Macron’s ability to attract the center-right faction of Les Républicains. The Conservative Gaullist tradition, which is officially claimed by Les Républicains and which according to Rémond was the heir to the Authoritarian Bonapartist tradition of a strongman with the will to defend the working and middle-class, is challenged by the rising issue of identity which, in the French context, means ethnicizing social relations, challenging post-1968 multiculturalism, and refusing to accept Islam as compatible with the secularist model.¹⁹ The Rassemblement National is an alternative to those different sub-families of the right, drawing at the same time from the traditional extreme-right: the authoritarian nationalist ‘Ligues’ of the 19th Century, the Bonapartist tradition of populism and identity politics. While it is doubtful that it is potent enough to seize power, it is nevertheless there to stay in the political landscape for

¹⁷ <https://www.ipsos.com/fr-fr/1er-tour-presidentielle-2017-comprendre-le-vote-des-francais>

¹⁸ Rémond, René: *Les droites en France*. Paris, Éd. Aubier-Montaigne, 1982.

¹⁹ A 2019 survey by IFOP polling institute shows that 85% of those close to the RN think Islam is not. https://www.francetvinfo.fr/societe/guerre-de-14-18/11-novembre/retraite-ancien-membre-d-un-groupe-identitaire-qui-est-jean-pierre-bouyer-soupconne-d-avoir-voulu-poignarder-emmanuel-macron_3030089.html

the years to come, maybe as a party whose electorate remains above 20% of the vote but is excluded from ruling the country, much as the Italian MSI in its era, which was described by Piero Ignazi as the ‘excluded part’ of the political system.²⁰

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²⁰ Ignazi, Piero: *Il polo escluso. Profilo del Movimento Sociale Italiano*, Bologna, Il Mulino, 1989.

III. RECEPTION
OF THE MIGRATION CRISIS IN HUNGARY

THE OPERATION OF THE MORAL PANIC BUTTON

ÉVA BOGNÁR – ENDRE SIK – RÁCHEL SURÁNYI

Abstract

The aim of this paper is to shed some light on the characteristics of a unique Hungarian phenomenon: the moral panic button (MPB). First, we introduce the reader to the concept of the MPB. Second, we outline the Hungarian context in which the MPB was invented and continuously tailored to the needs of its masters. The next section contains (1) an overview of the operation of the MPB since 2015, and (2) two in-depth case studies into the impact of the first pushes of the MPB (the 'quota debate' of 2015 and the 'quota referendum' of 2016) on public discourse in the two major public fora: the media and Parliament. In the last section we give a brief analysis of the short-term implications of the MPB on Hungarian society.

THE CONCEPT OF THE MPB¹

The MPB concept² is a version of Cohen's top-to-bottom, elite-engineered moral panic³ — but in this case it is the government that induces the moral panic, and uses it as a major tool of governance. The MPB, however, is much more than just a simple government-initiated moral panic.

All of the characteristics of a moral panic are present in the operation of an MPB; however, they constitute only the necessary but insufficient conditions of an MPB. The MPB (1) assumes strong governmental control of the media, (2) the use of various propaganda instruments beyond the mass media, (3) continuously selects new scapegoats (while keeping the previous ones as well) and uses these combinations to batemonger, (4) applies strong framing techniques (e.g. the monotonous repeating of simplified messages, using fake and misinformation to humiliate and ridicule the enemy, etc.), (5) has uncontrolled financing from the state budget, and (6) flexibly incorporates (often unofficially) pro-government actors, such as, think-tanks, NGOs (church,

¹ The long version of this chapter was published in the CEASEVAL Working Paper Series (Bognár Éva – Sik Endre – Surányi Ráchel: *The Case of Hungary – de Wilde Goes Wild*. CEASEVAL Working Paper No. 8 (2018), http://ceaseval.eu/publications/08_BognarSik-Suranyi_The_case_of_Hungary.pdf [Accessed 13 December 2020.]), and this text is part of the Hungarian case study of an on-going Horizon2020 project (BRIDGES, No.: 101004564 [<https://www.bridges-migration.eu/>]).

² Geró Márton – Sik Endre: The Moral Panic Button Europe and the Refugee Response. In Gozdziaik, M. Elzbieta – Main, I. – Suter, B. (eds.): *Europe and the Refugee Response. A Crisis of Values?* London, Routledge, 2020. 39–58.

³ Cohen, Stanley: *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. London, MacGibbon & Kee, 1972.

sport, civil organizations), municipalities and for-profit firms (owned by 'friendly oligarchs'), etc. which are intertwined and organized by a few core state institutions.⁴

THE CONTEXT

The pushing of the MPB does not happen in a vacuum. In the next section, we summarize how the Hungarian government created the conditions necessary for the smooth operation of the MPB in two important fora: Parliament and the media.

Since 2010 a right-wing/nationalist coalition of Fidesz and the KDNP (a tiny Christian Democratic party) has been in power, with a two-thirds majority in Parliament. The Hungarian government, led by Viktor Orbán, has been restructuring the country's democratic institutions (including the media, the electoral system, the Constitutional Court, and the system of ombudspersons), in order to turn Hungary into what Orbán calls an 'illiberal democracy'. Increasing government control over more and more segments of society has been complemented by strong government narratives to reinterpret Hungary's past and present, and to reset Hungary's geopolitical relationships. The most significant feature is the strong anti-EU rhetoric.

As part of a reduction in democratic checks and balances, the Hungarian Parliament has been shorn of some of its important functions: it has become more difficult for MPs to form investigative committees; both the length and the number of interventions made by MPs have declined, despite a surge in the number of decisions made by parliament; most debate took place in non-public committees, rather than in open sessions of Parliament; and important laws have been rushed through the legislative process without substantial public debate. To sum up, Parliament does not serve as a significant forum for political deliberation or debate.

Over the past years, the government has also substantially restructured the media.⁵ The government exercises control over the media through a wide range of means:

Regulation: a set of media laws was passed between 2010 and 2012. These have been heavily criticized both internally and externally for their potential to curb press freedom.

The public service media has been turned into a government mouthpiece.

Buy-outs and takeovers have changed the Hungarian media-ownership landscape, resulting in a situation whereby the mainstream media is (except for

⁴ Geró–Sik, 2020. 40.

⁵ Mérték Média Monitor: *Soft Censorship in Hungary in 2016: When Propaganda Rules Public Discourse*. Mérték Booklets 12, (2017). <http://mertek.eu/2017/06/01/soft-censorship-hungary-2016-propaganda-rules-public-discourse-2/> (Accessed 13 December 2020.)

a few outlets) in the hands of government allies.⁶ The process concluded in the foundation of the Central European Press and Media Fund (KESMA) in 2018, a media holding that consists of pro-government media companies with over 500 media outlets. The conglomerate has a monopolistic position in numerous segments of the media market, prompting the European Centre for Press and Media Freedom to state that “media freedom in Hungary is no more”.⁷

The strategic placing of state advertising means that pro-government media is flourishing, while media critical of the government struggles to survive.⁸

The Hungarian government has run national billboard, TV and radio campaigns on various topics using public resources.

By these means, the Hungarian government has a unique influence on public discourse: on agenda setting, content of the discourse, information flow, and language. The government played a particularly important role in the framing of the coverage of migration in the Hungarian media.⁹

A notable exception to this is the online space, where freedom of expression can be practiced. However, the significant polarization of content and of audiences (the so-called ‘echo chambers’) present in online media limits their potential for public debate and to inform the public. Significant segments of society are only exposed to information from pro-government sources.

THE OPERATION OF THE MPB

We start the analysis of the MPB with an overview of its pushes between 2015 and 2019 (Figure 1), and the newest in 2020. We then provide two case studies to give a detailed description of the operation and implications of the MPB in Parliament and online media, i.e. the process of framing and priming of the ‘refugee crisis’ topic. In the Hungarian context, the topic of migration was shaped by the MPB in 2015 as a fight against an EU initiative (the relocation quota), reinforced in 2016 by another national consultation (see in Figure 1 the first ten pushes of the MPB).

⁶ Bátorfy Attila – Urbán Ágnes: “State Advertising as an Instrument of Transformation of the Media Market in Hungary”. *East European Politics*, 36:1 (2020).

⁷ European Centre for Press and Media Freedom: “Media Freedom in Hungary is No More”. *ECPMF Press Releases*, 2018. <https://www.ecpmf.eu/archive/news/press-releases/media-freedom-in-hungary-is-no-more.html> (Accessed 13 December 2020.)

⁸ Bátorfy–Urbán, 2020. 44–65.

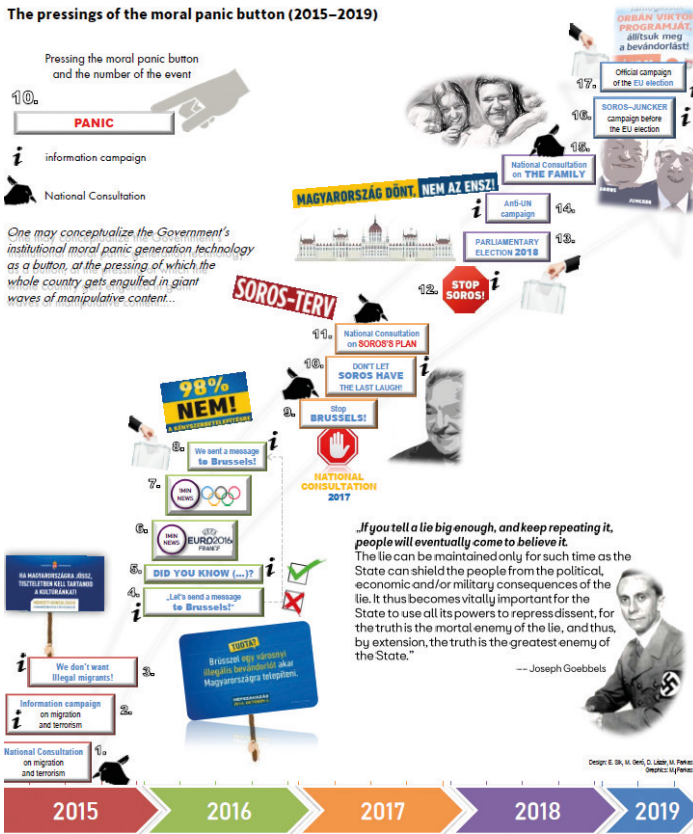
⁹ Messing Vera – Bernáth Gábor: “Infiltration of Political Meaning: The Coverage of the Refugee ‘Crisis’ in the Austrian and Hungarian Media in Early Autumn 2015”. *CMDS Paper Series*, 2016. <https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/article/1041/infiltrationofpoliticalmeaningfinalizedweb.pdf> (Accessed 13 December 2020.)

THE CONTINUITY OF PUSHING THE MPB

The MPB in Hungary includes three types of action: information campaigns, national consultations, and voting-based actions. While the first type of push of the MPB is the most prevalent and is conducted via the media (TV, radio, on- and offline newspapers, and billboards), the latter two actions (the national consultations and the actions involving voting – the quota-referendum, the parliamentary and EU elections) reached all Hungarian households. The information campaigns usually both precede and follow a national consultation and/or the referendum/election, and serve to frame the topic, reinforce the original message, and claim victory (which is always greater than earlier ones). The frames and the language are repetitive and simple, while always adding new elements to the original frame (Europe and its value system, i.e. Judeo-Christianity and/or European culture is threatened by migration; Hungary is fighting a war and is unjustly treated by those whom we defend), so all pushes of the MPB are carefully tailored to a concrete situation. The scapegoats (the EU, Brussels, Soros, the UN, civil society, Merkel, etc.) are always the same, but they appear in different configurations.

Figure 1 shows the structure of the MPB between 2015 and 2019. The figure contains all the seventeen pushes we identified as separate, though overlapping, acts of the MPB. The footnote contains the essence of these pushes. In the following paragraphs we briefly demonstrate some of them, just to illustrate the details of the application of the MPB.

Figure 1. The pushes of the MPB^{10 11}



The first ten (and overlapping) pushes of the MPB occurred during the period we will analyze in the two case studies in the next two sections. In 2015 and 2016 there were two national consultations. The first one focused on immigration and terrorism (Push 1, Figure 1). It was constructed as if it were a public opinion survey, but in

¹⁰ Gerő-Sik, 2020. 40.

¹¹ 1. National consultation on migration and terrorism; 2. Migration and terrorism – information campaign; 3. “We don’t want illegal immigrants!” – information campaign; 4. “Let’s send a message to Brussels!” – information campaign; 5. “Did you know (...)?” – information campaign; 6. “One Minute News” – UEFA Euro 2016; 7. “One Minute News” – Olympic Games 2016; 8. Quota referendum and information campaign; 9. National consultation “Stop Brussels”; 10. “Don’t let Soros have the last laugh!” – information campaign; 11. National consultation “The Soros Plan”; 12. “Stop Soros” – information campaign; 13. Parliamentary election 2018; 14. Anti-UN – i. c.; 15. National consultation on family protection; 16. “Soros-Juncker” EU election information campaign; 17. EU election.

fact it was a push poll¹² to frame the topics of migration and terrorism by combining them. Such fake surveys serve two purposes: (1) to manipulate public opinion, and (2) to reinforce the truth of the message by boasting about the strong support for the government's policies. The overlapping information campaign (Push 3, Figure 1) served the MPB by using three simple messages¹³: suggesting that refugees are a threat to job security, that they threaten the cultural values of Hungarians, and that they are likely to be criminals. The pre-referendum information campaign (Push 5, Figure 1) used the slogan: "Did you know?" supposedly providing information about the settlement quota and immigration. The examples in the footnotes¹⁴ clearly highlight the falseness of this 'information campaign.'

The pushes of the MPB from number 10 and above (Figure 1) contain new combinations of 'old' and 'new' topics and scapegoats. Although the issue of immigration is always present, the main 'enemy' changed and involved EU bureaucrats, George Soros, and the United Nations, all of whom are forcing Hungary to give up its position as the defender of European culture. There was a clear shift of the discourse — while at the beginning the information campaigns suggested that Hungarian and European culture was in danger because of the migrants, at the end of the campaign emphasis was on our national sovereignty, endangered by a worldwide conspiracy of foreign oppressive forces using migrants as their puppets.

The latest MPB, the national consultation of 2020, works with the usual topics and scapegoats: the main topic is the implementation of pandemic-related control measures, with the (un)expected addition of questions on the so-called "Soros-plan" which would put Hungary into "debt indefinitely", on takeover of Hungarian businesses from hostile foreigners, and two questions on resisting pressure from Brussels to lower our defense against immigration. The campaign, which cost millions of Euros in public funds, was later used to justify the inaction of the government during the second wave of the pandemic, as well as to demonstrate public support for the government.

We argue that the MPB's main goal is to solidify popular support for the government by manipulating public opinion. The process, we argue, includes the domination of public discourse by narratives pushed by governmental actors. In the following sections, to illustrate the consequences of the operation of the MPB

¹² American Association for Public Opinion Research. <https://www.aapor.org/Education-Resources/Resources/What-is-a-Push-Poll.aspx> (Accessed 13 December 2020.)

¹³ "If you come to Hungary you must not take Hungarians' jobs away from them!", "If you come to Hungary you must respect our culture!", "If you come to Hungary you must respect our laws!".

¹⁴ "The terror attack in Paris was carried out by immigrants", "1 million immigrants are headed toward Europe from Libya alone!".

in more detail, we present the findings of two case studies on the public discourse in online media¹⁵ and in Parliament^{16,17}.

THE RELOCATION QUOTA IN THE MEDIA AND IN PARLIAMENT IN 2015

In online media we have identified the following frames in articles related to the relocation quota in the given period: ‘power struggle’, ‘humanitarian/solidarity’, ‘economy’, ‘organizational/technical’, and ‘threat: terrorism/security’.

The most prominent frame by far was the power struggle. In this frame, the quota debate is situated in the context of European politics on the one hand, and the question of sovereignty on the other. This frame was pushed hard by the Hungarian government, and was reinforced by the media in various forms — even media outlets critical of the Hungarian government interpreted events in the context of the interests of various governments/statespersons/the EU. Some of the articles using the ‘power struggle’ frame construct the events as a straightforward bargaining process; others play the blame game and indulge in finger pointing. The most notable interpretation of the quota debate is that of national sovereignty. According to this interpretation, the quota debate is about “Europe’s aspirations to place national states under the bureaucracy of the European Union, in a quasi-province status”¹⁸ — or specifically, about the right of nation-states to protect their borders. In Prime Minister Viktor Orbán’s words: “Instead of the quota, we have to let individual Member States decide ... We should give Member States back the right to protect their borders.”¹⁹ These arguments placed the Hungarian government in the role of a freedom fighter protecting Hungary from the dangers posed by the powerful European elites.

¹⁵ The in-depth analysis of online media content refers to the periods 1 May to 30 November 2015 (the period of the debate surrounding the introduction of the relocation quota) and 1 June 2016 to 31 December 2016 (the period of the ‘quota referendum’ in Hungary). We included articles from sixteen major online media outlets. A total of 334 articles were analysed in the first period, and 147 in the second period.

¹⁶ In 2015 we analysed 103 statements from Parliament with regard to the relocation quota, and in 2016 91 statements regarding the quota referendum. The data was analysed using Computer Assisted Data Analyser Software (MAXQDA 12).

¹⁷ Due to the limited space available, we omitted a large part of the quotations of the case studies (see Bognár–Sik–Surányi, 2018).

¹⁸ Kövér László: “Csali a bevándorlási kvótarendszer”. *Origo*, 19 May 2015. <http://www.origo.hu/itthon/20150519-kover-laszlo-csali-a-bevandorlasi-kvotarendszer.html> (Accessed 13 December 2020.)

¹⁹ “Orbán Viktor az EP-ülésen védi...”. *Index*, 19 May 2016. http://index.hu/kulfold/2015/05/19/orban_viktor_az_ep-ulesen_vedi_a_kormanyt/orban_kvota_helyett_sajat_dontest/ (Accessed 13 December 2020.)

The ‘humanitarian/solidarity’ frame was usually in conjunction with criticism of the Hungarian government’s narrative and actions. It involved arguments in favor of solidarity with refugees and references to human rights, and it evoked the plight of refugees and migrants. The ‘economy’ frame focused on the economic costs and benefits related to the quota system and migration policy in general, and was used in pro-quota, anti-quota and neutral articles alike. According to this frame, the quota debate was — or should have been — about how much the mandatory quota system would cost, how much rejection of the quota system would cost, and the economic advantages/disadvantages of migration — usually putting numbers to the different options and proposals. The ‘organizational/technical’ frame focused on the details of logistics, registration, traffic, etc. related to the proposed quota system, usually emphasizing the disruptions and difficulties that the quota would bring. Finally, according to the ‘threat: terrorism/security’ frame, the mandatory quota system contributes to a situation that makes Europe an insecure place, bringing threats to Europeans’ health and physical safety. In some of the articles, the mandatory quota is the threat itself that ‘we’ have to avoid at all costs.

The articles show great variety in their use of terminology: ‘refugee’, ‘migrant’, ‘immigrant’ or ‘economic migrant’, etc. The Hungarian government entirely excluded ‘refugee’ and ‘asylum seeker’ from its communications, using the Hungarian translation of ‘migrant’, ‘immigrant’ and ‘economic migrant’ instead. Liberal and leftist politicians spoke mostly of ‘refugees’, while experts, some NGOs and academics used ‘refugee’, ‘asylum seeker’, ‘people under subsidiary protection’, and other legal terms, depending on the context. Migrants are often referred to by their nationality (‘Syrian refugee’, ‘Iraqi migrant’, etc.), but rarely as people/men/women.

The articles also demonstrate a strategic use of statistics, with the government talking about “hundreds of thousands” (or even “millions”) and “flows” when discussing migration — with the opposition and NGOs and experts trying to refute these claims, either by not discussing numbers at all or downplaying them.

An important linguistic characteristic of the MPB is the dehumanizing rhetoric present in the media when speaking of migrants (and at times of European politicians and the opposition) in a loaded, at times cynical, way. When speaking of the power struggle and the ‘freedom fight’ led by the Hungarian government against the European elite, the language used by the media is often passionate, employing tropes of war and combat.

As to the actors, politicians dominated the media coverage of the quota debate. The most visible actors were members of the Hungarian government and the governing party, Fidesz, with Prime Minister Viktor Orbán in the leading role. The Hungarian opposition was barely in evidence, with the exception of the far-right Jobbik. There were very few occasions when experts and NGOs were visible. Migrants/refugees/asylum seekers were not given a voice in the coverage of

the quota debate: only their images were used. These images contributed to the (re)construction of the narrative of ‘us’ (active, those in a position of power, able to include or exclude, accept or reject the ‘other’) and ‘them’ (either vulnerable, different, weak, deprived of agency and control, passive, tragic and infantilized, or else dangerous and threatening). These images created a hierarchical relationship between the viewer and the object, and therefore implicitly justified refugees’ exclusion from the discourse, as well as their treatment as objects of ‘our’ decisions.

The actors appear as simplified binary constructs in the media, depending on the topics and frames present:

In the power struggle frame, the actors are winners or losers; strong or weak. As Orbán put it: “in a crisis we need leaders who are ready to leave the beaten path if necessary ...”²⁰

In the sovereignty frame, they are protectors of our/the national/the people’s interest vs. threats/attacks/actors working in the interests of foreign powers.

In the effectiveness frame we find the dichotomy of realist/pragmatic/efficient/active/responsible/courageous vs. delusional/naïve/soft/out of touch with reality/passive/irresponsible/weak. Actors in the former category are usually the Hungarian government, and sometimes the Visegrád Four (V4) countries. Actors appearing in the latter category are usually the representatives of European institutions, NGOs or intergovernmental organizations, Western European politicians who are delusional, naïve, passive, irresponsible and out of touch with reality.

Democracy is also a theme that actors use to construct themselves and their opposition: actors are either democratic or oppressive. Sometimes in conjunction with the power-struggle frame, we observe competition among actors for the ‘democrat’ label. However, actors’ interpretation of ‘democratic’ can be very different. In the arguments of the Hungarian government, for example, ‘democratic’ means acting in the interests of an (imagined) majority, whereas members of civil society, Western politicians and EU representatives often refer to rule of law or respect for human rights as democratic principles.

In the humanitarian frame, we see actors constructed as humane/compassionate vs. vicious/inhumane. Those opposing the quota, especially Viktor Orbán himself, are against humanitarian values in general, while supporters of the quota (Juncker or Merkel, usually) defend them. According to the Hungarian government, the West is responsible for the conflicts at the heart of mass migration, and thus it lacks the moral and ethical right to pose as a defender of humanitarian values. Also, according to these interpretations, the quota (and its supporters) is immoral, as it promises migrants something that the EU cannot deliver: it spreads false hope. In order to deflect accusations of the inhumane treatment of human beings,

²⁰ “Orbán: Ha törvény lesz a kvótarendszerből...”. *Mno*, 16 September 2015. <http://mno.hu/belfold/orban-ha-torveny-lesz-a-kvotarendszerbol-el-kell-fogadnunk-1304677> (Accessed 13 December 2020.)

the Hungarian government distinguishes between deserving, ‘real’ refugees and ‘economic’ migrants or ‘immigrants’.

These constructed binaries contribute to the image of the quota as a significant part of a moral system and far beyond mere policy. This approach defines the actors and divides entire populations into camps of good/bad, strong/weak, realist/naïve. Such a construct, of course, provides a hotbed for moral panic – and is consequently a necessary (though insufficient) element of the moral panic button.

As to arguments, the Hungarian government is the most dominant actor in the media when it comes to the quota debate. It is not surprising that overall the anti-quota arguments have been prominent in Hungarian online media. Below, we briefly discuss the main anti-quota arguments observed.

The most common anti-quota argument is that the mandatory quota proposal is unrealistic. This is because (1) it disregards the behavior of migrants and (2) it cannot be enforced since, for example, we do not know how many migrants we would have to redistribute, etc. These (supposedly factual) statements are rarely backed up with hard evidence. Instead, it is usually claimed that they are “common sense”.

The mandatory quota system runs counter to the will of the people and damages the sovereignty of nation-states. According to this argument, put forward by the Hungarian and other V4 governments, regardless of whether the quota is an effective solution to the problem, it is wrong if it is mandatory and is not decided at the national level. Also, in these arguments again we observe references to the interests of the people (the majority) that these governments claim to embody and represent.

The quota system serves as an invitation to migrants. It encourages migrants to come to Europe, and is therefore irresponsible, since it creates false hope and expectations that Europe cannot meet. Hence, the quota is morally wrong, and opposing it is the morally right option.

The quota creates health risks, infections and illnesses, and in general carries the threat of epidemics. Consequently, supporting the quota means being irresponsible and ignoring basic facts of nature.

The quota increases the probability of terrorism and crime in Europe. This argument has been prominent in the media since January 2015, when the Hungarian prime minister announced that ‘European people are under attack’ following the terrorist attack on Charlie Hebdo.²¹ In addition to terrorism, according to these arguments, the quota brings crime to Europe, as is made clear by the crime statistics for European cities with high levels of immigration (often referring to the prevalence of no-go zones in Western Europe).

The quota endangers European culture/Christianity, our “way of life”. This argument envisions a huge, uncontrolled influx of Muslim migrants to Europe that

²¹ “Orbán: az Európai Ember...”. *Mno*, 11 January 2015. <https://mno.hu/belfold/orban-viktor-az-europai-ember-all-tamadas-alatt-1267170> (Accessed 13 December 2020.)

will change our basic values and traditions forever, until we “cease to recognize ourselves”.²²

Even media outlets that are highly critical of the government’s stance and its politics on migration seem to focus on criticizing the anti-quota arguments, without advancing any pro-quota arguments. This may be a consequence of the highly politicized nature of the topic and the scarcity of actors representing pro-quota arguments. There are a few exceptions we found for pro-quota arguments, mainly from EU representatives, European statespersons, some Hungarian NGOs, experts, and opposition politicians:

Humanity and common sense: according to the first pro-quota argument, it is a moral obligation to show solidarity and responsibility toward vulnerable human beings, and the quota system is a logical and straightforward solution to the problem.

A common solution to a common problem: according to this argument, the most important element is the shared nature of the ‘burden’ – and therefore of the solution to the problem. It evokes a sense of solidarity (not with the refugees, but with the family of European states struggling to cope with the crisis): ‘We are in this together’; ‘we must find a solution together’. It reinforces the idea that there is a (major) problem that needs to be solved, and presents the quota proposal as a common solution.

A similar (but more pragmatic) argument is that policies like the quota are the price for being part of the EU: we have to share the pain, not just the gain. While this argument complements the previous one, it does not reference solidarity but rather emphasizes the danger of freeloading. The point made in these cases is not really for the quota, so much as against confrontation with the European Union.

In a few articles, Hungarian opposition politicians, and sometimes experts or academics, are quoted as making the point of economic rationale – Hungary (or Europe) would profit from immigration: with an ageing society on the one hand, and emigration from Hungary to Western Europe on the other, both the economy and the labor market will benefit from immigration.

The discourse about responsibility and solidarity is a mixture of questions about who is responsible for what and for whom. These questions are closely bound up with how actors construct and understand what the problem is, and how they construct and understand the ‘us’ and the ‘them’.

The core of the debate is whether ‘we’ (government(s), nation(s), human beings) are responsible for other human beings in general or only for members of our own community (nation/religion/race, etc.).

The Hungarian government’s interpretation of responsibility is usually exclusive, i.e. solidarity and responsibility are limited to a group. The group may be:

²² “Orbán szerint a kötelező kvóta...”. *Pesti Srácok*, 16 November 2015. <http://pestisracok.hu/orban-szerint-a-kotelezo-kvota-csak-szetteritene-a-terrorizmust/> (Accessed 13 December 2020.)

(1) Christians – ‘we accept Christian migrants, but not Muslims’.

(2) The Roma – ‘we’, the Hungarian government, already have a minority that we are responsible for but have been unable to integrate; taking on another group that is different from us (Muslim migrants) is unrealistic.

(3) Europe (which may mean European people, values, or culture) – this is defended by us against both mass migration and the misguided politics of European leaders.

(4) Hungary/Hungarian people – ‘our own people’: the Hungarian government’s main responsibility is for the well-being and safety of Hungarians.

Representatives of EU institutions, Western European politicians and statespersons often emphasize the universality of solidarity and responsibility. In these statements, responsibility and solidarity are not restricted to a group: humanity is ‘our’ responsibility. These statements were prominent in the aftermath of Aylan Kurdi’s drowning in the Mediterranean Sea (2 September 2015) and usually refer to shared ‘European values’ and universal human rights:

The second theme to emerge in the Hungarian media where responsibility is concerned is responsibility for the crisis: what is the cause of it, and who is to blame?

The Hungarian government presents various interpretations of the causes of the crisis and the parties responsible for it:

(1) The European Union is responsible because it is slow and passive.

(2) Western European countries, the United States and the European Union are responsible for the immigration flow because they have been inviting migrants, and also because they initiated the ‘Arab Spring’ — the rapid destabilization of the entire region was a consequence of their misguided foreign policy.

(3) Migrants are responsible, for not respecting the rules and culture of Europe.

Western European politicians, representatives of NGOs and the European Union and the Hungarian opposition parties have a different interpretation of the cause of the crisis and who is responsible for it: the Hungarian government exacerbated the negative effects of the ‘refugee crisis’, and is responsible for the suffering of vulnerable people in Hungary.

As to Parliament, despite the high level of salience in the media after the ‘long summer’ of 2015²³, we found that the quota was on the main agenda of Parliament only twice: on 22 October and 16 November 2015. In the first case, the quota mechanism was debated; in the second case, it was connected to the jurisdictional procedure, when the Hungarian government initiated a yellow-card procedure against the EU. However, during the research period there were 21 parliamentary days (out of 52) when the quota was referred to. The discourse was dominated by the right-wing opposition (Jobbik): while they had 12% of the seats, they accounted for 31% of the statements.

²³ Bognár–Sik–Surányi, 2018.

On the two days when the quota was on the main agenda, the number of statements was 13 and 22 (respectively), and there was another occasion when there were 11 statements (when Parliament discussed the modifications of the Fundamental Law of Hungary).²⁴ From the content analysis of these statements two things can be concluded: first, the quota received much less attention as a primary focus in Parliament than it did in the media. This supports the assumption that Parliament is not the main channel for government communication, but is rather a showcase. Second, if we look at the number of statements that were made when another issue was on the agenda, we can say that the quota was a tool for MPs, to be used to make arguments for or against other issues relevant to the specific debate.

A relevant aspect of the discourse is how MPs identify the target population. The most frequent term is 'immigrant'. The terms 'refugee' and 'migrant' are used with equal frequency, while 'asylum seeker' is used less often. As for party affiliation, the most biased term ('immigrant', which wrongly suggests that those entering Hungary intend to stay) is most likely to be used by the governing party. The most legally correct term ('asylum seeker') is used mainly by the non-right-wing opposition parties. These findings coincide with the dominant terminology used in online media, as well as the terms regarding the 'refugee crisis' (e.g. MPs also often used terms such as 'invasion' or 'flow').

Regarding the relocation quota, an emotionally more loaded term – the 'mandatory quota (system)' – was introduced by the member of government responsible for communication.²⁵ Other negative terms in relation to the quota discourse were 'invitation letter' (referring to Merkel's initial role in the process) and the 'population exchange'. The former (used by MPs from the ruling party and Jobbik) emphasized that 'the quota means [an] invitation for the migrants', the latter (used solely by Jobbik) refers to historical events, when the population was forcibly resettled on the basis of ethnicity:

The main frames that were attached by the MPs to the quota were: demography, labor market, crime, and integration.

Several statements were devoted to the issue of demography and the labor market when speakers raised the issue of population decline. They usually argued that the quota should not be used to solve labor scarcity because it is a national issue. As they argued, the national interest was more important for Hungary than the number of taxpayers; therefore, if it had demographic problems or a labor shortage, Hungary should invite ethnic Hungarians from neighboring countries. This concept of national interest is key in the government's rhetoric.

²⁴ The equivalent of the Constitution.

²⁵ Using a term which scapegoats the EU became more frequent during our research periods, but was first used in this speech in November, i.e. at the end of the first part of our research period.

The theme of crime covered several different issues. At the level of individuals (immigrants/asylum seekers) it referred to terrorism, human trafficking, and illegal border crossing. At the institutional level it referred to the question of registration and not enforcing the rules of the Dublin regulations. As to terrorism, the prime minister said that ‘not all immigrants are terrorists, but all terrorists are immigrants’, and that this is why Europe should not open its borders.

The third theme is integration, including cultural differences and the preservation of the ‘European identity’. It was argued that there is no successful integration model and, referring to Merkel, that the multicultural model has failed in Germany and in Europe. By ‘European identity’, MPs mean the ideal of a Christian Europe which is to be defended by the Hungarian government.

As to the general attitude to the quota, none of the parties find it an adequate answer to the refugee crisis, but there are some (non-right-wing opposition parties) that would accept it as a temporary solution, whereas the ruling coalition (Fidesz–KDNP) and Jobbik completely reject it. However, while the governing coalition talks about its rejection, Jobbik speaks of ‘zero tolerance’ of immigration in general. The overall attitude of Parliament is not pro-refugee: even the leftist and more liberal parties employ a careful rhetoric, emphasizing immediate help for those in need, but avoiding the oft-quoted accusation of being ‘migrant-lovers’.

The main pro-quota arguments were humanitarian values (such as solidarity), the importance of cooperating with the EU and of choosing the ‘lesser evil’ versus the Dublin regulations. The cons were that it does not offer a solution, is impractical, and that the consequences (of immigration or acceptance of refugees) for the protection of national interests raise concerns.

Solidarity and humanitarian values were mentioned by all parties. However, most of them added that these apply exclusively to those who are eligible for asylum, and not to economic migrants, who only come to Europe in search of a better life. No MP suggested that Hungary or Europe should open the borders and let everyone in. Jobbik emphasized that the help should only last until the situation improved in the sending region. That is, in a legal sense nobody should be granted refugee status – only temporary protection.

Responsibility was also a pro-quota argument, which meant that being part of/a member of the EU comes not only with rights, but also with obligations. As a socialist MP put it, ‘rights and obligations should come together within the EU as well’. According to several leftist representatives, building a fence would lead to the demise of the Schengen Agreement, which will ultimately be at the expense of Hungarian migrants (by restricting freedom of movement) who live in other European Union countries. The responsibility issue was approached differently by government representatives: according to them, it is the duty of Hungary to protect/defend its and Europe’s borders against ‘illegal infiltrators’, and Hungary is at the forefront of this task by building fences. Their proposal was to establish

a common border protection on the Greek border, with the participation of all Member States. Furthermore, responsibility referred to the past as well: many MPs (regardless of party) deemed the EU and especially the USA responsible for the crisis situation. Therefore – according to these MPs – it should also be their task to solve the problem (this is what the ‘world quota’ proposal was about, but it was also rejected in most cases.) ‘Cooperation’ in the government representatives’ statements meant the V4 teaming up against the EU over the quota.

The frequently mentioned impractical/unrealistic argument covers several con issues. First of all, it was claimed that the quota did not use accurate figures, because by the time the proposal appeared there were far more asylum seekers on the continent than when the original calculations were made (using the figure of 120,000). Secondly, forceful resettlement is against human rights. The argument put forward by the prime minister (with whom Jobbik is more or less in agreement on the quota question) was that ‘the refugees cannot decide to which country they want to escape’. Thirdly, the question of capacity also arose, as did the unfairness of the quota – the suggestion being that Western countries would take in the most educated refugees, and send the rest to Central Europe to create social tension.

Fear of the consequences of taking in refugees was also often raised. Some MPs tried to scare their audience with statistics – they expected the number of arrivals to increase because of family reunifications and the high fertility rate of the refugees, which would unavoidably mean abuse of the welfare system by asylum seekers. Lastly, a recurring theme was the protection of the national interest, including both the cultural and economic interests of Hungary.

THE DISCOURSE ON THE RELOCATION QUOTA/QUOTA REFERENDUM IN 2016

The quota referendum contained only one question: “Do you want the European Union to prescribe the mandatory settlement of non-Hungarian citizens in Hungary, even without the consent of Parliament?”. We argue that this push of the MPB was nothing more than a campaign with a simple pro-government (and anti-EU) message. The so-called ‘information campaign’ before, during and after the referendum in the media and on billboards reinforces this message by spreading disinformation. A study observing the coverage of television channels during the lead-up to the quota referendum illustrated the bias of pro-government channels quite lucidly.²⁶ Compared to the non-state-controlled television channels, the official

²⁶ Democracy Reporting International: “Hungary’s State-owned TV Show’s Bias in EU-refugee Referendum”. *Democracy Reporting*, 2016. <https://democracy-reporting.org/hungarys-state-owned-tv-shows-bias-in-eu-refugee-referendum/> (Accessed 13 December 2020.)

public service TV (M1) and a commercial channel owned by an oligarch from the top government circles (TV2) focused very heavily on the refugee issue/referendum, and almost exclusively promoted the government's position in encouraging voters to turn out at the polls.

The national referendum on the quota was held on 2 October 2016. It was legally void because less than half of the eligible population voted. However, of those who did vote validly, 98% were against the quota. It is hardly surprising that the government's two mottos – “Hungary has decided” and “Hungarians are united” – alluded to the fact that the nation's attitude toward the quota was clear, regardless of the referendum's invalidity.

As to the main characteristics of the coverage of the ‘quota referendum’ in Hungarian online media (between 1 June to December 2016), we found that even though the quota itself was an integral part of the coverage of the ‘quota referendum’, the focus in the media shifted to other topics (internal politics and strategies, the campaign itself, etc.). This shift coincided with the decreased presence of European actors in the coverage. When the quota was brought up (usually by the Hungarian government), the same tropes and arguments appeared as in the quota debate in 2015, such as national sovereignty, security, the cost of immigration, etc.

Regarding the main frames used in the media, the ‘internal politics’ frame dominates. The common interpretation of the situation was that the referendum was initiated mostly for political purposes by the Hungarian government (to keep migration on the agenda, to strengthen the general anti-EU narrative, and — ultimately — to sustain or even boost the popularity of the governing party). Therefore, discussions revolve around whether the government (and Prime Minister Viktor Orbán) succeeded or failed in this.

The ‘power struggle’ frame that dominated the quota debate in 2015 was also present and widespread. In this phase, the frame included calls for national sovereignty and a war against the ‘nihilist elite’ that had taken over the institutions of the EU. This is the frame that the Hungarian government advanced, and it dominated the government campaign (billboards, town-hall meetings with government officials, advertising, etc.).

The government pushed the ‘representation/democracy’ frame, which interpreted the referendum as proof that the government — unlike the alienating European Union — was keen to listen to the people. This fit well into the ‘power struggle’ frame, especially with discussions on the alleged rule of the ‘European politically correct elite’.

Compared to 2015, there were some changes observed as far as the actors are concerned — most notably non-Hungarian actors (EU representatives, European politicians, etc.) were much less visible in the Hungarian media during this period, but were often referred to by government politicians as the opposition (or even the enemy) that ‘we’ must fight.

Among Hungarian actors, government politicians had a strong presence, but in 2016 the opposition was also visible. Some new actors also appeared on the scene: civil society organizations (NGOs) and a 'spoof' party (Kétfarkú Kutya, or the Two-Tailed Dog Party) gained significant visibility as well. The Two-Tailed Dog Party ran a campaign to encourage people to cast invalid votes (with support from crowd-funding). Another set of new actors were the so-called 'security experts', who propagated the government's message in the media and at town-hall meetings, reinforcing the simplistic version of the government's 'terrorism/security' frame.

Government actors still actively cited the European leadership as the naive/oppressive/anti-democratic/delusional/weak 'them', compared to the well-prepared/active/democratic/strong 'us'. European politicians rarely commented on the referendum. Hungarian opposition politicians also helped to construct these dichotomies by using moral and democracy-related arguments, describing the Hungarian government as corrupt/immoral/anti-democratic, etc.

The arguments were more or less the same as in the previous period. There were, however, new elements in the way responsibility and solidarity appeared in the media in 2016. Such new elements were, for example, (1) the emphasis on the economic burden on Hungary caused by the quota, and (2) the lack of solidarity with 'us'. According to this argument, as János Lázár – Minister of the Prime Minister's Office put it - the burden was being increased by the attitude of the West, particularly Germany, which "invite[s] them [the migrants] in, then pick[s] whom they need, then distribute[s] the rest to poorer countries of Europe ... this way richer countries would like to shift the burden of maintaining these people to Central Europe ... This region is expected to show solidarity of a Western European standard ... But how could someone on a 300 Euro pension help Africa?"²⁷

Part of this argument was that 'we' had done our share by building a fence and protecting the borders of Europe, and therefore, Europe should not expect more from 'us'.

Another new element was the blame game among Hungarian politicians: who was responsible for the future demise of Hungary? Government politicians called opposition parties traitors for not trying to stop the introduction of the quota ("which will ruin Hungary as we know it"). On the other hand, Jobbik argued that it was indeed the government, and Prime Minister Viktor Orbán personally, who were responsible for introduction of the quota, as the unsuccessful referendum (initiated by the government) would be used against Hungary by the EU. Leftist and liberal parties and civil society actors blamed the government for the growing xenophobia, and for the hateful and fearful environment it had created in the country for its own political ends.

²⁷ Nyilas Gergely: "Lázár: A kerítés építése a mi szolidaritásunk". *Index*, 29 September 2016. https://index.hu/belfold/2016/09/29/lazar_kormanyinfo_64/ (Accessed 13 December 2020).

As for Parliament, the government dominated the discourse; about a quarter of the total statements were made by the state secretary of the Prime Minister's Office in charge of communication. The prime minister made four speeches during this period. By party affiliation, the ratio was different from the previous period: Fidesz dominated the debates, with 78% of statements (while they had only 66% of the seats in Parliament). Most of the statements — as in the media — contained several references to domestic politics, such as criticizing other parties' actions, opinions and stances on the referendum in relation to other issues (often in a very repetitive way).

The issues regarding the quota referendum were very similar to those of the previous period. The themes that came up prior to the referendum were related to the wider context of the referendum (i.e. the refugee crisis and the related fears of accepting immigrants/refugees) and domestic politics, with the opposition blaming the government for corruption and double standards, and the government blaming the opposition for not campaigning for people to vote in the referendum.

The core of the right-wing discourse was the assumed dangers of the quota system. First, that masses of migrants could arrive in the coming years. Second, the problem of family reunification: if the country has to accept family members, the number of refugees would increase immensely. Third, as the prime minister summed up the government's position: Hungary is afraid of the "flow" because of the "civilizational differences", and the best solution would be to give help in the country of origin and "not to bring the problem here".

The main outcome of the referendum was the government proposal for an amendment to the Fundamental Law to reject any form of EU quota, i.e. to not allow "Brussels" to settle immigrants in Hungary without the Hungarian Parliament's approval.

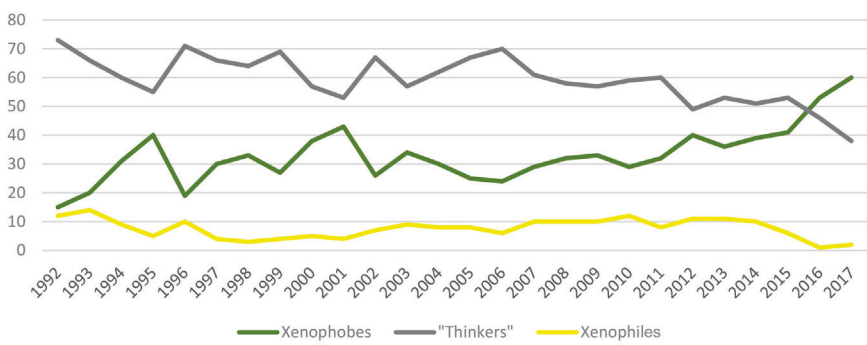
THE IMPACT OF THE MPB

In the short run, the effect of the MPB can be illustrated most lucidly by the increasing level of xenophobia. In Figure 2 we show long-term series data in Hungary, in Figure 3 a shorter-term series but with comparative data to prove it.

Xenophobia has been increasing in Hungary since the early 2010s, and a rapidly growing new trend emerged in 2015 (Figure 2; brown line).²⁸ At the same time, the proportion of 'thinkers' (those who would consider accepting immigrants depending on the circumstances; grey line) has fallen below the level of the xenophobes; and the (always small) xenophile population (yellow line) has all but disappeared.

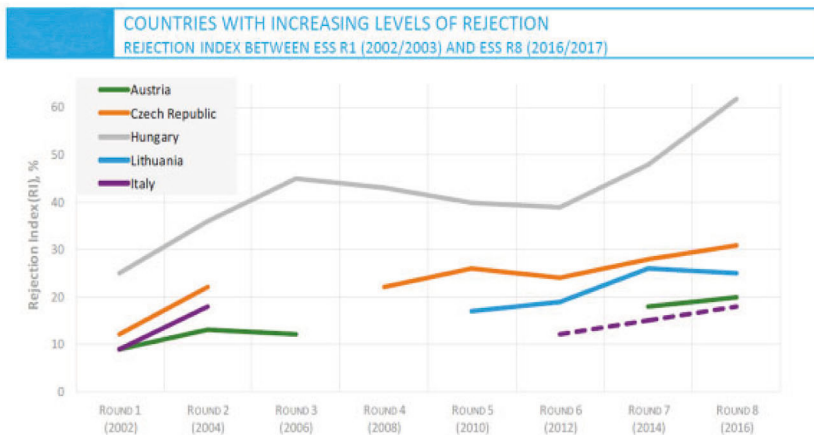
²⁸ Xenophobes are those who would not allow asylum seekers to enter Hungary at all. The xenophiles would allow all asylum seekers to enter. The 'thinker' rejects both extremes and requests more information.

Figure 2. The level of xenophobia in Hungary (%), 1992–2018²⁹



The level of intolerance in Hungary has always been comparatively high in international terms (Figure 3). And whereas in some countries (the Czech Republic and Austria) its level has risen somewhat since 2015, in Hungary there has been a rapid and steadily increasing trend.

Figure 3. The level of the Rejection Index³⁰ in a comparative perspective (compared to countries with increasing level of xenophobia between 2002/2003 and 2016/2017)



Messing-Ságvári (2019) <http://library.fes.de/pdf-files/bueros/budapest/15322-20190505.pdf>

²⁹ Geró–Sik, 2020. 40.

³⁰ The share of those who would flatly reject all migrants without consideration any migrants coming from poorer countries outside Europe. Messing Vera – Ságvári Bence: *Looking behind the culture of fear: Cross-national analysis of attitudes towards migration*. 2018. <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/article/3014/messing-sagvari-fes-study-march-2018.pdf> (Accessed 13 December 2020.)

SUMMARY

In summary, the MPB ensured that the governmental narrative dominated the public discourse on migration and the relocation quota since 2015. The “competitive representative claims-making in the public sphere”³¹ is completely missing in Hungary, and therefore the messages of the MPB cannot be effectively challenged by other actors. Frames and interpretations that challenge the narrative of the government were present, but were audible only in ‘echo chambers’, and they were not loud enough to influence the discourse. The application of the MPB, along with the structural changes implemented in the public fora, lead to a strong hegemonic role for governmental narratives.

From the government’s point of view the MPB was a successful project, since it continuously supported the high level of popularity of Fidesz and consequently solidified the power of the ruling elite. The MPB made sure that the Hungarian population saw the world as tailored by professional framing experts. Both recent public opinion research and the results of the 2018 parliamentary elections show that the Hungarian public is dominated by pro-government attitudes — whatever the topic — and that the popularity of the governing political forces is kept at a high level by using the MPB.

We consider the repeated pushes of the MPB to be part of a strategy. Such moral panic-mongering activity by the government offers high profit for the ruling elite by distorting public discourse. The government ignores the potential long-term negative effects of the process, such as increasing xenophobia and decreasing tolerance. On the contrary, it seems to build on these trends to create an ethnocentric cultural milieu and to engage in nationalistic biopolitics (i.e. fighting against ‘non-Hungarian’ art and science, developing patriotic education, prioritizing married heterosexual couples with at least three children, and Hungarians living across the border).³²

³¹ De Wilde, Pieter: “No polity for old politics? A Framework for Analyzing the Politicization of European Integration”. *Journal of European Integration*, 33(5) (2011). 559–575, 572.

³² Melegh Attila: “Unequal Exchanges and the Radicalization of Demographic Nationalism in Hungary”. *Intersections. East European Journal of Society and Politics*, 2(4) (2016). 87–108.

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THE DIFFERENT SHADES OF SOLIDARITY IN ASYLUM POLICY AND PRACTICE IN HUNGARY

JUDIT TÓTH – ANIKÓ BERNÁT

Abstract

Utilitarian solidarity is a Hungarian invention that applies not only to the entire Hungarian foreign policy, but also to migration measures, including policies and legislation. Our research sought to answer the question of how the management of mass flight into Hungary in 2015 — especially its system of control and fencing introduced at the borders between 2015 and 2020 — transformed solidarity. The spontaneous solidarity shown by NGOs and volunteers in helping refugees has faded, as the officially announced reception of some selected TCN immigrant groups (government bond buyers, ethnic groups, persecuted Christians, scholars from developing countries) has become increasingly glaring. This solidarity, which affects a few thousand people, has made up for the lack of solidarity that has excluded hundreds of thousands of potential applicants, refugees, and people ready for integration. This change has been facilitated by the government's campaign of hatred against migrants, the completely reformed legal regulations on border entry and asylum since 2015, and the externalization of refugee-related care and procedural burdens to neighboring (partly non-EU) countries.

INTRODUCTION

The question of the research was how the mass flight that arrived in the long summer of 2015 affected solidarity with immigrants — covering here a broad definition of solidarity. What government measures can be used to break solidarity with those in need of help and protection? Is it possible to accommodate selected migrant groups, while excluding the majority of those in need of protection? Is there social resistance, a reaction to legal and administrative measures, that significantly hinders mobility and asylum? Does European solidarity have normative power, or is it only political utilitarianism that matters? The legal and communication events in Hungary provided a suitable field for investigating these questions.

This article addresses various understandings of the so called “long summer of migration” in 2015, when a large number of forced migrants reached Hungary. According to the official interpretation, Hungarian society has been under the threat of migration by those irregular migrants and refugees who according to intensive governmental communication come to take jobs away from Hungarians, and do not respect Hungarian customs and legal rules. Therefore, the government proclaimed a crisis situation due to “mass immigration”, labelling the appearance and existence of refugees in the country as a ‘crisis’, and substantiating restrictions

of fundamental rights.¹ Propaganda flew continuously via all sorts of media outlets to the public (on billboards, in paid advertisements, undated criminal news, xenophobic statements by state leaders, hate speech disguised as written consultations — see *Facts Matter*) — or in other words, it pressed the ‘moral-panic button’ over mass migration.² In the autumn of 2015, right before the physical and legal closure of the southern borders of Hungary, approximately 200,000 people who arrived at the southern borders were transferred to the Hungarian-Austrian border by the authorities — or were allowed to travel to Austria on their own (by train, bus, or voluntary transport) without any formalized procedures, although neither the Dublin nor the Schengen regime made this possible.

A crucial element in this anti-immigration policy was when the Hungarian government built a physical and legal barrier against those seeking international protection, in the form of a multi-layered physical fence 175 km along the southern border between Serbia/Croatia and Hungary. Entering Hungary was allowed only at two crossing points where transit zones (actually strictly guarded barracks) were erected in order to detain asylum applicants until the end of the asylum procedure. If the potential asylum-seekers entered Hungary via green borders — i.e. not via protected official border crossing points — and were caught by border guards in the territory of Hungary, the border officials led, escorted or pushed them back to the gate to leave Hungary towards Serbia (from where they entered Hungary), or they were possibly apprehended in the territory of the country and forced to leave alone. The former asylum authority and legal and infrastructure system had been phased out by 2018, step by step within a few years, and merged into the police system. Until September 2021, restrictions due to the crisis for irregular migrants and asylum seekers have remained in place, but from mid-July 2020 asylum claims can only be requested and indicated in advance at Hungarian embassies as the transit zones have been banned by the ECJ.³

Contrary to this, a migrant solidarity movement emerged from scratch — fueled by volunteer grassroots to counterbalance the lack of official and charity solidarity — and organized an effective network of volunteers via social media to provide immediate relief for transit migrants by providing medical assistance, food, clothes, and information. This unprecedented solidarity movement by

¹ Acosta, Diego: The Expansion of Regional Free Movement Regimes. Towards a Borderless World? In Minderhoud, P. – Mantu, S. – Zwaan, K. (eds.): *Caught in between Borders: Citizens, Migrants and Humans*. Oisterwijk, Wolf Legal Publishers, 2019. 252.

² Sik Endre: “Egy hungarikum: a morális pánikgomb”. *Mozgó Világ*, 10 (2016). 77–80.

³ From the Post of the Hungarian Helsinki Committee on May 21, 2020: “Success: everyone was released from the transit zones by dawn! We received news at night that about 300 people had been unlawfully detained in the transit zones, mostly families with small children. We welcome the fact that the government has lifted illegal detention for an average of almost a year, meeting one of the key requirements of last week’s ruling by the European Court of Justice.” It means that transit zones are abolished.

independent civilian grassroots lay in stark contrast to the official attitude towards refugees and migrants — but it lost its mission. Refugees and migrants were excluded by the physical fence at the Serbian-Hungarian border, the country's main entry point, and by newer and newer strict anti-immigration regulations that practically banned migration into Hungary. An era has come to an end: in just five years, this weak and faint solidarity has become invisible to those in need of international protection, to the Member States, to the EU, and to refugees' and migrants' countries of origin. However, our argument is that these events have multiplied border effects and solidarity itself for grassroots civil local initiatives and established NGOs and bringing civilian relief actions to life. To illustrate this spontaneous and “yet solidarity”, we use stakeholder interviews conducted in the CEASEVAL project⁴, as well as empirical and ethnographic research evidence on the migrant solidarity movement, and literary concepts.

THE MULTIFACETED CONCEPT OF THE BORDER IN THE CONTEXT OF SOLIDARITY

Of Hungary's seven neighbors, Croatia, Serbia, Romania and Ukraine are not part of the Schengen area — while Slovakia, Austria and Slovenia are. Therefore, three types of control regimes were established at the Hungarian borders — the Schengen external border, an internal border, and a hybrid border control.

Border is a multifaceted concept defined by international treaties, and must be promulgated in law besides physical and geographical artefacts, in order to satisfy the classical definition of state sovereignty. This concept can best be demonstrated by highlighting that even after crossing the frontiers, borders can still be experienced at various levels in the lives of refugees, applicants, and those in need of international protection. There are at least a dozen ways. In Table 1, the summary of bordering practice and its ramifications on solidarity is based on our own research.

⁴ In this article we use certain parts from Bernát Anikó –Fekete Zsófia – Sik Endre – Tóth Judit: *Borders and the mobility of migrants in Hungary*. CEASEVAL Research on the Common European Asylum System, nr 29. Chemnitz, 2019. http://ceaseval.eu/publications/29_WP4_Hungary.pdf (Accessed 10 February 2020.)

Table 1: Relevance of border crossing for applicants/irregular migrants in the context of solidarity towards refugees in Hungary since 2015

Function of the borders/Bordering practice	Impact on solidarity
Space divider, separates spaces	Neutral
Physical barrier (fencing, including interception by the authority and informal push-back to another country, or escorting through a gate at a border fence)	As a physical obstacle, reinforced after 2015, significantly reduces the acceptance and supportive attitude towards irregular migrants, further reinforced by anti-immigration legislation, which often pushes refugees and migrants towards non-official crossing points at green borders, with an impact against solidarity
An opportunity for or reliance on international/local smugglers and their network, primarily of profit-making helpers, and vulnerability to these	This can also increase the solidarity between migrants, and the willingness of selfless grassroots volunteers and civilians to help, while clearly showing the lack of state-level solidarity
A concrete experience of state sovereignty, in particular a) entering (another) national political and power area, b) leaving and entering another legal regime (change of legal regime)	Strong emphasis by placing national symbols (flag, coat of arms, national-colored signs), inscriptions on billboards, and other mediatized messages, in Hungarian though seemingly addressed to migrants — this has an alienating effect that acts against state-level solidarity towards migrants, but strengthens the sense of belonging among people with similar xenophobic attitudes
Monitoring and control of the movement of people and vehicles (new / priority area of surveillance)	As part of securitization it has an alienating effect, as the extensive and rough application of coercive measures creates fear, and deters migrants and asylum seekers from contacting the authorities, and thus from legal encounters
Data collection, start of processing of migrants' personal data, which does not end with departure (long-term storage / exchange of data in cooperation)	Although it was implemented selectively it has an alienating effect as migrants and refugees are not able to control how their data is used and what decision will be made by the authorities based on their personal data (lack of trust in the solidarity of authorities)
Compulsion to prove the conditions of entry and residence, compulsion to cooperate with the authority for (irregular) migrants and applicants	As part of securitization it has an alienating effect — see above
Deprivation of apprehended irregular migrants, asylum seekers' liberty (in a closed transit zone, preceded by asylum / immigration detention)	As part of securitization it might have an inhumane effect in case of sub-standard circumstances (lack of personal space, food, liberty etc.) and in case of detention instead of open camps, this clearly highlights the lack of state-level solidarity. Only human rights NGOs and charities were allowed (occasionally) to provide some assistance and food, which does not compensate for the poor detention conditions and the lack of personal freedom

Function of the borders/Bordering practice	Impact on solidarity
Becoming the object of cooperation within and between authorities, increasing their cooperation (e.g. through data exchange, control, conducting proceedings)	As part of securitization it has an alienating effect in the absence of bilateral interactions with client/family member/legal representative; cooperation with the EU in solidarity actions is formal or weak
Entering another service provider's space (telephone, GPS, internet tariff...)	Provided an opportunity for spontaneous gestures of solidarity when help was needed
Entering another communicative, discursive space via the local (Hungarian) public and political discourse	Hungary has demonstrated this very strongly with the governmental anti-immigration billboard campaign, the intimidating state propaganda against migrants and, of course, the use of the term (illegal) migrant (that has been intentionally transformed into a clearly negative term in Hungarian) instead of the terms asylum seeker or refugee (categorical fetishism) in the official / mass media - thus attacking all forms and levels of solidarity directly
Setting, influencing or diverting the direction of mobility	Due to the coercive and securitization measures, the practice at the Hungarian borders gradually directed international seekers to other countries and routes, including the increase of secondary migration, which has stabilized at a high level with the abolition of social / institutional acceptance and integration programs
Cultural and ethnic dividing line	This is less pronounced at the Hungarian borders because Hungary has neighbors with similar ethnic and cultural characteristics, but the significant cultural distance of those coming from geographically far places destroys state-level solidarity, and thus should be compensated via other actors. This was partly fulfilled by the refugee solidarity grassroots
Separation of human relationships from friends, relatives, family, and fellow travelers	This worsens the chances of migrants and refugees coping
Hunger, thirst, homelessness and the lack of the means to travel	Forced migrants are also vulnerable to official arrest/deprivation of liberty or pushing back to another state, which could increase spontaneous grassroots civil solidarity as long as they were not banned
Other social and health vulnerabilities, regardless of forced migrants' illness, specific condition, or age	Undifferentiated official treatment is part of the treatment of applicants as objects, in order to reduce solidarity and increase fear among members of the authority and the population. The lack of official humanitarian aid support was filled by the spontaneous grassroots civil solidarity, as long as they were not banned

The appearance and movement of the wave of refugees and forced migrants provided an opportunity to demonstrate this official bordering practice to society, partly via the approaches and measures outlined in Table 1. As the security measures and public communication used only the term “*illegal migrants*”, this served to preserve or even increase the government’s voter base, and after a while it didn’t even need any migrants (although the introduction of the “mass migration crisis” and accompanying measures has persisted since September 2015, and can only end in September 2020⁵). It is clearly reflected in the statistics showing a declining trend in the proportion of asylum seekers and irregular migrants that may enter the country, and a smaller proportion of those applicants who have been admitted and detained in closed transit zones along the border (5-10 people per week were allowed to apply for asylum). That is, only they were officially allowed access to the safe area. However, this was also abolished in 2020, and from 26 May it is only possible to enter the country as an asylum seeker by submitting a declaration of intent and completing a 10-page questionnaire⁶, followed by a preliminary embassy interview.⁷ Thus, the *applicants have become almost invisible* both in the transit zone barracks at the border and in embassies. So with whom will society be in solidarity? Is it a genuine “*remote control*” in migration and border enforcement⁸, started by the establishment of extra-territorial border zones for irregular forced migrants?

HOW STATISTICAL DATA REPORTS ON THE BURDEN OF FORCED MIGRANTS

The act of border crossing has several direct and indirect implications that affect people in need of international protection, significantly and often adversely. Can inferences be made from the statistics on solidarity, and how it is affected by border practices? The following tables (Table 2 and 3) provide an opportunity to test the operation of the normative system applied by Hungary since 2013 by using official data, and thus might demonstrate the impact of legislation and border management on those who are fleeing and thus applied for international protection.

⁵ Government Decree No. 41 of 2016, March 9 on the imposition of a crisis situation caused by mass immigration on the entire territory of Hungary and on the measures related to the elimination of a crisis situation.

⁶ Declaration of intent for lodging an application of asylum. National Directorate-General for Aliens Policing (Hungary). http://www.bmbah.hu/images/sz%C3%A1nd%C3%A9knyilatkozat_angol_4.pdf

⁷ Act LVIII of 2020, Government Decree 233 of 2020, May 26; and 292 of 2020, June 17.

⁸ Fitzgerald, David Scott: “Remote control of migration: theorising territoriality, shared coercion, and deterrence”. *Journal of Ethnic and Migration Studies*, 1 (2020). 20–21.

Table 2: *Compilation of irregular movements and asylum applications at the Hungarian borders 2013-2020 (January-June)*⁹

Year	Prevented border crossing of TCNs	TCNs intercepted and escorted through a border fence gate (IBH)	Apprehended and prosecuted TCNs	Refused entry of TCNs	Asylum seekers	Recognized TCNs under international protection (refugees, subsidiary protection, tolerated migrants)	Refused official data application for international protection	Termination of proceedings (without a substantive decision)	Pending asylum cases (cases in progress)
2013	11 144 illegal border crossings (via Schengen external borders)			11 055	18 900	360	4185	11 339	1886
2014	6282 illegal border crossings (via Schengen external borders)			13 325	42 777	503	4553	23 406	15 685
2015	61 457 illegal border crossings (via Schengen external borders)			11 505	177 135	512	2917	152 260	36 694
2016	10 661 (July-Dec)	8420 (July-Dec)	539 (July-Dec)	9905	29 432	432	4675	49 479	3413
2017	11 195	9076	1416	14 010	3397	1291	2880	2049	678
2018	1691	4286	485	15 050	671	367	595	160	124
2019	3008	12 973	943	n.d.	468	60	650	n.d.	234
2020	3237 (Jan-June)	10 211 (Jan-June)	852 (Jan-June)	n.d.	73 (Jan-March)	69 (Jan – March)	n.d.	n.d.	n.d.

⁹ Sources: EUROSTAT Third country nationals refused entry at the external borders - annual data [migr_eirfs]https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_eirfs&lang=en; Development of inward illegal border crossings at Hungary's Schengen external borders in 2010-2018 between 1 January and 23 June (A befelé irányuló illegális határátlépések alakulása Magyarországon schengeni külső határain 2010-2018. évek január 1. és június 23. közötti időszakában) <http://www.police.hu/sites/default/files/Illeg%C3%A1llis%20hat%C3%A1r%C3%A1t%C3%A9s%C3%A9s%202010-2018%2001%2001-06%2023%2024%2000-ig.pdf>; Statistics of the Immigration and Asylum Office/Alien Police Directorate, Hungary, January – December 2018 http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=177&Itemid=1232&lang=hu; AIDA 2019 update: Hungary <https://www.asylumineurope.org/news/12-03-2020/aida-2019-update-hungary-1>; Hungarian Central Statistical Office Number of asylum seekers and beneficiaries of international protection arriving in Hungary 2016-2020 (Magyarországra érkezett menedékkérők és a nemzetközi védelemben részesülők száma 2016-2020) https://www.ksh.hu/docs/hun/xstadat/xstadat_evkozi/e_wvnn001.html

There is a spectacular discrepancy between the numbers and concepts used by EUROSTAT and the police to prevent irregular migrants from entering the country, because physical and legal entry cover two different moments. (Table 2) For instance, thousands of migrants were pushed back from the territory of Hungary to the external side of the border fence, but in police terminology this means that “TCNs (were) intercepted and escorted through a border fence gate (IBH)”. In police terminology persons blocked from entering at the border fence is regarded as a “prevented border crossing of TCNs”, while a certain part of them are “apprehended facing (a) formalized procedure” of refusal and readmission or expulsion. (Table 2) Therefore, the only clear tendency is an increasing number of irregular entries (or attempts) and rejection from the border since 2013, despite the construction of a four-meter-high double-layered fence between 2015 and 2016 at the southern borders of Hungary. Only a significant decrease in the number of applicants for international protection after 2016 can be detected. Why? The fence (combined with restrictive legal measures in asylum) is reducing the chances of applicants entering the territory, diverting them elsewhere, while a slight increase in recognition rate for protection can be observed if they somehow could access to the protection procedure (between 2010 and 2019, out of 321,469 people, only 9854 were granted some form of protected status, representing an average recognition rate of 3%). This moderate official-level solidarity growing the rate of recognition a bit is further reduced by the fact that, based on fragmented address data, the number of residents who have actually received international protection in Hungary has been around 5000 for many years. (This is well below the average of 2% of non-Hungarian citizens in the resident population between 2000 and 2020¹⁰).

Table 3: Dublin procedure data, Hungary, 2014-2019¹¹

Year	Outgoing procedure		Incoming procedure	
	Requests	Transfers	Requests	Transfers
2014	1815	89	7930	827
2015	n.d.	n.d.	n.d.	n.d.
2016	5619	212	26 698	513
2017	896	220	0	129
2018	276	53	2666	0
2019	200	28	1697	1

¹⁰ Foreign nationals residing in Hungary by continent, country and sex, 1 January, by the Hungarian Central Statistical Office. http://www.ksh.hu/docs/hun/xstadat/xstadat_eves/i_wnvn001b.html?down=256

¹¹ EUROSTAT. https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_dubro&lang=en; and AIDA reports on Hungary. <https://www.asylumineurope.org/reports/country/hungary>

Total	8886	602	38 991	1470
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The Dublin procedure is based on the Dublin Regulation,¹² designating which Member State is responsible for examining an asylum application, thus reducing secondary migration as they are transferred from one country to another in cooperation with the authorities. A further aim of the procedure is to prevent multiple requests and an additional burden on the destination countries of many asylum seekers. Over five years Hungary handed over about 600 applicants to another Member State to process asylum applications, and readmitted about 1,500 applicants during this period — while the proportion of outgoing to incoming requests for reception was not twice but four and a half times (Table 3). This disproportion is a good indication that the *Hungarian borders are porous*, meaning that a very large number of asylum seekers enter or leave the border without any trace, and if some of them are sent back to Hungary for this reason, most of those requests will be rejected. In fact, with this process Hungary helps thousands of migrants each year to stay in their desired destination country and enjoy asylum protection there. On the other hand, due to the geographical location of the country, transit traffic is significant among potential applicants — it is not circular but rather transit migration, as Hungary can transfer far fewer applicants to other EU states than it actually readmit from them.

State borders work in such a way that when a wave of people arrives, they let them through but do not keep them inside the country. If irregular migrants keep trying to enter, those stopped people will be pushed back, and the authority will refuse to allow them to stay. Untraceable travelers will, as in a sieve, get through the borders. There are not many people seeking and enjoying protection in Hungary because they often move on to another EU Member State (*secondary migration*). There is little substantive asylum procedure and transfer under the Dublin system. Hungary does not accept those in need of protection — only certain applicants under the Dublin system — and there is no other admission in the frame of international solidarity (refugees admitted through humanitarian action, or relocation of applicants from Greece).¹³

A further example on abolishing solidarity, as covered by statistics: Hungary pushed TCNs back to Serbia or Croatia, and apprehended asylum seekers within the 8km border zone, while criminal proceedings were initiated against others. According to Strik (2020), using the ECRE and UNHCR data, between July 5

¹² Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, OJ L 180, 29.6.2013. 31–59.

¹³ In 2015 the yearly admitted people, on the basis of the international solidarity programme, were revealed (Governmental Decree 86 of 2014, March 18) – it was 20 people. The relocation was refused, and the ECJ ruled on 2 April 2020 that Hungary had broken EU law by refusing to take in its share of asylum seekers in 2015.

and December 31 2016, more than 19,000 TCNs' entry was denied or prevented, decreasing to 9000 in 2017. This was coupled with additional entry barriers as of 2015, including a closed transit area which was reduced to admission of one person per working day.

WHAT KIND OF SOLIDARITY?

The bordering practices and legislation applied by Hungary and outlined above often leave asylum seekers without assistance or protection — and this triggers solidarity action. But solidarity is a multi-faceted concept, and can be provided by various actors. Solidarity is considered thus a cross-disciplinary, much-analyzed phenomenon, philosophically grounded, distributional model, relation and behavior. The division of Durkheim's classical dichotomy into organic and mechanical solidarity¹⁴ left its mark on later categorization, because the types of social solidarity correlate with the types of society. Thus, the attachment of solidarity to place, space and boundaries (e.g. the individual's relationship to their immediate environment; trust in the relationship with groups with the same work, education, religion or faith, or lifestyle; the importance of social homogeneity) only reached the multidimensional and diversity-based concept through several steps. This was not only encouraged by global processes, but was also supported by a comprehensive analysis linked to phenomena such as the impact of international migration and the crisis on solidarity. The recent 'refugee crisis' and its social and political impacts have fundamentally affected European attitudes towards solidarity, but this does not necessarily mean a weakening of solidarity.

A recent analysis based on the European Social Survey round 8 (2016) examined what solidarity positions could be observed and contrasted — of *subjective perceptions* at the micro-level (like social trust, well-being, and feelings of insecurity), as well as at the macro-level (like institutional and political trust, attachment to country and the EU) — and to different values and attitudes (like xenophobia, homophobia, conformism, or statism). Examining the solidarity of the Hungarian population in the asylum crisis, it came to the conclusion that it is very similar to Austrian attitudes, but differs in several respects: inclusive solidarity is the weakest at the macro level, and the strongest at the micro level, while *exclusivity is mainly spectacular at the macro level*. This means that Hungarians are showing rejection and thus a low level of solidarity with foreign relations, migrants, refugees, the EU and the UN.¹⁵

¹⁴ Durkheim, Émile: *The Division of Labor in Society (De la division du travail social)*. New York, Free Press, 1997. 66–70.

¹⁵ Grajczjár István – Nagy Zsófia – Örkény Antal: "Different Types of Solidarity in Times of Crises. A Changing European Landscape". *Intersections. East European Journal of Society and Politics*, 1 (2019). 122–128.

On the other hand, the rise and rapid growth of the migrant solidarity grassroots groups in Hungary during the summer of 2015 demonstrates a strong demand for expressing empathy and solidarity with those individual volunteers who oppose the state-level, official anti-immigration and inhuman approach of the Hungarian government and a large share of the Hungarian population.¹⁶

Solidarity can be *multidimensional*, *normative*, and can be classified into several types, but it can be realized in many different ways based on the concept of the authors. As an interaction between Hungarian asylum, immigration and border practices, a *multilevel, diverse, heterogeneous (including inclusive elements) and incoherent solidarity* has emerged, with examples of solidarity fighting for resources and sovereign unilateralism, as well as institutional¹⁷ and *mainly instrumentalized* solidarity.¹⁸ The latter is especially characteristic after 2015 because the social reception of refugees and forced migrants, as well as the practice at the border, has become a tool (hostage) of governmental goals in domestic and foreign policy. The fences, the almost completely reduced supply of applicants, and the termination of integration programs for beneficiaries of international protection, have liquidated solidarity at the macro (official, state) level, denouncing regional and European inclusive solidarity, and reorienting the country into a unilateral struggle for sovereignty.

Selective solidarity at state-level in Hungary means that there is an *inclusive component of solidarity*, but only in relation to migrants who are supposed to be useful to the government because they need the labor force or money invested in treasury bonds for five years (a loan payback with interest at the end of this term), or to strengthen the ideology of government as potential voters (persecuted Christians, members of the Hungarian diaspora). All of these groups are received without social publicity, and sometimes without formal procedure, so they are “*invisible immigrants*”.

Who are the *useful but invisible immigrants without restrictive bordering practice*? The decline in the labor supply (in the context of massive economic growth and fueled by the increasing emigration from Hungary to some extent) generates structural and local shortages, which the government wants to compensate by attracting individual and organized migrant workers. For this reason, exemptions have been granted at several points and simplified in authorization — for example seasonal employment, the use of foreign workers in missing professions, or the rules on

¹⁶ Bernát Anikó – Kertész Anna – Tóth M. Fruzsina: “Solidarity reloaded: Volunteer and civilian organizations during the migration crisis in Hungary”. *Review of Sociology of the Hungarian Sociological Association*, 4 (2016). 29–33.

¹⁷ Oosterlynck, Stijn – Loopmans, Maarten – Schuermans, Nick – Vandenaabeele, Joke – Zemni, Sami: “Putting flesh to the bone: looking for solidarity in diversity, here and now”. *Journal of Ethnic and Racial Studies*, 5 (2016). 774–778.

¹⁸ Bauder, Herald – Juffs, Lorelle: “Solidarity in the migration and refugee literature: analysis of a concept”. *Journal of Ethnic and Migration Studies*, 1 (2020). 49–51.

licensing of temporary agency work.¹⁹ Thus, in 2019 a total of about 95,000 foreign laborers were employed in Hungary, half of whom came from non-EU countries (Serbia, Ukraine, China, etc.), doubling the number of migrant workers in two years.²⁰ In exchange for buying a five-year Investment Treasury Bond (residency bond), 20,000 people — mainly Chinese and Russian citizens — have acquired long-term migrant status in Hungary since 2013. Moreover, they get the bond price back with interest after five years.²¹

Another example of the selective solidarity towards the admission of specific groups of immigrants or foreigners is targeting international university students. The government is “welcoming young people from 50 to 60 developing countries as part of the development of its East-South relations, its foreign policy strategy, and its strategic priorities for international development cooperation.”²² For them, the budget provides generous scholarships for their English-language university education and doctoral education (covering 4–6 years of tuition fees, the costs of subsistence, housing, free textbooks, and health care). At least 15,000 young people have joined the program since 2014. A quota of 13,000 people was set for 2020 and 15,000 for 2021, out of a total of 111 million EUR per year. Its management was entrusted to a public foundation (and not to universities or public administration).²³

This is an exception, however, because the essence of the anti-immigration policy, according to the Hungarian official approach, is to help the countries of origin so that people do not flee to Europe (for example the government will support medical, agricultural and water projects to develop sub-Saharan Africa²⁴). The exception to the main rule is the support of persecuted Christians fleeing home. In the name of solidarity, “Parliament expresses its solidarity with Christian communities in the Middle East and Africa in particular, whose members have been victims of or are threatened by the devastating acts of terrorists.”²⁵ For this reason, a separate state secretariat and a government agency were set up to organize financial support abroad and in Hungary. At least 200 persecuted Christian youths are receiving generous scholarships for their university studies in Hungary if they get a recommendation from their own home religious community. Moreover, Hungary admitted allegedly

¹⁹ Government Decree No.445 of 2013, Nov 28 as modified by the Decree No.113 of 2016, May 30 and Decree No. 411 of 2017, Dec 15.

²⁰ Data from the National Directorate of Alien Policing, late September 2019.

²¹ Act CCXX of 2012, Act CVIII of 2014 and Act XL of 2018 amending the Act II of 2007 on entry and residence of third country nationals.

²² Government Decree No.285 of 2013, July 26 on Stipendium Hungaricum.

²³ Government Resolution No.1793 of 2019, Dec 23 on strategic relationships of SH programme.

²⁴ Government Resolution No.1177 of 2019, April 2 on African developing policy.

²⁵ Parliamentary Resolution No.36 of 2016, Dec 19, Government Resolution No.1513 of 2016, Sept 22, Government Resolution No.1532 of 2018, Oct 25 on supports for persecuted Christians.

admitted 1000 persecuted Coptic Christians in 2014,²⁶ but neither the migration statistics nor the Coptic community know anything about it.

UTILITARIANISM IN SOLIDARITY

Further elaborating on how various levels of solidarity appear in practice, the scope should be shifted to European solidarity — which is based on joint action, harmonized regulation, and actions/programs supported by common funds. In the Common Asylum Area, Hungary wants to implement national utilitarianism to increase the selective reception of TCN immigrants, in order to increase its solidarity in terms of mobility without bearing the unpopular burden of mass refugees — therefore shifting them to other countries. This peculiarly Hungarian concept of solidarity appears in government measures — some of which are here.

Between 2018 and 2019, Hungary admitted at least 1000 people from Venezuela that are missing from both the budget and the asylum statistics. Officially they are returnees from the Hungarian diaspora, although they are in fact fleeing from the Venezuelan political and economic crisis and none of them speak Hungarian. The government covered their expenses (flights, accommodation, Hungarian language courses, integration programs) and job search because they can be employed. But neither they nor the Maltese Charity Service organizing their integration talk publicly about the program, because the asylum project is going on in secret²⁷ for the sake of the safety of those involved²⁸ — at least according to the official statement. However, they would be quickly granted citizenship, since they can also be naturalized preferentially if they have ever had Hungarian nationals among their ancestors.²⁹ This is allowed by the simplified naturalization program, that granted Hungarian (and thus European Union) citizenship for more than 1 million people around the world between 2011 and 2019, even without Hungarian contacts (without residence, payment of taxes, or family ties, but based on ethnic presumption).³⁰

²⁶ Panyi Szabolcs: “Rejtélyes a befogadott kopt családok ügye”. *Index*, 11 September 2015. https://index.hu/belfold/2015/09/11/kereszteny_csaladok_befogadas/ (Accessed 15 February 2019.)

²⁷ Thorpe, Nick: “Venezuela crisis: Secret escape to anti-migration Hungary”. *BBC News*, March 4 2019. <https://www.bbc.com/news/world-europe-47401440> (Accessed 10 January 2020.)

²⁸ Földes András: “Több száz venezuelait fogadott be titokban a kormány, de nem fizet bevándorlási különadót”. *Index*, 21 February 2019. https://index.hu/belfold/2019/02/21/venezuela_magyar_menekultek_befogadas_bevandorlas_bevandorlasi_kulonado_maduro_chavez_polgarhaboru/ (Accessed 10 January 2020.)

²⁹ Act LV of 1993 on Hungarian nationality, Art.4 (3) modified by the Act XLIV of 2010.

³⁰ Pogonyi Szabolcs: *Extra-Territorial Ethnic Politics, Discourses and Identities in Hungary*. London, Palgrave Macmillan, 2017. 55–60.

The simplified naturalization offered for anyone with Hungarian background is also a type of state-level solidarity according to the official communications, but in fact it is often also available for those without any Hungarian ancestors (by exploiting the shortcomings of the legislation or using assets that might fall into a grey legal zone).

Although the four traditional sources of solidarity (interdependence, shared norms and values, struggle and encounter) remain relevant, migratory movements, social diversity and globalization urge a rethinking of their spatial and temporal framing to capture today's intricate engagements of solidarity.³¹ Governments that envision a unifying Hungarian nation — living in the diaspora, minority and motherland — are counting on the role of borders, but on an ethnic basis, and assuming intergenerational continuity, it is minimized by all means, while for other ethnic persons not only their naturalization but just entering the country is made much more difficult by all levels of the bordering practice. The pre-enlightenment period is cited by the fact that solidarity dominates as loyalty, thus reinforcing the dichotomy between an ethno-nationalist, tribal, imagined national group (the in-group) and those others excluded from it — visible immigrants and non-citizens (the out-group). The *government campaign against refugees* has been underway since 2015, embodied in public media, state ads, public billboard campaigns, a budget-funded series of “National Consultations” (i.e. public opinion polls with questionnaires that are distributed to all adult Hungarians) used for propaganda purposes, and in addition a referendum on migration, wasting billions of HUF on incitement to hatred.³² Moreover, the prime minister built his campaign for both the Hungarian and the European Parliament elections in 2018 and 2019 entirely on opposing immigration to the European Union. The campaign of billboards, newspapers and publicly financed ads has been condemned by the EU as distorting the truth and aiming to “*paint a dark picture of a secret plot to drive more migration to Europe*”.³³

Another component of solidarity is that we are in solidarity with EU citizens/people with the right to free movement, and are not hindered by bordering practices. But solidarity with the Member States is already weak — there is no shared responsibility and burden-sharing despite the TFEU.³⁴ Therefore,

³¹ Stijn et al., 2016. 777.

³² Gall, Lydia: “Hungary’s Xenophobic Anti-Migrant Campaign. Government Has Spent €16M Spreading Distorted Facts About Refugees”. *Human Rights Watch*, 13 September 2016.

³³ European Commission: *Facts Matter. European Commission responds to Hungarian government campaign*. https://ec.europa.eu/commission/sites/beta-political/files/facts_matter_hungarian_government_campaign_en.pdf (Accessed 10 January 2020.)

³⁴ Tóth Judit: Hungary at the Border of Populism and Asylum. In Carrera, S. – Stefan M. (eds.): *Fundamental Rights Challenged in Border Controls and Expulsion of Irregular Immigrants in the European Union. Complaint Mechanisms and Access to Justice*. Milton Park, Routledge, 2020. 80–86.

utilitarian, reciprocity-based, mostly self-centered solidarity gives rights and benefits to those who have the right to free movement, so that Hungarian citizens can also receive those rights and benefits in other Member States. But the government no longer wants to give anything to (visible) immigrants (non-privileged TCNs) because it would not get anything back from them anyway — there is no political benefit (as votes in general elections, supporting the ruling party etc.) from them.. Therefore, instead of European political action, the government follows a practice of nationalistic propaganda, alienation of migrants and one-sidedness: by building a fence, reintroducing border controls, and refusing relocation.

There is no moral drive but only *reflexive negative solidarity* due to state-fueled xenophobia. Rejection, exclusion and prejudices reduce emotional acceptance and active solidarity with migrants. The word ‘refugee’ has been consistently avoided in official communication and, with the term ‘illegal migrant’, has been perpetuating a sense of crisis and danger in society through the public media, legislation and press releases since 2015. This is a specific form of the “*categorical fetishism*”³⁵ by the ruling power in Hungary.

Normative, legally prescribed human rights conventions and case law are fulfilled only in a minimalist way by the legal system. I.e. they are only on the verge of solidarity, and are characterized by strong *formalism in transformation and implementation of EU norms*. This applies to international commitments such as support for developing countries, participation in humanitarian operations, and admission of UNHCR refugees or stateless persons. However, Hungarian legislators and authorities do not always manage to find the dividing line between the letter and the values of the human rights requirements, so there are quite a few infringement proceedings against Hungary.³⁶

Finally, a part of the solidarity related to bordering practice is the *spontaneous emotional, reflexive and moral-based solidarity*, the existence of which is due to the actions of NGOs, volunteers and border settlements. They provided assistance to forced migrants in various ways during the period of forced migration in large scale as long as possible, and as long as civilians’ and helpers’ activities were not penalized.³⁷ So their presence may have remained narrow and even less spectacular

³⁵ Crawley, Heaven – Skleparis, Dimitris: “Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe’s ‘migration crisis’”. *Journal of Ethnic and Migration Studies*, 1 (2018). 50.

³⁶ Nagy Boldizsár: Hungary, in front of her judges. In Minderhoud, P. – Mantu, S. – Zwaan, K. (eds.): *Caught In Between Borders: Citizens, Migrants and Humans*. Oisterwijk, Wolf Legal Publishers, 2019. 258.

³⁷ 58 NGOs called on the government in a Joint Statement on aid to refugees and humane treatment, 8 September 2015. <https://www.greenpeace.org/hungary/sajtokozlemeny/1615/kozoz-nyilatkozatban-kerik-civil-szervezetek-a-kormanyt-a-menekultvalsag-humanuskezelesere/> (Accessed 10 December 2020.); as of 15 September 2015, the Penal Code was amended and the provision of any assistance to migrants near the border was considered

today. These grassroots emerged from scratch, as a spontaneously formed network of individual volunteers who wanted to fill the gap in humanitarian aid for forced migrants and refugees during “the long summer of migration” in 2015. The lack of aid by official state and state-funded, dedicated charities made a service niche that was filled by individual civilian actors who connected and operated via Facebook groups,³⁸ driven solely by humanitarian reasons, and only marginally by political reasons,³⁹ while still having a strong political impact on the discourse as well as the actions regarding the ‘migration crisis’.

CONCLUSIONS

Based on the questions of the research, we tried to prove that the mass flight in the long summer of 2015 was a good way to strengthen the political utilitarianism of the government. On the one hand, this was based on a hatred campaign against immigrants by the government — but it was not the only way to influence solidarity with immigrants. Namely, it has replaced solidarity with mass refugees in need of help and protection, with the vital support and reception of certain selected TCN immigrant groups. Although there has been some manifestation of social solidarity precisely in the face of legal and administrative measures that significantly hamper mobility and asylum — as the EU has referred to the normative power of European solidarity — it has been in vain. Making borders impassable by fencing, just as closing them today during the pandemic, has become only a means of utilitarianism, and solidarity with migrants has been subordinated to it. Thus, utilitarian solidarity was born before our eyes, relativizing the content of words and European values.

The government’s official internal and external response to the mass flight, forced migrant movement, which began in 2015, was to push the boundaries of sovereignty and, instead of self-limiting power, it increased control and restriction of rights over forced migrants. This did not include moral or non-reciprocal solidarity based on the principle of human rights or EU loyalty, but instrumental solidarity, which has become a tool of national confinement: it has emphasized the protection of Europe’s (external) borders while cynically pushing the issue of refugees to other

a serious crime, and it was a crime to climb/penetrate the fence at the border, see Zsirai Veronika: “Az illegális be- és átvándorlás segítése – az embercsempészés bűncselekménye”. *Ügyészek Lapja*, 2019/1. 35–37.

³⁸ Bernát Anikó: Solidarity powered via social media: Migrant solidarity grassroots groups in Hungary. In Travlou, P. – Cioffi, L. (eds.): *Ethnographies of Collaborative Economies Conference Proceedings*. Edinburgh, University of Edinburgh, 2019. <http://sharingandcaring.eu/sites/default/files/files/Paper1%20Bernat.pdf> (Accessed 10 February 2020.)

³⁹ Bernát et al., 2016. 48–49.

countries, has prevented entry, residence, security, fair treatment and conditions for those in need of international protection.⁴⁰

At the same time, in addition to stricter border protection and asylum, there is a kind of inclusive governmental solidarity, but only for “invisible immigrants”. As part of this, persecuted Christians, members of the Hungarian diaspora, guest workers and treasury-bond buyers receive residence permits, work permits, citizenship, and participation in social programs. This is not selfless because the government expects votes, loyalty, money and labor in return.

Manifestations of civil organizational solidarity, relief actions and their limited communication could not reverse these events: the state gradually isolated the refugees with the use of repressive means, legal and physical walls — they suppressed the media, civilians and local communities’ and volunteers’ actions, and finally penalized the assistance of forced migrants. Recognitive solidarity, morality-based, macro-level inclusivity, otherness-accepting solidarity, and especially those elements that appear in government policy and foreign relations, are not part of the Hungarian solidarity puzzle. Mass indoctrination (state media, national consultations) have now erased all memories of solidarity, and only a few infringement procedures by the EU and the European Court of Human Rights’ judgments remind the government of how to turn away from shared burdens, refugee-related humanity, and solidarity values.

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⁴⁰ Strik, Tineke: Mechanisms to prevent pushbacks. In Carrera, S. – Stefan, M. (eds.): *Fundamental Rights Challenged in Border Controls and Expulsion of Irregular Immigrants in the European Union. Complaint Mechanisms and Access to Justice*. Milton Park, Routledge, 2020. 256.

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VARIETIES OF POPULISM IN HUNGARY: SOCIETAL AND RELIGIOUS DISCOURSES REGARDING THE REFUGEE CRISIS

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Abstract

Populism is a re-emerging modern topic. Since 2015 it has been one of the most mentioned and analyzed issues in the political sciences, international relations, and sociological academic literature, and numerous papers examined the increasing presence of populism in the public discourse when the refugee crisis emerged. This crisis has significantly dominated the Hungarian media since the beginning of the events, and only the ongoing pandemic has been able to change that trend. Leaders of different religions (from Christianity to New Religious Movements) have had to express their opinions and give guidance. In this paper, we attempt to (1) present the characteristics of populism within the CEE region, (2) show the presence of populist rhetoric in the Hungarian media during the migration crisis and (3) give a comprehensive picture of the diverse standpoints of religious leaders on the topic. Finally, based on these results we reflect on the narratives and the appearance of populism in religious discourse.

POPULISM AND RELIGION IN CENTRAL AND EASTERN EUROPE

Since 2015, populism has been one of the most mentioned and analyzed issues in the political sciences, international relations, and sociological academic literature. Although populism is a worldwide phenomenon it is also highly regionalized.¹ Researchers typically examine populism in a specific area of the world, and then apply regional characteristics of populism to other regions.² This method is hardly justifiable. To some extent this is not an accurate approximation — every region has its own peculiar nature and attributes, so the effects of populism could never be the same between different regions.

The study of populism is becoming a global disciplinary challenge for many researchers, including those from Eastern and Central Europe. Before 2015 Central and Eastern European (CEE) societies and political parties were described as populists³

¹ Máté-Tóth András – Nagy Gábor Dániel – Szilárdi Réka: "Populism and religion in Central and Eastern Europe". *Belvedere Meridionale*, Vol. 32. No. 3. 2020. 19–30.

² Rovira Kaltwasser, Cristóbal – Taggart, Paul A. – Ochoa Espejo, Paulina – Ostiguy, Pierre: *The Oxford Handbook of Populism*. Oxford University Press, 2017.

³ Máté-Tóth András: *Freiheit und Populismus: Verwundete Identitäten in Ostmitteleuropa*. Wiesbaden, Springer VS, 2019.

by media. After the ‘migration crisis’⁴ in Europe began to dominate the general public discourse, populism was increasingly interpreted as a worldwide trend in public life. As far as populism is concerned, it is no longer possible to define a clear difference between Eastern and Western Europe, although Cas Mudde, a populism expert, stated in an interview (2018) that “there are many differences among the regions in Western and Eastern Europe”.

However, behind the rising tendencies of populism, we argue that there are differences in cultural and societal processes, in addition to populist tendencies in the Eastern and Western parts of Europe. One of the differences often mentioned is that in the Eastern half of Europe people were socialized under communist ideology and circumstances.⁵ This is a correct yet overly simplified statement. For an appropriate understanding of populism in the European region, it is necessary to take the general geopolitical, geo-cultural, and cultural heritage of the region into account all at once. Before this discussion can occur, the major cultural differences and characteristics of both regions need to be studied. Additionally, a clear understanding is required of the term ‘religion’ in the context of populism.

The subject of religion in the context of populism and political movements deserves attention. In the past two decades, Central and Eastern Europe has shown a greater tendency for religion and religious adherents to lean towards accepting populism.⁶ In the populist rhetoric, religion serves as a source of identification for ‘the people’, the representatives of major religious organizations, and for the followers of these religions. Religion can be defined, from a theological viewpoint, as a method of personal contact with the Almighty, and from a more sociological viewpoint as a set of values and the act of attending religious rituals. Populism and religion exist in many forms, and it is difficult to define them in simple terms. This makes creating links between the two challenging. The link between populism and religion as an identity factor is strong and general, but tensions between populism and religion arise due to private spiritual orientations and value-sets. One of the major differences is demonstrated by the statements of church representatives concerning populist xenophobia. Typical hate speech observed in Western and

⁴ Here we would like to highlight an important Hungarian feature. The country was strongly divided on this topic, and it could be felt seriously in the use of words in Hungary. Here, the contrast between the EU and Hungary in relation to the refugee/migration issue, which was presented by different papers and analyses on the topic, can be grasped well. Therefore, it is important to emphasize that we use and apply these terms – migrant and refugee – without any hidden ideological standpoint in this paper. We pursue an objective approach, free from any prejudice or bias.

⁵ Mudde, Cas – Rovira Kaltwasser, Cristóbal: *Populism: A very short introduction*. New York, Oxford University Press, 2017; and Szilárdi Réka: *Az újjogány vallási diskurzus narratív mintázatai*. Budapest, Magyar Vallástudományi Társaság – L’Harmattan Kiadó, 2017. 206

⁶ Marzouki, Nadia – McDonnell, Duncan – Roy, Olivier (eds.): *Saving the people: How populists hijack religion*. London, Hurst & Company, 2016.

Eastern Europe involves the West making a specific critical comment. In contrast, in the East of Europe, a leader's critical statement often supports populist politics.

Religious populism is usually dichotomous. This can be illustrated by the historical concept of Manicheism, where light and darkness are clearly distinguished and are always in a struggle with each other. *Overtly* religious populism refers to when there is only a narrow sphere of possible interaction with the divine and Almighty, while *covertly* religious populism describes the sacralization of politics. These two subtypes are usually intertwined, making the study of religious populism an even greater challenge for researchers.⁷

Until recently the definition of populism tended to be simplified in the literature. Simplification refers to the effort to define populism using only some central elements, and taking few variables into account. Cas Mudde for instance stated in his publications that he used only two main variables to give a general, valid, and appropriate definition to the complicated phenomenon of populism.⁸ According to him, the two basic characteristics of populism include speaking in the name of the people and of elite critics. Both are political tools used to divide society into two parts: the people (*us*) and the elite (*them*)⁹. James L. Guth underlined the same simple approach, which analyzed voting motivations and strategies after 2010 in Europe and in the USA.¹⁰

Mudde's approach can be used in generating fine-tuned insights regarding the particularity of populism in Central and Eastern Europe. Concentrating on the radical right-wing political formations, Mudde highlights the strong link between right-wing parties and the Catholic Church representatives in Poland, Slovakia and Croatia and other Central European societies with an Orthodox majority. These societies all have mainstream denominations, and many of them have an especially national character. In the case of the Orthodox Churches this is often taken for granted because they are national churches. But while the Catholic Church has a clear national character, it also defines itself as extending over multiple nations (as a reminder, the Greek word “καθολικέ” means universal).

In Eastern Europe the link between (Catholic and Orthodox) Christianity and the populist radical right has always been very strong. The link is strongest in the Polish LPR, which combines Polish nativism with orthodox Catholicism at the core of its ideology, but parties like the Slovak SNS or Croat HSP are also staunchly Catholic. In the Orthodox countries

⁷ Salgado, Susana – Zúquete, José Pedro: Discreet populisms amid unfavorable contexts and stigmatization. In *Populist political communication in Europe*. 2017. 235–248.

⁸ e.g. Mudde – Rovira Kaltwasser, 2017.

⁹ Mudde, Cas: *Populist radical right parties in Europe*. Cambridge, Cambridge University Press, 2009.

¹⁰ Guth, James L. – Nelsen, Brent F.: “Party choice in Europe: Social cleavages and the rise of populist parties”. *Party Politics*, Vol. 21, No.1, 2019.

*the synergy between religion and nation is even more complete, as most Orthodox churches are national churches.*¹¹

The national interest in these societies is promoted and defended by the public statements of Church representatives too.¹² In contrast to Western Europe, bishops in Eastern Europe have seldom criticized right-wing politics. Mudde made the following observation: “However, religion does not always act as a buffer against populist radical right voting; indeed, in countries like Croatia, Poland and Slovakia religion seems to strengthen it.”¹³

But Mudde’s precise remark was that in CEE societies, religion does not act as a buffer in front of radical right-wing arrogance and hate. Religion needs a deeper understanding of the region itself. We argue that a wounded collective identity of a region¹⁴ can explain why the main churches participate in comradeship with right-wing populism. This argument is constructed according to the self-understanding of the regional main actors, and of the general population too. As social norms in this case, the critics of populist nationalism are generally viewed as betraying their country and also their church/religion.

In the CEE region, insecurity of state existence has been a historical fact for at least 200 years as the process of building national states began. Insecurity on the state level has a strong effect on strengthening the state existence through ideologies, narratives and memory politics (e.g., the German and Soviet occupations of the Baltic states during the Second World War; the long period of missing the state sovereignty of Poland or Bulgaria; and recently the tensions in East Ukraine or the establishing of Kosovo). Like the tact of individuals in handling or re-establishing ontological security, states living in permanent insecure status are obligated to find and strengthen knowledge related to a purely autonomous existence. The choice to do this kind of collective mental work is not a real choice at all. It is an enforcement coming from the given geopolitical conditions. This is the wound with the highest impact on societal norms and values, and the everyday life of people in the CEE region overall.

Mudde’s definition and description of the populist phenomenon is highly important for international scholarly discourse. Regarding Central and Eastern Europe, we can ask what kind of special role is played by a nation in the regional populist mindset. It has been argued that the crucial impact comes from the promise

¹¹ Mudde, Cas: “Racist Extremism in Central and Eastern Europe”. *East European Politics and Societies*, Vol. 19. No. 2. 2005. 161–184.

¹² Tomka Miklós – Szilárdi Réka: Religion and Nation. In Máté-Tóth A. – Rosta G. (eds.): *Focus on Religion in Central and Eastern Europe: A Regional View*. Berlin, De Gruyter Verlag, 2016. 75–110, 36.

¹³ Mudde, 2005. 115.

¹⁴ See Máté-Tóth András: “Europe With(out) a Heart and a Soul?”. *Occasional Papers on Religion in Eastern Europe*, Vol. 39. No. 3. Article 3, 2019.

of the establishment, or reestablishment, of the people of a nation in the region. For a deeper analysis of this idea of the nation, the theory presented by Ernesto Laclau and Chantal Mouffe becomes relevant. In their theory, the main target of the dynamics of societal discourse is the establishment of an equivalence chain among the different societal actors and entities characterized and motivated through very different aims and interests. This kind of unifying discourse process uses the term ‘nation’ as the main signifier. Populism as described in the approach used by Laclau and Mouffe can be equated to the reestablishment of the people, and in the case of Central and Eastern Europe, the nation. Because of the centuries-long lack of the nation-state’s autonomy, these societies have an especially high level of desire for sovereignty. Political rhetoric that highlights stability for the nation-state is especially popular. Successful politicians use populist rhetoric to appeal to this kind of desire.

PORTRAYING MIGRATION IN THE HUNGARIAN MEDIA

Melegh et al. examined the representation of justice claims in the Hungarian media between 2014 and 2017. They identified eight major narrative frames in order to examine how Hungarian media sources portrayed migration during the different periods and events.¹⁵

These narratives appeared in varying degrees in the Hungarian press across different periods. We present them without any changes, as these narratives will provide the basis for analyzing the statements by religious leaders in the next chapter.

1. Securitisation: migration and related processes are presented as a physical or social threat, harming societies.
2. Humanitarian: migration issues and processes are embedded in a context of war and related suffering, and are presented as a phenomenon that might or might not require humanitarian action and a human rights-based approach.
3. Biopolitical: migration is seen primarily in a biopolitical framework, focusing on conscious demographic policies, population management, and the selection and control of various ‘populations’.
4. Reflections on public discussions: critical attitudes toward and distancing from the main migration discourses.
5. Political risk of nationalism: evaluations of the rise of the extreme right-wing as a threat.
6. Evaluations of EU integration: a variety of subjects interpreting the nature, capacity, intentions and performance of the EU.

¹⁵ Melegh–Vancsó–Hunyadi–Mendly: “Positional Insecurity and the Hegemony of Radical Nationalism. Migration and Justice in the Hungarian Media”. *The International Spectator*, 54:3. 54–71.

7. Westphalian sovereignty: interpretations of the nature, control capacity, intentions and performance of nation-states, most importantly Hungary. As the counterpart of the previous category, they revolve around the idea of a static, unaltered Westphalian type of sovereignty.
8. Normativity: evaluation of the political and discursive behavior of various groups and actors as normal or abnormal.

Based on the definitions and theories of populism, and the examinations by Melegh et al., we argue that populist rhetoric was present in the public discourse related to migration in Hungary. The Hungarian press covered the topic of migration in the light of EU decisions, rather than national issues and problems. It had been characterized by the strong presence of the so-called ‘control narratives’ regardless of political orientation. Due to the strong presence of control narratives, the humanitarian narratives and approaches were marginalized. The political and biopolitical narratives were the least covered. The opposition between Hungary and the EU (‘us’ vs. ‘them’) was actively present, and became stronger and stronger due to the refugee issue. The ‘countries of the West’ within the EU were clearly depicted here as an ‘elite’ who want to import unwanted, dangerous elements — terrorists, migrants, overall foreigners — into Europe against the will of the European people. The EU does not protect its Member States, so it is up to the Member States (the people) to defend themselves and find solutions to this problem. The national consultations also had an important role in referring to what the will of the people represents. This was often a point of reference on the part of Hungary and the Hungarian government in the discourse.

It must also be highlighted that the left-wing press didn’t have much significance in representing the opposite position. It tried to weaken the government narratives through emphasizing humanitarianism and the risks of radical nationalism. However, the oppositional media did not present any alternative way to handle migration, instead it “launched campaigns against the ‘abnormal’ (that is, non-European) government”.¹⁶ Overall, the governmental media and narratives led the public discourse about the migration issue.

RELIGIOUS LEADERS’ STATEMENTS ON MIGRATION

Under this chapter, we will present the results of two former research studies¹⁷ in brief, where we attempted to collect statements by leaders of different religions

¹⁶ Ibid. 68.

¹⁷ See Barcsa Krisztina – Máté-Tóth András: “The Hungarian Religious Leaders’ Statements from the Beginning of the Migration”. *Occasional Papers on Religion in Eastern Europe*, Vol. 36. No. 3. 2016. 1–14; and Barcsa Krisztina – Heidl Sára – Sándor Kitti: “The Hungarian

related to the refugee crisis. We relied primarily on online resources in these examinations. The first study focused mostly on the first period of migration from 2015. The data was collected continuously, not at a later point. The objective of the second study was the same as that of the first. Again, a descriptive paper was prepared with the hope to serve as a basis of and contribution to future analyses. The method and nature, however, were quite different this time: here data was collected at a later point, in 2018, for the 2016-2017 period.

The first period was dominated in the Roman Catholic Church by the responses to statements by Pope Francis. Reactions to the Pope's words varied among the Hungarian clergy. In the early stages of the events, Pope Francis voiced his concern over the fate of the refugees, and expressed his appreciation towards countries that were open to receive them. In June he was already urging people to act, asking church members not to lock themselves in, not to close their doors when the refugees were coming. He talked about the importance of prayer and implored people to help.¹⁸ The pontiff emphasized that conflicts could only be solved through dialogue. He said that a 'piecemeal' World War III had begun.¹⁹ In September 2015 he said that being a good Christian did not mean showing "literal observance of the precepts" to the outside world; it meant helping the poor, the weak and the downtrodden. Also in September, the Pope called on every parish, congregation and monastery in Europe to take in a refugee family and said he would set an example and would lead the way — the diocese of Rome, of which he is the head, and the two Vatican parishes, would do so in the coming days. He pointed out that by parish he didn't primarily mean the buildings, but the communities of the parishes. He said at this time that it could be immigrants who would keep an aging Europe alive. He emphasized that he understood those who were concerned about the threat of terrorism, but Europe must take immigrants and refugees in.²⁰

Some of the leaders fully agreed with him; others clearly rejected his calls to act, saying that the Pope had no insight into the events in Hungary and their context, and there were those who were reluctant to join this discourse and approached the issue from another angle.

In the second period, the measures and statements of the Hungarian Government dominated the context of the public discourse — not only within the Roman

Religious Leaders' Statements on the Migration from 2016 and 2017". *Occasional Papers on Religion in Eastern Europe*, Vol. 39. No. 3. 2019. 35–78.

¹⁸ Schwartz, Rafi: "Pope Francis to Shelter Refugees in the Vatican, Urges Catholics Across Europe to Do the Same". *GOOD Magazine*, 2015. <https://www.good.is/articles/pope-francis-welcoming-syrian-refugees> (Accessed 6 March 2016.)

¹⁹ "Ferenc pápa: Bizonyos értelemben ez a harmadik világháború". *HírTv*, 2015. <http://hirtv.hu/hirtvku/fold/hatalmas-tomeg-fogadta-a-papat-szarajevoban-1289569> (Accessed 6 March 2016.)

²⁰ "Ferenc pápa: Minden európai katolikus templom fogadjon be egy menekült családot". *HVG*, 2015. http://hvg.hu/vilag/20150906_Ferenc_papa_Minden_europai_katolikus_temp (Accessed 6 March 2016.)

Catholic Church, but in general. It is worth mentioning that in Hungary the Christian Democrats are in government together with the Fidesz party. However, the position of church leaders is not the same in every case as that of the KDNP.

A key figure of the Roman Catholic church in the discourse of the first examined period was Dr. Péter Erdő, cardinal, archbishop of the Esztergom-Budapest archdiocese and metropolitan bishop. In his statements, the humanitarian narrative was the most dominant. He emphasized at the very beginning that “a true Christian must recognize deprivation and destitution and must help if they can”,²¹ and supported Pope Francis openly after the autumn meeting of the Hungarian Catholic Bishops’ Conference in 2015.²² Furthermore, he highlighted the importance of cooperation in order to find a flexible and responsible solution to the refugee issue, and “make it possible for everyone to live in peace in their homeland.”²³ During the second period, Erdő didn’t have any significant statement. There was only one related article about a table talk, where he basically emphasized his earlier position.²⁴

The media drew a sharp contrast between Péter Erdő and Asztrik Várszegi, archabbot of the Pannonhalma Benedictine Abbey, who said that anyone who went there should be taken in, and the door of the abbey must be open.²⁵ When asked about this in an interview, Péter Erdő only said that “this is also a credible measure of our Church. Everyone is looking for the best way to help.”²⁶

Dr. János Székely, the bishop of Szombathely, issued a detailed open letter on immigration in October 2015. It was quite unique in the sense that he provided not only his opinion but also detailed and specific analysis, data and guidance.²⁷ His humanitarian standpoint didn’t change in the statements from 2016 to 2017. For example, in an interview he said:

We, the people of the Catholic Church, people searching for Christ, feel that at least the small things we can do, that the few hundred people who are here within our borders have got

²¹ “Erdő Péter: A bevándorlókon segíteni kell”. *Infostart.hu*, 2015. <https://infostart.hu/belfold/2015/05/22/erdo-peter-a-bevandorlokon-segiteni-kell-728515> (Accessed 6 March 2016.)

²² “Az MKPK közleménye”. *Katolikus.hu*, 2015. <http://uj.katolikus.hu/cikk.php?h=2215> (Accessed 6 March 2016.)

²³ Ibid.

²⁴ “Erdő Péter és Köves Slomó beszélgetett a Párbeszéd Házában”. *Magyar Kurír*, 2016. <http://www.magyarKurir.hu/hirek/erdo-peter-es-koves-slomo-beszeltetett-parbeszed-hazaban> (Accessed 14 January 2018.)

²⁵ Kolozsi Ádám: “A pannonhalmi apátságban is menekültek vannak”. *Index.hu*, 2015. http://index.hu/belfold/2015/09/05/a_pannonhalmi_apatsagon_is_menekultek_vannak (Accessed 6 March 2016.)

²⁶ Spirk József: “Erdő Péter: Az egyház emberei inkognitóban voltak a Keletinél”. *Index.hu*, 2015. http://index.hu/belfold/2015/09/06/erdo_peter/ (Accessed 6 March 2016.)

²⁷ Gégény István: “Székely János püspök: A bevándorlási hullám keresztény szemmel”. *SZEMlélek*, 2015. https://szemlelek.net/2015/10/02/szekely_janos_puspok_a_bevandorlasi_hullam_kereszteny_szemmel (Accessed 13 March 2016.)

*refugee status or asylum status thanks to God. But there are some who are in the middle of this process, so we should try to at least help them. And thank God I see that there are more and more people who can help with declarations of acceptance, workplaces, and hospitality at monasteries, and other institutions.*²⁸

The position of Dr. Miklós Beer, the bishop of Vác, was the most dominant in the second period. As a brief summary of his statements in the first period, we can say that he emphasized how important it was to make clear “who we are talking about. Refugees running for their lives or people who simply want to make more money.” He urged people to think in the long term and to lay the foundations and ensure normalized co-existence.²⁹

A large number of his interviews, statements and opinions were published during 2016 and 2017. Based on these, it can be established that Beer tried to explore the topic and its aspects in a complex and nuanced way, while trying to follow the teachings of Christ — which he emphasizes in several interviews — and urges people to think about this issue in a similar manner. Regarding the Hungarian situation, he believed that people are confused and find the world incoherent and chaotic with no reference points, and they don’t know who to believe and who to adapt to. This is also palpable in the measures of the government, which, the bishop believes, is mostly driven by loving concern: like a parent, it wants to tell its children what they can and cannot do instead of teaching them to think and find connections.³⁰ To provide a summary of Miklós Beer’s thoughts, we quote one of his key statements, which was met with strong and loud reactions both negative and positive. He and Dr. Tamás Fabiny, a bishop of the Evangelical Lutheran Church, posted a video message together on World Refugee Day:

*Every day, thousands of people are chased away from their homes by wars. People like you. People like me. They escape from violence and leave everything behind. Everything, except their dreams and hope that they find a more peaceful future. We believe every refugee deserves to be safe. We support refugees. Please join us.*³¹

²⁸ “Újabb püspök megy szembe a kormány politikájával”. *HírTv*, 2017. https://hirtv.hu/ahirtv-hirei_adattar/ujabb-puspok-megy-szembe-a-kormany-politikajaval-1390841 (Accessed 10 December 2017.)

²⁹ Beer Miklós: “A migránsügy is lakmusz”. *Hirado.hu*, 2015. <https://www.hirado.hu/2015/09/23/beer-miklos-a-migransugy-is-lakmusz> (Accessed 12 March 2016.)

³⁰ The interview with Miklós Beer in August 2017 can be viewed at the following link: <https://hirtv.hu/video/188106> (Accessed 5 February 2020.)

³¹ “UNHCR Menekültek Világnapja 2017 - Fabiny Tamás és Beer Miklós videóüzenete”. *YouTube*. <https://www.youtube.com/watch?v=1Okpat8MQ3E> (Accessed 28 May 2019).

Dr. András Veres³², bishop of the Győr diocese, had a strong humanitarian standpoint during both periods. In 2015 he stated that “there was no disagreement within the Church about supporting refugees so far.”³³ However, the statements of László Kiss-Rigó, the bishop of Szeged-Csanád; Béla Balás, the bishop of Kaposvár³⁴ and Gyula Márfi, cardinal of Veszprém and metropolitan bishop, shows otherwise. In their viewpoints the securitisation narrative was dominant. The refugee and migrant crisis were seen as an invasion mainly, and — except for Balás — they argued that the Pope could not see the situation (especially in Hungary) appropriately. The statements about the Pope were later corrected. For example, Kiss-Rigó during the second period used a humanitarian narrative and talked about the help provided by the Szeged-Csanád diocese. However, the ‘classic’ populist critique of the EU was also present, which could be motivated by the fact that Csongrád-Csanád county is a border county. He added: “Solidarity is practiced on the basis of the gospel’s command, not by following the dictates of the bureaucrats in Brussels, but rather based on Pope Francis’s encouragement.” He stated that this should be practiced independently of religion, origin or skin color.³⁵

This strongly divided viewpoint was not the main characteristic of the other, smaller Christian churches. The humanitarian narrative was clearly dominant in the Greek Catholic Church and in the Hungarian Baptist Church. Regarding the Calvinist Reformed Church, István Bogárdi Szabó, the bishop of the Hungarian Reformed Church’s synod, also used the humanitarian narrative. Further, the reflections on public discussions were significant here during both periods. However, the Reformed Church of Csongrád diocese provided their statements on four points in 28 September 2015, in which they used a strong securitisation narrative; it saw migration as a threat, and emphasized that this issue is a warning, since European countries — including Hungary — had strayed from the basics of the Christian faith over the past centuries.³⁶

Regarding the Evangelical Lutheran Church, the second period was more important. During the first period, bishop Péter Gáncs emphasized that “there are no alternatives to giving solidarity assistance to the victims” after he visited the

³² Following Péter Erdő, he has been the chairman of the MKPK since September 2015.

³³ “Veres András püspök: Segíteni kell az úton lévőket”. *Mandiner*, 2015. http://kereszteny.mandiner.hu/cikk/20150911_veres_andras_puspok_segiteni_kell_az_uton_levoket (Accessed 6 March 2016).

³⁴ He held this position until 2017.

³⁵ Tóth Marcell: “Kiss-Rigó László: A bürokraták embercsempészete helyett valódi segítséget kell adni a menekülteknek”. *Szeged Ma*, 2016. <https://szegedma.hu/2016/09/kiss-rigo-laszlo-a-burokratak-embercsempeszete-helyett-valodi-segitseget-kelladni-a-menekulteknek-fotok> (Accessed 3 November 2017).

³⁶ “A Csongrádi Református Egyházmegye közleménye”. *Reformatus.hu*, 2015. <http://regi.reformatus.hu/mutat/a-csongradi-reformatus-egyhazmegye-kozlemenye/> (Accessed 4 March 2021).

refugee camps.³⁷ In the second period, besides Miklós Beer, Tamás Fabiny, bishop of the Northern Church District of the Hungarian Evangelical Lutheran Church, was one of the most significant participants of the public discourse. He made several statements on the topic. He emphasized more than once that “it would be good if everyone did their duty: politicians, economists, police officers, secret agents, and the churches. Everyone must do their own job.”³⁸ He pointed out he does not want to become a political factor, nor is he interested in political connections.³⁹ However, regarding the government’s measures, he said: “Last summer’s poster campaign was such a social indoctrination, which is not worthy of the cause, because the government put the emphasis on the exclusivity of the otherwise important security policy aspects while neglecting the humanitarian ones.”⁴⁰

Slomó Köves, the leader of the Unified Hungarian Israelite Community, and András Heisler, the chairman of the MAZSIHISZ (Alliance of Hungarian Jewish Faith Communities) also had a divided standpoint regarding the migration crisis. On the one hand, they both expressed increased fear and worry, because in the last one or two decades in Western Europe Judaism has become the number one target of fundamentalist Islamic terrorist groups. On the other hand, Köves emphasized they had experienced persecution, escapes, and the act of being outlawed many times, and therefore they can identify easily with asylum seekers and needy people. Besides, he highlighted that according to their faith, they can’t judge anyone for those acts that they have not committed — even if they will later commit them. He also emphasized, “instead of self-identity based on political identity, religious identity must be strengthened” in Jewish local communities.⁴¹

Heisler emphasized the necessity of strict control of immigration in 2015. He named the European Union as primarily responsible for finding a solution to the migration crisis. He saw the role of churches in helping those who are in need. In 2016, his viewpoint softened a little, and he pointed out the lack of real solutions.⁴² He stated MAZSIHISZ is neither the opposition to nor a supporter

³⁷ “Gáncs Péter: Plakátháborúk helyett tegye mindenki, amit tud bevándorlásügyben”. *Mandiner*, 2015. http://keresztény.mandiner.hu/cikk/20150701_gancs_peter_plakathaboruk_helyett_tegyem_mindenki_amit_tud_bevandorlasugyben (Accessed 6 March 2016.)

³⁸ “Ha még lesz emberi arcuk... – Fabiny Tamás püspök a menekültekről”. *KötőSzó*, 2016. https://kotoszo.blog.hu/2016/04/03/_ha_meg_lesz_emberi_arcuk (Accessed 9 October 2017.)

³⁹ “Féltem ezt az országot a morális zülléstől – Fabiny Tamás a püspökök videójáról”. *KötőSzó*, 2017. https://kotoszo.blog.hu/2017/07/07/fabiny_tamas_puspok (Accessed 5 January 2018.)

⁴⁰ Velkei Tamás: “Fabiny Tamás: Legyenek jó keresztények!”. *Magyar Nemzet*, 14 May 2016. <https://magyarnemzet.hu/archivum/belfold-archivum/fabiny-tamas-legyenek-jokeresztenyek3944634/> (Accessed 4 January 2018.)

⁴¹ “Erdő Péter és Köves Slomó beszélgetett a Párbeszéd Házában”. *Magyar Kurír*, 2016. <http://www.magyarKurir.hu/hirek/erdo-peter-es-koves-slomo-beszeltgetett-parbeszedhazaban> (Accessed 3 November 2017.)

⁴² “Heisler: Hiba volt túlságosan balra húzni”. *Hírtv*, 2016. https://hirtv.hu/ahirtvhirei_adattar/heisler-hiba-volt-tulsagosan-balra-huzni-1363854 (Accessed 3 November 2017.)

of the government; it has nothing to do with party politics.⁴³ However, he did not take a concrete side regarding the border fence; he claimed that the technical solution was not their business, but uncontrolled migration is never good.⁴⁴

The first period was not significant for Islamic communities. On behalf of the Hungarian Islamic Community, President Zoltán Bolek had one statement, in which he talked about the help that they provided.⁴⁵ During the second period he emphasized the differences between Muslims and terrorists several times.⁴⁶ In line with integration, he said that whoever wants to live in Hungary, it is important for them to learn about the culture and language. But this requires not only the cooperation of the state, but also of the Muslim communities.⁴⁷ In 2016 he wrote a public letter to Viktor Orbán in which he highlighted the increasing hatred and threats against Muslims, and he asked for protection.⁴⁸

Zoltán Szabolcs Sulok, the head of the Hungarian Muslim Community, highlighted that because of the anti-Islamic rhetoric of the Hungarian government, people hold Muslims responsible for the refugee problem, although not all refugees are Muslims and not all refugees from Islamic countries are religious. He too pointed out the differences between Muslims and terrorists. According to him, the fact that Hungarians and most people do not know much about Islam makes anti-Islamism a more serious issue. The recently increasing number of inexperienced, ignorant 'Islamic experts', whom Sulok clearly criticizes for that reason, makes the situation even worse. He was of the opinion that Hungarian society is divided into two groups. "While some are open and tolerant to refugees and Islam, others are openly suspicious and rejecting," he claims. Sulok also emphasized that they will do their best to maintain social peace.⁴⁹

Regarding the smaller churches, both humanitarian and securitisation narratives appeared. Dr. Youssef Khalil, the leader of the Hungarian Coptic Orthodox Church,

⁴³ "Heisler András beszéde a WZO konferenciáján". *Zsidó társadalom*, 2016. <https://zsidotarsadalom.wordpress.com/2016/09/19/heisler-andras-beszede-a-wzokonferenciajan/> (Accessed 12 February 2018.)

⁴⁴ Bakó Beáta: "Heisler: Biztonságban érzik magukat a zsidók Magyarországon". *Mandiner*, 2016. https://mandiner.hu/cikk/20160412_heisler_biztonsagban_erzik_magukat_a_zsidok_magyarorszagon (Accessed 4 January 2018.)

⁴⁵ Koncz Tamás: "Alig látszik az egyházi segítség". *Origo.hu*, 2015. <http://www.origo.hu/irthon/20150902-menekult-onkentess-segitseg-egyhaz-katolikus-reformatusetelosztas.html> (Accessed 6 March 2016.)

⁴⁶ "Szélrózsa 2016: Iszlám és Európa". *Lutheranbu*, 2016. <https://www.youtube.com/watch?v=llANBMzyRUK> (Accessed 6 February 2018.)

⁴⁷ "Szélrózsa 2016: Iszlám és Európa". *Lutheranbu*, 2016. <https://www.youtube.com/watch?v=llANBMzyRUK> (Accessed 6 February 2018.)

⁴⁸ One can access the letter in Hungarian on: <https://www.facebook.com/zoltan.bolek/posts/10154486945978419>

⁴⁹ Dávid Imre: "Hiába a mestersegesen szított iszlámellenesség, egyre többen járnak mecsetbe". *24.hu*, 2016. <https://24.hu/kozelet/2016/08/15/hiaba-a-mestersegesen-szitottiszlamellenesség-egyre-tobben-jarnak-mecsetbe/> (Accessed 8 December 2017.)

expressed his deep agreement with Viktor Orbán and his measures in 2015. He saw the migration processes as a directed invasion and underlined that the terrorists had already infiltrated Europe, and that photos and videos can bear witness to it.⁵⁰ The leader of the Faith Church, Sándor Németh, held a similar position during both periods. He saw these processes as an offensive invasion and called refugees an “uncontrolled crowd” in 2016. In his opinion, the irresponsibility of Western politicians was the cause of “dissatisfied masses” who are arriving in Europe.

Gábor Iványi, leader of the Hungarian Evangelical Fellowship, made strong statements with a dominant humanitarian narrative in both periods. He expressed his agreement openly with Pope Francis, with the video announcement made by Miklós Beer and Tamás Fabiny, and with the measurements of the EU between 2015 and 2017.

The Hungarian Krishna Consciousness Society published a statement on their website, where they noted that providing assistance to those who were in trouble, regardless of their skin color, nation or religion, is a humanitarian and moral imperative, because they consider all living creatures as souls. They also proved these words through their active involvement in the aid programs that assisted the refugees.⁵¹

CONCLUSIONS

Overall, it can be seen that the humanitarian narrative was dominant in the statements. In the second period between 2016 and 2017, as the situation and opinions became more nuanced, the reflections on the public discussions increased, while the presence of the securitisation narrative decreased. In the case of religious leaders, the ‘us’ vs. ‘them’ formula appeared primarily in relation to populism. Usually the refugees/Muslims versus the Hungarians/Christians/Jewish Communities/etc. were contrasted in these cases. Migrants usually appeared as a threat in these discourses, linked with directed invasion. This narrative was often linked further to the view that European Christianity/the religiosity of individuals is weak and needs to be strengthened. In such cases, agreement with the Hungarian government and its measures was often expressed openly. We summarize the standpoints of religious leaders in the following table, and show the presence of populism based on the dominant narrative they used.

⁵⁰ “Az iszlám terjesztése a migránsok célja”. *Mno.hu*, 2015. http://mno.hu/magyar_nemzet_belfoldi_hirei/aziszlam-terjesztese-a-migransok-celja-1304680 (Accessed 6 March 2016.)

⁵¹ “Menekültek étkeztetése – Két tranzit zónában segítünk”. *Krisna.hu*, 2015. <http://krisna.hu/2015/menekulteketkeztetese/> (Accessed 6 March 2016.)

Appearance of the populist narrative in the statements of religious leaders

Name	Denomination	Dominant Standpoint (1st Period)	Presence of the Populist Narrative (1st Period)	Dominant Standpoint (2nd Period)	Presence of the Populist Narrative (2nd Period)
Péter Erdő	Roman Catholic Church	Humanitarian	Not present	Humanitarian	Not present
Asztrik Várszegi	Roman Catholic Church	Humanitarian	Not present	N/D	N/D
András Veres	Roman Catholic Church	Humanitarian	Not present	Humanitarian	Not present
László Kiss-Rigó	Roman Catholic Church	Securitisation	Present	Humanitarian	Present
Miklós Beer	Roman Catholic Church	Humanitarian	Not present	Humanitarian	Not present
János Székely	Roman Catholic Church	Humanitarian	Not present	Humanitarian	Not present
Béla Balás	Roman Catholic Church	Securitisation	Present	N/D	N/D
Gyula Márfi	Roman Catholic Church	Securitisation	Present	Securitisation	Present
Fülöp Kocsis	Greek Catholic Church	Humanitarian	Not present	Humanitarian	Not present
István Bogárdi Szabó	Calvinist Reformed Church	Both humanitarian and reflections on public discussions	Not present	Both reflections on public discussions and humanitarian	Not present
N/D	Calvinist Reformed Church of Csongrad Diocese	Securitisation	Present	N/D	N/D
Péter Gáncs	Lutheran Church	Humanitarian	Not present	N/D	N/D
Tamás Fabiny	Lutheran Church	N/D	N/D	Reflections on public discussions	Not present
N/D	Hungarian Baptist Church	Humanitarian	Not present	N/D	N/D

Name	Denomination	Dominant Standpoint (1st Period)	Presence of the Populist Narrative (1st Period)	Dominant Standpoint (2nd Period)	Presence of the Populist Narrative (2nd Period)
Youssef Khalil	Coptic Orthodox Church	Securitisation	Present	N/D	N/D
Slomó Köves	Unified Hungarian Israelite Community	Humanitarian, Securitisation	Present	Securitisation	Present
András Heisler	MAZSIHISZ (Alliance of Hungarian Jewish Faith Communities)	Both humanitarian and securitisation	Present	Securitisation	Present
Sándor Németh	Faith Church	Securitisation	Present	Securitisation	Present
Gábor Iványi	Hungarian Evangelical Fellowship	Humanitarian, openly supports EU	Not present	Humanitarian	Not present
Zoltan Bolek	Islamic Community	Humanitarian	Not present	Reflections on public discussions	Not present
Zoltán Szabolcs Sulok	Hungarian Muslims Community	N/D	N/D	Reflections on public discussions	Not present
N/D	Krishna Consciousness Society	Humanitarian	Not present	N/D	N/D

In this table, we have tried to point out the presence of populism through the statements of religious leaders about migration, using a dichotomous approach. However, we consider it important to point out that both the analysis of the civilian press and the statements of religious leaders show that not only is duality present, but so is diversity. Usually, standard approaches use dichotomous viewpoints in regard to the topic. This approach is not unsuccessful at all in fact; however, it is not able to make the nuances available to us. But nuanced approaches are often vital to make visible the whole picture of a particular topic. In addition to the importance of a nuanced approach, the material explored, and the literature reflected in this paper underscore another issue that requires further theoretical innovation. The general interpretation is that CEE societies have a certain level of backwardness; they are characterized by a kind of belated modernity. This so-called backwardness is used often as an explanation for why, in Hungary for example, voices imbued with nationalist and populist rhetoric can gain more ground. However, the question arises as to whether this approach is truly correct. Is this really the primary interpretive framework that explains the communication and actions of the countries in the region? Is it not possible that the geocultural and geopolitical situation of the region is much more responsible for the depth and the type of social sensitivity on these topics in the CEE region? We argue that the latter approach, which is based on the theory of wounded collective identity, is more appropriate. However, an in-depth examination of this argument is still underway, and it makes necessary further dialogue in the field of scientific discourse.

Finally, we conclude our study with a reference to Laclau's theory on the 'empty signifier'. The Hungarian media was dominated by the topic of migration until the outbreak of the COVID-19 pandemic. At the beginning there were attempts to link migration to the appearance and spread of COVID. Still, the virus situation has completely swept away the migration discourse. Instead of migration, the topic of COVID-19 became the new empty signifier in Hungary. This means that the topic of migration has ceased to function as a discursive surface for the self-positioning of different social groups and political forces. The pandemic issue dominates the media right now, and serves the needs of self-defining and self-positioning of all the aforementioned actors.

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ABUSIVE NEO-MILITANT DEMOCRACY AND THE CASE OF THE ‘STATE OF MIGRATION EMERGENCY’ IN HUNGARY

GÁBOR MÉSZÁROS

Abstract

Since the Fidesz-KDNP coalition's success at the elections in 2010, democracy and democratic tolerance have been used in Hungary for their own destruction. There are many aspects of this process, however this article mainly focuses on a special state of emergency, namely the state of migration emergency which represents the current government's attitude towards the rule of law. In an “abusive neo-militant democracy” — which is discernible in Hungary — it is not the case that the “enemies of a constitutional democracy” have completely turned out to be the ‘friends’ of the illiberal state. In accordance with populist rhetoric and to serve political needs, it has created its own ‘enemies’ — partially among those who would never be thought a threat to a constitutional democracy, but would in fact be considered its foundational elements. The other layer of enemy creation is the presentation of a group of people that could, allegedly, jeopardize the populist (and thus homogenous) vision of the people and the nation — that is, migrants and asylum seekers.

INTRODUCTION

In this chapter I will use the term ‘militant democracy’¹, or more exactly ‘neo-militant democracy’, in relation to the Hungarian² special ‘state of migration emergency’ regime.³ The term ‘militant’ (sometimes also called ‘defensive’ or

¹ The term – in the way I use it in this piece – was coined by Karl Loewenstein at a time when European countries had started their democratic backsliding into various forms of authoritarian regime. The most important example was Germany, where democracy itself provided its most evil enemies with the means to annihilate it. In the mid-1930s Loewenstein argued that democracies should not support the rule of law, democratic fundamentalism or tolerance for those political parties and ideas whose main aim is to use democratic measures against democracy itself. This means that democracies should not tolerate these ‘Trojan horses’ which were using democratic institutions such as elections to destroy the very existence and core of democracy itself. See Loewenstein, Karl: “Militant Democracy and Fundamental Rights I.”. *The American Political Science Review*, 31 (1937). 1937a. 417–432; Loewenstein, Karl: “Militant Democracy and Fundamental Rights II.”. *The American Political Science Review*, 31 (1937). 1937b. 638–658.

² On this issue, see Drinóczi Tímea – Mészáros Gábor: Hungary: An Abusive Neo-militant Democracy. In Rak, J. – Backer, R. (eds.): *Neo-militant Democracies in the Post-communist Member States of the European Union*. Routledge, 2022. Forthcoming.

³ Rak, Joanna: “Conceptualizing the Theoretical Category of Neo-militant Democracy: The Case of Hungary”. *Polish Political Science Yearbook*, 49 (2020). 61–70.

‘fighting’) democracy generally refers to the idea of a democratic regime which is willing to adopt illiberal measures to prevent the breakdown of the democratic regime as a whole.⁴ This somehow means a ‘democratic paradox’, as militant democracy makes it possible for a democracy to destroy itself in the process of defending itself. While there is no existing general or legal and normative theory of militant democracy, it is widely described as the ‘democratic dilemma.’⁵ It is also to be mentioned that there is neither an exact ‘model’ of militant democracy nor a clear general normative guideline to use for newly appointed democracies. Meanwhile, there are common tools that can be useful for democracies to prevent autocratic backsliding, such as party banning or legitimate limits on free speech.

Militant democracy, a self-defensive reaction from modern governments in response to the abuse of the democratic process, creates a crisis for the democratic order. As a special form of constitutional self-defense, it “contemplates extraordinary preventive action against those enemies of democracy who seek to destroy it through using fundamental rights and political representation to gain access to political power to the exclusion of all others.”⁶ The measures taken by the state are definitely preventive, and also exceptional, as Loewenstein himself also asserted:

*fire is fought with fire ... Not even the maximum of defense measures in democracies is equal to the minimum of self-protection which the most lenient authoritarian state deems indispensable ... Salvation of the absolute values of democracy is not to be expected from abdication in favor of emotionalism, utilized for wanton or selfish purposes by self-appointed leaders, but by deliberate transformation of obsolete forms and rigid concepts into the new instrumentalities of ‘disciplined,’ or even ... ‘authoritarian’ democracy.*⁷

It is also important to note that over the years the concept of militant democracy has changed a lot from its original form. This fluidity of the concept means that in its ‘original form’ it was a response to extreme right-wing tendencies, and allowed the dissolution of political parties and organizations. The term was first used by Loewenstein in 1937, asserting that even illiberal measures are available in order to actively defend democracy from its enemies. After World War II the German Basic Law, in accordance with the constitutional interpretation of the Constitutional Court, constitutionalized the concept of militant democracy, which resulted in the party banning cases.⁸ Later on, constitutional self-defense has been used to tackle

⁴ See Müller, Jan-Werner: *Militant Democracy*. In Rosenfeld, M. – Sajó A. (ed.): *The Oxford Handbook of Comparative Constitutional Law*. Oxford, Oxford University Press, 2013. 1253.

⁵ Müller, 2013. 1254.

⁶ Sajó András – Uitz Renáta: *The Constitution of Freedom – An Introduction to Legal Constitutionalism*. Oxford, Oxford University Press, 2017. 433.

⁷ Loewenstein, 1937b. 656–657.

⁸ The elimination of parties which were said to be the enemies of democracies was a relevant militant democratic measure during the 1950s in Germany. This happened with the Socialist

extremist political movements, religious fundamentalism, terrorism, and other various issues that allegedly threatened the security of the political community.⁹ The common issue relating these measures was the two basic elements: first, the measures were intended to protect the state and society against an anti-democratic movement with an anti-democratic motivation behind the measures; and second, these measures were taken temporarily and exceptionally (therefore these are not far from the idea of constitutional states of emergency). However, the aim of militant democracy is to protect democracy in the long term and prevent democratic backsliding. This is why it is important to assert that militant democratic measures work in countries where there are no serious threats to democracy, and may in the hands of illiberal political forces turn out to be a useful tool to destroy democracy and constitutionalism¹⁰ — the latter of which has happened in Hungary.

CONSTITUTIONALISM:
SHOULD THE IDEA BE VIOLATED DURING A STATE
OF EXCEPTION?

It is widely accepted by scholars that emergencies are numerous and diverse. They include external violent attacks, internal disturbances such as revolutions, natural disasters (including environmental catastrophes), epidemics, and economic crisis.¹¹ According to Subrata Roy Chowdhury, there are three different situations which may provoke the need for a state of emergency.¹² The first could be grave political crises with violence, such as armed conflicts, terrorist attacks, rebellions and riots. The second category involves natural disasters and industrial accidents, while the third includes economic and financial crisis. These categories may require different actions from the state — for example, a violent crisis may require a prompt and definite reaction from the government (or through legislation), while an economic crisis mostly allows for more extended response periods. Chowdhury's categorization must be amended with a new one: a category which is already the reality of our life, and can be described as the concept of a permanent state of emergency.¹³

Reich Party, which was indeed a neo-Nazi party in 1952, and with the German Communist Party in 1956.

⁹ Sajó-Uitz, 2017. 435.

¹⁰ Sajó-Uitz, 2017. 439–440.

¹¹ Sajó-Uitz, 2017. 419.

¹² Roy Chowdhury, Subrata: *The Rule of Law in a State of Emergency – The Paris Minimum Standards of Human Rights Norms in a State of Emergency*. London, Printer Publisher, 1989. 15–16.

¹³ This term reflects on the ideal concept of state of emergency, where under 'laboratory conditions', a "crisis identified and labelled by a state to be of such magnitude that it is deemed to cross a threat severity threshold, necessitating urgent, exceptional, and, consequently, temporary actions by the

As we have seen, there are at least two main problems with responses to an emergency. First of all, the state must respond to an emergency effectively, and therefore use measures which are not allowed during normal times. It is the state's responsibility to protect itself and the nation, but the more serious question is how a state can deal with an emergency and at the same time protect the values of constitutionalism.

The core element of constitutionalism means a wide range of principles, theories, values and institutions that are concerned with the authorization, organization, direction and, most importantly, the constraint of political power. 'Constraint' means that neither anarchy nor a totalizing concentration of power is consistent with constitutionalism. A constitutionalist system includes three immanent elements, and if even one is lacking that system is not constitutional. First: the institutions are authorized by and accountable to the people. Second: there is some notion of limited government (there are already various types of this element). Third: the rule of law is upheld. There are other essential elements as well, such as sovereignty, a written constitution, some form of judicial review, and the presence of a civil society autonomous from the government.¹⁴

The aim of constitutionalism with its various principles is to limit government power and prevent despotism even when a serious threat occurs. Therefore, constitutionalism suggests that authority may be limited by various techniques of separation of powers, checks and balances, and the protection of human rights. Thus, constitutionalism presumes a legally binding document (the constitution) which provides the necessary limitations of government (sovereign) power.¹⁵ However, while constitutionalism has a strict system of requirements the elements of the rule of law can be more diverging. The reason behind this is that the rule of law is a jurisprudential topic; therefore we must consider historical, cultural and sociological aspects. The common element of the rule of law is the significant limitation of possible arbitrary power.¹⁶ It is also evident that in post-socialist or 'transition' countries (such as Hungary) the courts (especially the constitutional courts) made great efforts to support and consolidate constitutionalism and the rule

state not permissible when normal conditions exist." Greene, Alan: *Permanent States of Emergency and the Rule of Law – Constitutions in an Age of Crisis*. Oxford, Hart Publishing, 2018. 30. According to Greene, the theoretical definition of state of emergency reflects on its 'ideal type'. However, the events of the twentieth and more importantly early twenty-first centuries have led to arguments that it is no longer possible to effectively separate normalcy from emergency. This means that nowadays we are living in a permanent state of emergency, where the temporary exceptional powers are normalized. See Greene, 2018. 33.

¹⁴ Brandon, Mark E.: Constitutionalism. In Tushnet, M. – Graber, M. A. – Levinson, S. (eds.): *The Oxford Handbook of the U.S. Constitution*. Oxford, Oxford University Press, 2015. 763.

¹⁵ Sajó–Uitz, 2017. 13.

¹⁶ Selznick, Philip: Legal Cultures and the Rule of Law. In Krygier, M. – Czarnota, A. (eds.): *The Rule of Law after Communism*. London, Routledge, 1999. 21.

of law.¹⁷ These principles are not only the essential elements of constitutionality, and therefore constitutional democracy, but also the most vulnerable ones during a time of emergency.

THE THEORY AND BRIEF HISTORY OF EMERGENCY

As we saw during the period of the Weimar Republic, the most dangerous aftermath of emergency regimes is the possibility for an authoritarian government to exploit an emergency in order to stay in power. When the Weimar Constitution was accepted, it was against an already ominous use of emergency powers (those as a result of the economic crisis), in a country that hadn't proven its democratic credentials. It was also accepted to delegate legislation in a time of crisis if a law passed with a two-thirds majority, in which case legislative powers could be transferred to the executive. Furthermore, the president could pass decrees – with the prime minister's countersignature – with the force of a statute in an undefined state of emergency according to Article 48 of the Weimar Constitution.¹⁸ This power was undefined and unrestrained, and in the 1930s it was used to replace constitutional democracy and the parliament's sole legislative power with a presidential government that used decrees instead of statutes.¹⁹ So, a constitutional democracy must have strict limits on the duration, circumstance and scope of emergency powers. This phenomenon is the leading legal question of emergencies and can be described as the 'inside-outside' or 'normalcy-emergency'²⁰ debate, which also reflects on the Janus-faced character of the state of emergencies.

According to the German theorist Carl Schmitt, "*the sovereign is he who decides on the state of exception.*"²¹ This definition reflects on the decision and even more on the exception/normalcy dichotomy. According to Nasser Hussain, this concept of the exception is related to the state of emergency on the basis of the political and economic crisis in 1930s Germany. Therefore, Schmitt tried to resolve these perils to the state by requiring the suspension of regular law.²² Giorgio Agamben also

¹⁷ Örkény Antal – Scheppele, Kim Lane: Rules of Law: The Complexity of Legality in Hungary. In Krygier, M. – Czarnota, A. (eds.): *The Rule of Law after Communism*. London, Routledge, 1999. 58–65.

¹⁸ Mommsen, Hans: *The Rise and Fall of Weimar Democracy*. Trans. Robert Forster, Larry Eugene Jones. Chapel Hill, University of North Carolina Press, 1998. 56–57.

¹⁹ Sajó-Uitz, 2017. 231, 420.

²⁰ See Gross, Oren: "Chaos and Rules: Should Responses to Violent Crisis always be Constitutional?". *Yale Law Journal*, 112 (2003). 1011.

²¹ Schmitt, Carl: *Political Theology: Four Chapters on the Concept of Sovereignty*. Trans. George Schwab. Cambridge, MIT Press, 2005. 5.

²² Hussain, Nasser: "Thresholds: Sovereignty and the Sacred". *Law and Society Review*, 34 (2000). 495.

suggests that “sovereignty is the power to decide on an exception and remove a subject from the ... law.”²³ This approach — which we call decisionist — prefers a sovereign decision against the norm. Agamben calls this exception a “kind of exclusion”. Moreover, “what is excluded in the exception maintains itself in relation to the rule in the form of the rule’s suspension.”²⁴ In his later work Agamben tried to specify the nature of state of emergency, which he called the “zone of indifference.” With this definition Agamben contradicted the inside/outside or normalcy/exception opposition theories in relation to the state of exception, and focused rather on the characteristics of the norm, the judicial order and the suspension. In his view, the state of emergency (or state of exception, as he calls it) is “neither external nor internal to the juridical order ... The suspension of the norm does not mean its abolition, and the zone of anomie that it establishes is not (or at least claims not to be) unrelated to the juridical order.”²⁵ This seems to be the philosophical background of the previously mentioned concept of a permanent state of emergency.²⁶

In the above-mentioned concepts, a state of emergency means to suspend the rule of law. On this decisionist ground, Oren Gross also emphasizes that it is necessary for officials to step outside the legal order if a particular case necessitates it.²⁷ Gross’ model also assumes that the rule continues to apply in general, therefore “rule departure constitutes ... a violation of the relevant legal rule.”²⁸ Finally, it is up to the people to *ex post* ratify the official’s extra-legal actions or punish the illegal conduct. This *ex post* prosecution adds some kind of legality to this “extra-legal measures model”.

Others, such as Dicey and Dyzenhaus, emphasize the relevance of the rule of law even in a time of emergency. According to Dicey, the state of emergency (‘martial law’) “means the suspension of ordinary law and the temporary government of a country or parts of it by military tribunals...”. According to the constitution, the “Declaration of the State of Siege” is unknown, and from this point of view Dicey offers the “permanent supremacy of law”²⁹ in times of emergency as well. On this

²³ Sarat, Austin: Introduction: Toward New Conceptions of the Relationship of Law and Sovereignty under Conditions of Emergency. In Sarat, A. (ed.): *Sovereignty, Emergency, Legality*. Cambridge, Cambridge University Press, 2013. 2.

²⁴ Agamben, Giorgio: *Homo Sacer: Sovereign Power and Bare Life*. Stanford, Stanford University Press, 1998. 17–18.

²⁵ Agamben, Giorgio: *State of Exception*. Chicago–London, University of Chicago Press, 2005. 23.

²⁶ See Greene, 2018. 13.

²⁷ Gross, Oren – Ní Aoláin, Fionnuala: *Law in Times of Crisis – Emergency powers in theory and practice*. Cambridge, Cambridge University Press, 2006.

²⁸ Gross, Oren: Stability and flexibility: A Dicey business. In Ramraj, V. V. – Hor, M. – Roach, K. (eds.): *Global Anti-Terrorism Law and Policy*. Cambridge, Cambridge University Press, 2005. 92.

²⁹ Dicey, Albert Venn: *Introduction to the Study of the Law of the Constitution*. Indianapolis, Liberty Classics, 1982. 182–183.

theoretical ground David Dyzenhaus questions the decisionist approach – which tries to define who decides on what in a state of emergency, or more precisely: who decides on fundamental issues of legality – with the thesis that the crucial question of legal order is not the location of this above-mentioned power, but rather its quality as a legal order, in which the “government exercises its power in accordance with law, in accordance, that is, with the rule of law or legality.”³⁰ In his interpretation responses to emergencies should also be governed by the rule of law, and in this regard the rule of law is nothing more than the rule of fundamental constitutional principles which protect individuals from the state’s arbitrary action. He accepts, of course, that in a time of emergency democracies have to suspend individual rights in order to preserve themselves, but he also adds that in our modern era there are several emergencies (such as terrorism) which have no foreseeable end, and are therefore permanent.³¹ For those who are troubled by the trend that a state of emergency and therefore emergency powers could last for an uncertain period, he offers the rule of law project, which contains the cooperation of the legislative and the executive power and a significant role of the judges. He also mentions that the rule of law meant more than formal or procedural principles, which could be regulated in the constitution, and which only protect the rights to the manner of decision-making. Rule of law principles “do constrain the decisions of those who wield public power that protects the interests of individual subject of those decisions.”³² This concept of the rule of law in relation to the state of emergency reflects the moral resource of law, or the inner morality of law.³³ Taking everything into consideration, there is a very important task for judges in maintaining the rule of law. Although they “cannot restrain power when it is in [the] wrong hands”, they must “carry out their duty to uphold the rule of law. If they fail to carry out their duty, they will also fail to clarify to the people what constitutes responsible government - government in compliance with the rule of law.”³⁴

To summarize the above-mentioned theories: there are two endpoints of the emergency theory. On the one hand, when a state deals with an emergency it might use illegal (I myself prefer the term ‘extra-legal’) measures, it is evident that the

³⁰ Dyzenhaus, David: The “Organic Law” of Ex Parte Milligan. In Sarat, A. (ed.): *Sovereignty, Emergency, Legality*. Cambridge, Cambridge University Press, 2013. 22.

³¹ Dyzenhaus, David: *The Constitution of Law: Legality in a Time of Emergency*. Cambridge, Cambridge University Press, 2006.

³² Dyzenhaus, 2013. 3.

³³ Fuller, Jon L.: *The Morality of Law*. New Haven, Yale University Press, 1969. On this theory, see also Dworkin, Ronald: *Freedom’s Law: The Moral Reading of the American Constitution*. Cambridge, Harvard University Press, 1996. 33–34; and Dworkin, Ronald: *Justice for Hedgehogs*. Cambridge, Harvard University Press, 2013. 400–415.

³⁴ See Dyzenhaus, 2013. 65.

rule of law does not have a full impact on emergency politics. On the other hand, there is the nearly full power of legality, and in this case the rule of law has its effect on emergency politics, practically due to the effective judicial review. The problem with this standpoint is that with a full judicial review power on the one side, the other side — namely effective state self-defense and security — could suffer great casualties. Consider, for example, that broad judicial review can also entail belated emergency measures, and in this way the state cannot fight effectively against the emergency. Before finishing this summary, I must admit that another important aspect may possibly represent the core problem of the first standpoint. If we accept that there is a constitutional authority to use the law itself to suspend law, and in this way we create an exceptional regime near or upon the ordinary legal order — as Dyzenhaus mentioned, this means a legal black hole³⁵ — then we claim that the responses to an emergency mean a dualist legal order: one which responds to a normal situation, and the ‘emergency law’ which responds to exceptional situations.³⁶

CONCERNS OF CONSTITUTIONALISM: THE STATE OF MIGRATION EMERGENCY AS A QUASI-STATE OF EMERGENCY

As we have seen, there are legalist and extralegalist answers to the question of how to respond to emergencies.³⁷ The Fundamental Law of Hungary therefore created a *sui generis* state of emergency chapter, called the ‘Special Legal Order’, which contains descriptions of the state of national crisis³⁸, the state of emergency³⁹, the

³⁵ See Dyzenhaus, 2013. 196–220.

³⁶ Ferejohn, John – Pasquino, Pasquale: “The Law of the Exception: A Typology of Emergency Powers”. *International Journal of Constitutional Law*, 2 (2004). 231.

³⁷ On legal and extralegal emergencies, see Scheppele, Kim Lane: Legal and Extralegal Emergencies. In Whittington, K. E. – Kelemen, R. D. – Caldeira, G. A. (eds.): *The Oxford Handbook of Law and Politics*. Oxford, Oxford University Press, 2013. 165–166.

³⁸ According to the first paragraph, point a) of Article 48 of the Fundamental Law of Hungary, the Parliament shall declare a state of national crisis and set up a National Defense Council in the event of the declaration of a state of war or the immediate danger of an armed intrusion by a foreign power (danger of war).

³⁹ The Parliament shall declare a state of emergency in the event of armed actions aimed at undermining law and order or at seizing exclusive control of power, or in the event of grave acts of violence committed by force of arms or by armed groups which gravely endanger the lives and property of citizens on a mass scale [First paragraph, point b) of Article 48 of the Fundamental Law of Hungary].

state of preventive defense⁴⁰, unforeseen intrusion⁴¹, the state of danger⁴², and the emergency response to terrorism. This latter chapter was a result of a countrywide campaign against the mass migration of 2015, which chain of events finally resulted in an amendment to the Fundamental Law. The new chapter aimed to fulfil the requirements of the constitution to protect citizens and democratic institutions especially in situations that threaten the life of people and the security of the state. Meanwhile, the ultimate goal of the special law was to guarantee the return to ordinary law and order. In order to fulfil this aim, the Fundamental Law has opted to regulate these issues in a very detailed manner. This approach is not unique within European constitutionalism.⁴³

Article 54 of the Fundamental Law also provides for common rules relating to a special legal order such as the possibility to suspend or restrict fundamental rights beyond the extent of ordinary legal standards. This article also contains special guarantees such as the prohibition of suspension of the Fundamental Law and other temporal restrictions. According to this article, the exercise of fundamental rights – other than the right to life and human dignity, the prohibition of torture, inhuman or degrading treatment or punishment, the prohibition of trafficking in human beings, the prohibition of medical or scientific experiment without one's free and informed consent, the prohibition of practices aimed at eugenics, making the human body and its parts as such a source of financial gain, and human cloning

⁴⁰ In the event of an imminent threat of armed invasion or if deemed necessary in connection with the country's commitment under an alliance treaty, the Parliament shall declare a state of preventive defense and simultaneously authorize the Government to introduce the emergency measures specified in an implementing act. The duration of the state of preventive defense may be extended scale [First paragraph of Article 51 of the Fundamental Law of Hungary].

⁴¹ In the event that the territory of Hungary is subject to an unforeseen invasion by foreign armed units, the Government shall take immediate action, in accordance with the defense plan approved by the President of the Republic, using forces as commensurate with the gravity of the attack and that are equipped for such a role, prior to the declaration of a state of emergency or a state of national crisis in order to repel such attack, defend the territorial integrity of the country with the active air and air defense forces of the Hungarian and allied armed forces, maintain law and order and to protect the security of the lives and property of citizens, protect public policy and public security [First paragraph of Article 52 of the Fundamental Law of Hungary].

⁴² In the event of a natural or industrial disaster endangering lives and property, or in order to mitigate the consequences thereof, the Government shall declare a state of danger, and may introduce emergency measures defined in an implementing act [First paragraph of Article 53 of the Fundamental Law of Hungary].

⁴³ The Venice Commission in its Opinion referred to the Polish and the German model as an example. Grabenwarter, Christoph – Hoffmann-Riem, Wolfgang – Suchocka, Hanna – Tuori, Kaarlo – Velaers, Jan: *Opinion on the New Constitution of Hungary*. European Commission for Democracy through Law (Venice Commission), Strasbourg, 20 June 2011, Opinion no. 621/2011, para. 134.

and some guarantees of criminal proceedings – may be suspended, or restricted beyond the extent that is necessary and proportionate to the objective pursued.

However, the Hungarian parliament in 2015 started to use ordinary legislation, which contained extra-legal measures in order to deal with so-called emergencies such as the newly founded ‘state of migration emergency’,⁴⁴ which is unknown to the Fundamental Law’s relevant rules. Because of the refugee crisis, the Hungarian Parliament adopted two acts on 4 and 21 September 2015⁴⁵, which enabled it to proclaim the ‘state of migration emergency’, without using the Fundamental Law emergency mechanism. This means that many emergency restrictions could be used without the constitutional guarantees. As I stated in another essay⁴⁶, the state of emergency started to leak into the regular constitutional order. This solution from the legislator created a legal grey hole⁴⁷ in the Hungarian constitutional system. The government stated that it is sufficient to have broader room to maneuver in order to manage the massive migration crisis. Therefore the state of migration emergency made it possible to use emergency measures without the use of the Basic Law’s Special Legal Order.

With the above-mentioned two acts the Hungarian Parliament also amended Act LXXX of 2007 on Asylum by creating the rules of the “Mass Migration Crisis” (Section 80/A.), the “Temporary Appropriation Applicable During a State of Mass Migration Crisis” (Section 80/B-80/C) and “Other Regulatory Actions Applicable During a State of Mass Migration Crisis” (Section 80/D-80/G). It is useless to show all sections in detail, but I must draw attention to Section 80/A.

This makes it clear that the government can declare a State of Mass Migration by way of decree, by the recommendation of the minister, upon the initiative of the national chief of police and the head of the refugee authority. The state of mass migration crisis may be declared covering the entire territory of Hungary, or specific parts of Hungary when the following conditions are fulfilled: the number of asylum-seekers entering Hungary exceeds 500 per day on the monthly average, 750 per day on the average of two consecutive weeks, or 800 per day on a weekly average. It was also possible to declare this kind of ‘state of emergency’ if the number of persons in the transit zones of Hungary, other than the persons participating in

⁴⁴ This practice continued in 2020 during the pandemic with the reregulation of the Health Act’s ‘state of medical emergency’ which has still available restrictions to use, however the Hungarian Government also declared a ‘state of danger’ twice by using the Fundamental Law’s relevant rules. On the concerns of this quasi-emergency, see Mészáros Gábor: “Carl Schmitt in Hungary: Constitutional Crisis in the Shadow of COVID-19”. *Review of Central and East European Law*, 46 (2021). 69–90.

⁴⁵ The Act CXL of 2015 and the Act CXLII of 2015.

⁴⁶ Mészáros Gábor: “Egy ‘menekültcsomag’ veszélyei” (The Risks of an “Immigration Enactment”). *Fundamentum*, 2–3 (2015). 107–119.

⁴⁷ The legal grey and legal black hole phrases are used by David Dyzenhaus. See Dyzenhaus, 2013. 31.

providing care for the aliens, exceeds 1000 per day on the monthly average, 1500 per day on the average of two consecutive weeks, or 1600 per day on a weekly average. Apart from the above-mentioned cases it was also possible to declare a 'state of migration emergency' where any migration-related situation develops in any municipality that represents a direct threat to public security, public safety or public health in that community, in particular if a riot or similar disorder breaks out in the community or in a reception center located in the immediate vicinity of that community, or in any other facility for the accommodation of aliens, or if any violent acts are committed.

Although these criteria were not met, the Hungarian Government extended the state of emergency for the whole country by no. 41/2016. Governmental Decree on 9th of March 2016, which was prolonged until March 8 of 2017 by no. 272/2016. Governmental Decree in 5th of September. Through the website of the Hungarian Police everyone can follow the relevant data of 'captured immigrants' in the last few months.⁴⁸ If we check the website it is evident that, for example in September of 2016, the number didn't exceed 25 persons in a day (except one day, 9th of September, with the daily number of 28 persons) which means that the government is still prolonging the 'state of migration emergency' for years⁴⁹ even though the conditions of the statute are hardly met. The more serious problem with this so-called state of emergency is that we can barely find any legal remedies involved in the process, comparing it with, for example, the 'Special Legal Order' chapter in the Fundamental Law of Hungary.⁵⁰

CONCLUSION

As we have seen, there is an exact state of exception regime implemented into the Fundamental Law of Hungary. However, the question is still the same regarding state of emergency theories: constitutional guarantees could be reregulated when referring to various emergencies, and the constitutional necessity and proportionality tests may also suffer from rigidity. Although the measures used to deal with crisis were not so spectacular, what will happen if another special unregulated emergency occurs? The refugee crisis gave us some answer: on 4 and 21 September 2015 the Hungarian Parliament adopted two acts which enabled a new pseudo

⁴⁸ <http://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa>

⁴⁹ The latest amendment to the relevant decree declared the renewal of the 'state of migration emergency' for another six-month period by Governmental Decree No. 93/2021. (II. 27) on February 27 2021.

⁵⁰ Tóth Judit: "... A hazájukat elhagyni kényszerülők emberi jogainak és alapvető szabadságainak védelmére" (For the purpose of the protection of the human rights and fundamental freedoms of displaced persons). *Fundamentum*, 4 (2015). 63.

state of emergency in the ordinary legal order, without using the Fundamental Law emergency mechanism. This means that emergency restrictions could be used without constitutional guarantees. So the state of emergency started to leak into the regular constitutional order, and therefore may also result in a permanent state of emergency.

However, it should be mentioned that the situation seems more complex in a theoretical manner, if we accept that generally a state of emergency has at least two main assumptions. Firstly, a number of constitutions consider crisis as a possible but exceptional contingency. According to this standpoint emergencies can be foreseen, and it is acceptable for the state to make a transitory departure from the ordinary legal order. Secondly, and alternatively, emergency refers to the use of unconstrained executive power where the constitutional element is that there is a return to constitutional values.⁵¹ These two assumptions are the constitutional state of emergency models. However, the Hungarian 'state of migration emergency' does not fulfil these requirements, and therefore cannot be called a constitutional emergency model.

It is definitely an element of a special neo-militant democracy which has become the very nature of the governing political parties since 2010 in Hungary. This means that measures were taken for consolidating the political power of the governing coalition, instead of defending a substantive constitutional democracy. In the "abusive neo-militant democracy"⁵² it is not the case that the "enemies of a constitutional democracy" have completely turned out to be the 'friends' of the illiberal state. According to populist rhetoric and serving the political needs, it has created its own 'enemies'. "Abusive neo-militant democracy" expresses the methods of how militant democracy's anti-democratic measures are used for the sole purpose of the governing political party, and not for the good of substantive constitutional democracy. The main element of the regime is that emotionalism – which in the original interpretation of militant democracy leads to the conclusion that democracies are weak against emotionally manipulative politics and challenges – is used to gain political benefits and by the governing parties, instead of breaking off a real threat. One may think that immigrants have become the most persecuted group because of the measures taken by the government. But the fact is that Hungarian democratic values and the rule of law have suffered much more.

⁵¹ Sajó András: "From Militant Democracy to the Preventive State". *Constitutional Law Review*, 1, 2009. 65.

⁵² Drinóczi–Mészáros, forthcoming in 2022.

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ON THE EDGE OF AN EPOCH, OR A FAREWELL TO ASYLUM LAW AND PROCEDURE

JUDIT TÓTH

Abstract

This article considers how Hungarian asylum regulation and the institutional system have changed. In 2015 the wave of refugees provided good reason to significantly reduce the scope of action by the administrative authority on refugee issues established in 1989. Its care and integration tasks were then similarly reduced; and in 2019 it was abolished, with reference to securitization. Through amendments to asylum law and an authority that has been merged into the police system, the author tries to present the difficulty of obtaining protection and a fair procedure — and explain why asylum is now almost impossible for applicants. Although the UNHCR, the Council of Europe and the EU have indicated that it is possible to modify the national asylum system only by maintaining European standards, they have been unable to prevent violations as long as the Hungarian government favors its role as the “guardian of Europe’s borders against illegal migrants” — while forgetting refugees completely.

30 YEARS OF ASYLUM PROCEDURE (1989-2019)¹

The procedure of asylum and protection, and the related care and integration system, operated — with minor or major errors — from 1989 to mid-2015, and was mainly supported by the UNHCR and later by EU funds.² Several plans were aimed towards accessing EU funds, and in 2013 a migration strategy was prepared, for which tasks Hungary intended to use the Asylum and Migration Fund in the financial period 2014–2020, and then to assist the return of rejected applicants.³ The wording was in line with EU and European practice. Thus, priorities for third-country nationals in the field of reception and integration, based on the carrying capacity of the budget, were set, and the Minister of the Interior had to manage the administrative coordination of the programs and their publicity. All actors therefore expected to continue annual programs involving the relevant authorities until 2020, for an average European Member State operation.

¹ This article is largely based on Tóth Judit: “A menedékjogi eljárás buktatói”. *Állam- és Jogtudomány*, 4 (2019). 105–119.

² Tóth Judit: “Migrációs jogi környezet Magyarországon”. *Magyar Tudomány*, 3 (2013). 249.

³ Government Resolution No.1440 of 2011, Dec.20 and Government Resolution No.1698 of 2013, Oct 4.

This conviction was reinforced by the government's decision on the 'Asylum Solidarity Program' in response to the humanitarian crisis in North Africa, especially to alleviate the burden on first-country shelter countries. It called on the responsible minister to develop an appropriate program⁴, such as the publication of an annual planning and implementation schedule for the domestic accession to EU funds⁵. This regulation on refugees, which was less generous and reluctant but remained within the European frame, was increasingly pushed down by another process.

The regulatory rhythm has accelerated. Asylum regulation is dealt with exclusively by security-law enforcement aspects, and socio-professional dialogue has been abolished in dealing with cases of those in need of protection. Nationalist rhetoric is largely held by legal amendments that have made it impossible for refugees to be received and integrated.

In less than six years (January 2013 to November 2019) the Asylum Act was amended 20 times, and its implementing decrees 22 times. The Act on the Entry and Residence of Third-Country Nationals — which also affects migrants and their rejection — was amended 33 times, and its implementing provisions 32 times. The instability of the migration rules is in itself an attack on the rule of law, not to mention a serious restriction on the essential content of fundamental rights and human rights. As a result of the government's publicly funded hate campaign against refugees, public opinion remained indifferent even while constitutional provisions were amended. Yet what has happened is nothing less than the hollowing out of international refugee commitments. The modified constitutional provision⁶ prohibits the forced admission of a foreign population (although the EU never wanted that, merely a fairer distribution of the asylum burden), and Hungary does not provide asylum if there is another host country, or if the foreign applicant came through a country with no persecution, or was not in imminent danger of persecution. At most, an alien who is in danger of being sentenced to death, torture or other inhuman treatment or punishment may be exempted from expulsion. Other asylum/immigration rules may be further tightened, in an act to be adopted by a qualified majority, although the "direct threat of persecution or persecution in fact" clause is in itself a narrowing compared to the Geneva Convention (1951), which uses the term of "well-founded threat of persecution" only in Article 1 (2).

Prejudices against refugees in public opinion were reinforced by the fact that the asylum authority, established in 1989 and reorganized several times⁷,

⁴ Government Resolution No.1139 of 2011, May 12.

⁵ See e.g. Order of the Minister of the Interior No. 18 of 2015, July 21, or Order of the Minister of the Interior No. 3 of 2016, Dec. 16, or Order of the Minister of the Interior No.22 of 2016, Aug 31 on working programs of 2017–2018 published on <http://belugyalapok.hu/alapok/munkaprogramok/16> (Accessed 1 November 2019.)

⁶ The XIV Article of the Basic Law was also affected by the Seventh Amendment on 28 June 2018.

⁷ Tóth Judit: Miért nincs, ha van – menekültügyi hatóság? In Hautzinger Z. (szerk.): *Migráció és rendészet*. Budapest, Magyar Rendészettudományi Társaság, Migrációs Tagozat, 2015. 199.

was finally abolished on 1 July 2019. The Asylum Office was absorbed into the National Directorate General of Immigration, under the authority of the minister responsible for policing.⁸ Office workers either became professional policemen or they quit, sending a message to the public that police and security considerations are dominant in the treatment of applicants for international protection and their recognition. At the same time, the sophisticated system of reception stations, community accommodation, guarded reception centers and special child protection and institutional placement has ceased, as applicants are placed in containers and surrounded by fences in the border transit area. Instead of a civil administrative logic determining asylum, it became a task of the police to control foreigners. This process has accelerated since 2014, with the police responsible for more and more institutions dealing with refugees⁹. This turn was cynically justified by the fact that recognized refugees and protected persons have (almost) the same rights as Hungarian citizens — and from February 2020, they can even apply for Hungarian citizenship preferentially. As the number of applicants for international protection is minimal, they can also be accommodated in the transit zone, so it is not justified to have a separate body for this small group of people. The hateful rhetoric and a lack of a real presence of refugees — may therefore have contributed to the rationalization of the public administration.

Due to the dominant security needs, and the concentration of governmental powers referring to the sovereignty of the state and the refugees classified as enemies, it is justified that

at the end of 2015 the government closed the country's largest open reception centre in Debrecen, reducing the capacity of the Hungarian asylum system. It also abolished integration support for refugees, conveying the message that the government said their integration was not possible. Since 2016, asylum applications can only be submitted in the transit zone to Serbia, only during office opening hours, and only to an extremely small number of asylum seekers per day. Several humanitarian and human rights organizations have indicated that migrants are being abused by the Hungarian authorities, occasionally causing serious injuries. Hungarian far-right paramilitary organizations also acknowledged that they had been involved in the abuse of asylum seekers along state borders.¹⁰

⁸ Government Decree No. 361 of 2016, Nov. 29 was repealed by the Government Decree No.126 of 2019, May 30.

⁹ See e.g. Order issued by the National Headquarter of the Police No. 21 of 2014, July 4.

¹⁰ Juhász Attila – Molnár Csaba – Zgut Edit: *Menekültügy és migráció Magyarországon*. Prága–Budapest, Heinrich-Böll-Stiftung – Political Capital, 2017. 8. For example, two police officers abusing refugees were convicted in an expedited procedure because one of them kicked a seated refugee with his right knee “while on duty” and was therefore fined HUF 300,000. The head of the section was found guilty of assault and bodily harm in the proceedings of a person performing a public task. In the other case, a sergeant who sprayed tear gas into the face of a refugee on the other side of the border fence. According to prosecutors, the refugee

The concept of a “crisis caused by mass immigration” (migration crisis), as defined in Act LXXX of 2007 on Asylum, was introduced through an amendment to the law in 2015. This declared period was extended until March 2021,¹¹ although the refugee wave has long since subsided. This package of emergency measures confirms to the public that Hungary has never been a destination country. If Hungary were the intended destination country, a fence would not have been able to reduce the intention of entry and settlement of (potential) refugees and subsidiary protected persons so quickly and to such a great extent. The measures, and the expensive 175km southern border fence, were successful insofar as the refugees found routes in the Balkans that completely bypassed Hungary. As of 31 December 2014, the number of refugees and protected persons residing in Hungary had increased by only ten percent as of 31 July 2017 — their total number was only 3300 people according to the data of the asylum authority. So 200,000 (potential) applicants crossed the country, while the unknown others, after the Serbian-Croatian border fence was built, followed different directions — thus increasing the income of human smugglers and migration industrialists.¹² It can be said that the continuous tightening of asylum procedural rules and sanctions did not significantly affect migratory pressure on Hungary either, because the change in regulations was not focused on faster screening of applicants, providing effective interpretation or better preparing administration, but on diversion of applicants to other states, and increasing political gains. With refugees becoming scapegoats, restrictions on fundamental rights (e.g., freedom of speech, association, assembly, property, and movement) may have arisen that contributed to an anti-democratic political system based on security, order, and nationalism.

This transition from asylum to a migrant-diversion era is analyzed in a thematic issue of an academic journal, in which eight studies compiling legal and administrative expertise, international relations, and social and child protection disciplines at the end of 2018 and 2019 seek to explain why Hungary continues to be found in violation of international refugee-related regulation.¹³ However, in terms of statistics on applicants and persons in the scope of international protection

“continually insulted” the police officer’s family and “behaved threateningly.” Within one and half years since September 2015, the prosecutor’s office has been aware of 44 cases in which police officers acting at the border have been reported as a result of violence and have been prosecuted for abuse, misconduct or group abuse. See *444.hu*, 2017. március 16.

¹¹ Governmental Decree No.41 of 2016, March 9 and No.217 of 2019, Sept.5.

¹² Szép Árpád: *A menedékkérők hozzájárulása az államterülethez*. 2017. 41–43. https://jak.ppke.hu/uploads/articles/12332/file/Szep_A_dolgozatv.pdf (Accessed 10 January 2021.)

¹³ Nagy Boldizsár: “Magyarország bírái előtt. Menekültügyek az Európai Emberi Jogok Bíróságán, az Európai Unió Bíróságán és más fórumokon”. *Állam- és Jogtudomány*, 4 (2019). 133.

(Table 1)¹⁴, it is difficult to understand the continuing incitement to fear, hatred and crisis in the measures on refugees (or ‘illegal migrants’ in official terminology).

Table 1: Applicants and protected persons in Hungary (2014-2019)

Year	Quarter	Asylum applicants	Recognized refugees	Subsidiary protected	Tolerated (humanitarian) migrants
2014 Total applicants: 42,777	1	2736	45	51	5
	2	2699	95	42	1
	3	8711	58	44	1
	4	28 631	42	99	0
2015 Total applicants: 177,135	1	33 549	29	96	3
	2	33 239	44	68	0
	3	109 175	35	73	1
	4	1172	38	119	2
2016 Total applicants: 29,432	1	7182	39	109	4
	2	15 309	48	56	2
	3	4386	40	67	1
	4	2555	27	39	0
2017 Total applicants: 3397	1	1290	19	53	7
	2	689	27	222	4
	3	746	29	455	62
	4	672	31	380	2
2018 Total applicants: 671	1	294	23	210	12
	2	159	30	47	5
	3	107	11	16	0
	4	111	4	8	1
2019 Total applicants: 500	1	144	7	5	2
	2	122	3	9	2
	3	151	5	3	2
	4	83	7	14	1

It can be seen that the General Code of Administrative Procedure has always allowed deviations from the general asylum rules. However, this should reduce the applicants’ vulnerability (in particular through the *in dubio pro reo* principle, the presumption of innocence, the burden of proof and burden-sharing), and reduce the

¹⁴ Data from the Central Statistical Office. http://www.ksh.hu/docs/hun/xstadat/xstadat_ev-kozi/e_wnvn001.html (Accessed 10 January 2020.)

asymmetrical relationship with the authority in many countries. But in Hungary it is the opposite: asylum-seekers are given fewer guarantees than any client in an administrative proceeding. For example, the extremely short procedure, the stay in the mandatory transit area, detention, judicial review as the only legal remedy, and in the form of cassation, the restriction of legal representation and counseling. Not to mention the specific restrictions due to the migration crisis.

In its judgment of 14 May 2020, the Court of Justice of the European Union ruled the transit zones (with containers placed between double fences) established on the Hungarian-Serbian border — expanded in 2017 and since then the main site of Hungarian asylum — to be unlawful detention. Under EU rules, a border procedure of up to four weeks could be carried out. In addition, a significant proportion of those detained in transit were minors, and many were even born there (or in nearby hospitals), took their first steps there, or became adolescents in the constant presence of barbed wire and guards. In more than thirty cases, the European Court of Human Rights had to end starvation with an interim measure, but it is a scandal that people fleeing suffering and danger often had to be in these transit zones for years. Prolonged confinement, prison-like conditions, desolation, lack of civil relations, and insecurity and hopelessness, have crushed adults and children alike. Therefore, citing the need for the EU to “dictate” transit zones and “allow the free admission of migrants”, the government restructured and emptied the Hungarian asylum system. Although the CJEU did not demand the abolition of the transit zone — only the provision of reception conditions and legal guarantees — in reality this pushed the possibility of applying for asylum completely outside the borders of the country. From June 2020, foreigners can only apply for asylum at foreign embassies. If the authority decides in favor within 60 days, it will issue a temporary 30-day travel document in order for the applicant to actually submit an asylum application at the Hungarian border. In its judgment of 17 December 2020, the CJEU ruled it a violation of EU law to make the mandatory placement of applicants in transit zones indefinite. Moreover, the majority of potential asylum seekers (at least 50,000 on the Serbian-Hungarian border) were pushed without formal procedure back to Serbia in groups by police, without any guarantee that they would be able to stay legally in Hungary during any review procedure.

How did we get here? We need only look at the procedures.

ON THE ASYLUM PROCEDURE

The UN conventions on persons in need of international protection contain few procedural rules. Asylum procedure is therefore shaped by universal legal principles and various recommendations — such as documents from the United

Nations High Commissioner for Refugees (UNHCR)¹⁵ — and national legislation and court rulings. This decades-long trend has been standardized to some extent by common procedures developed in the European Union¹⁶, but the diversity of asylum procedures has remained country-by-country.

Compared to other administrative procedures on request, the specificity of asylum is that the asylum authority has the following non-routine tasks:

(a) identification of the applicant (in the absence of identity documents, use of biometric identifiers, family ties)

(b) obtaining and verifying information on well-founded fears of persecution (credibility, country information database, amicus curiae involvement, involvement of experts and the UNHCR),

(c) impartial administration (non-discrimination, panel proceedings, hearings)

(d) bridging the language and cultural gap (interpreting and translating, even from a non-standardized language), with an illiterate client, facilitators for intercultural encounters)

(e) identifying and addressing the individual needs of vulnerable applicants (such as those with post-traumatic stress disorder, single minors, pregnant women)

(f) involvement of legal assistants and representatives, and free provision of their assistance

(g) conducting a procedure free of charge

(h) the obligation to provide information on the applicant's rights

(i) decision-making and procedure based on individual circumstances (hearing, justification, pause according to the applicant's condition, vulnerability)

(j) resolving social vulnerability during the procedure, ensuring social minimums

¹⁵ Procedural Standards for Refugee Status Determination under UNHCR's Mandate, Geneva, UNHCR, 2013. Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, Geneva, UNHCR, HCR/IP/4/Rev.1, 1979.

¹⁶ In particular, Council Directive 2005/85 (EC) on minimum standards on procedures in Member States for granting and withdrawing refugee status; Directive 2013/32 / EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection; Regulation (EU) No 604/2013 of the European Parliament and of the Council determining the conditions and procedure for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person; Commission Implementing Regulation (EU) No 118/20/2003 amending Regulation (EC) No 11861/2003 laying down the procedures and rules for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national regulation; Regulation (EU) No 604/2013 of the European Parliament and of the Council establishing the conditions and procedures for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.

(k) ensuring the applicant's availability and stay in the country during the procedure, with narrow exceptions (detention for as short a time as possible, security screening, non-refoulement), and

(l) guaranteeing the right to an effective judicial remedy

In view of these peculiarities, the procedure and the forum system have created solutions that differ from frequent or other human rights and fundamental rights (administrative, law enforcement, judicial) procedures.¹⁷ Let's see what this has meant in Hungary recently. In January 2015, the asylum procedure could still be described on the basis of four main elements:¹⁸

(a) access to asylum procedure (entry without sanctions and contact with the authority, indication of the need for an application or protection, access to the place of the procedure or transport)

(b) only the necessary restrictions on the applicant's freedom during the asylum procedure (security and health screening, questioning, data collection to clarify identity)

(c) the substantive conduct of the asylum procedure (primary screening in manifestly unfounded cases, substantive fact-finding, probation, proof, the minimum support related to the applicant's fair procedural rights, such as i.e. provision of care and assistance, special support for vulnerable groups, legal remedies); or termination of the procedure without a substantive decision (transfer to another country, termination of procedure, withdrawn application)

(d) result: removal (expulsion or deportation) and the necessary restriction of liberty pending removal; voluntary return, or measures for reception/integration (language course, issuing of documents, preparation of an integration contract, etc.).

Due to the asylum crisis, between 2015 and 2018 this gradually changed.¹⁹ However, the possible implementation of Art.19 in Act LXXX of 2007 on Asylum was not introduced — namely the temporary recognition of mass refugees. The authority could have granted temporary protection to those belonging to a designated refugee group, in accordance with Council Directive 2001/55 / EC of

¹⁷ Herlihy, Jane – Gleeson, Kate – Taylor, Stuart: "What assumptions about human behaviour underlie asylum judgements?". *International Journal of Refugee Law*, 3 (2010). 351. Gyulai Gábor (ed.): *Credibility assessment in asylum procedures – A multidisciplinary training manual*. Budapest, Hungarian Helsinki Committee, 2013. 31. Smith-Khan, Laura: "Different in the Same Way? Language, Diversity, and Refugee Credibility". *International Journal of Refugee Law*, 3, (2017). 389. Goodwin-Gill, Guy S. – McAdam, Jane: *The Refugee in International Law*. Third Edition. Oxford, Oxford University Press, 2007. 510.

¹⁸ Tóth Judit: "...a hazájukat elhagyni kényszerülők emberi jogainak és alapvető szabadságainak védelmére". *Fundamentum*, 4, (2015). 65.

¹⁹ Majtényi Balázs: The Refugee Crisis in 2015 and its Aftermath: a Comparison of the Hungarian and Italian Responses. In Majtényi Balázs – Tamburelli, Gianfranco (eds.): *Human Rights of Asylum Seekers in Italy and Hungary. Influence of International and EU Law on Domestic Actions*. Torino, G. Giappichelli Editore, 2019. 161–163.

20 July 2001 on temporary protection in the event of a mass influx of displaced persons, as provided for by the Council of the European Union. The government would also have been entitled to designate the persons belonging to the group to have been forced to flee their country due to armed conflict, civil war or ethnic clash, or the general, systematic or gross violations of human rights, in particular torture, cruel, inhuman or degrading treatment. Syrian refugees are likely to meet these criteria, but there has been no debate on the application of these provisions. Thus, we do not know why the temporary protection was rejected in practice. Although the rules on temporary protection have never been applied since 2007, they have been amended several times. Why? In order to unify the conditions of exclusion from international protection.²⁰ Thus, Hungary excludes from protection an applicant who has committed a criminal offense for which Hungarian law imposes a custodial sentence of five years or more, or who poses a threat to national security. Why are the grounds for exclusion under the EU directive not enough? Moreover, temporary protection is applicable only for a short time up to one year. The last time Bosnian refugees were granted temporary protection in Hungary, they enjoyed temporary reception between 1992 and 2002, and they did not have any conflict.

The security and militant approach is felt in the introduction of the crisis situation into the asylum law, which has been maintained unlawfully — i.e. in the absence of legal conditions — for several years. The rules of the exceptional legal order laid down in the constitution (2011) were not sufficient. Therefore, it was supplemented in 2016 with special measures due to the terrorist threat, and then in 2018 the defense emergency was regulated. The defense emergency can last for six months and can be extended several times. In a national defense emergency, there may be orders to tighten control of the state border, with the participation of the military in border control. Military units can perform this task with the right to use weapons, although the concept of danger is rather abstract and the country should be prepared primarily for its effects. In a situation of a mass migration crisis, military border control is institutionalized²¹, but for constitutionally debatable reasons²² which deter potential applicants for protection, or divert them to other countries.

²⁰ See the Act CXCVII of 2017, Act CXLIII of 2017.

²¹ Act CXIII of 2011, Act CXL of 2015, Act XX of 2017, Act CXIII of 2011 and Act CX of 2018.

²² Mészáros Gábor: "A 'militáns demokrácia' esete a tömeges bevándorlás okozta válsághelyzettel". *Állam- és Jogtudomány*, 4 (2019). 50.

ACCESS TO PROTECTION

Access to protection has been restricted in two ways: by blocking entry at the border and by introducing measures to deal with the migration crisis. On the one hand, the police were authorized in July 2016 to detain any alien staying illegally in the territory of Hungary within the 8km belt of the Schengen external border line or the border sign²³, and to escort them through the nearest gate of the fence (described as a ‘non-regular push-back to Serbia’). That is, unless there is a suspicion that a criminal offense has been committed, in which case criminal proceedings must be instituted against the alien. From March 2017, illegal aliens must be transported by the police from anywhere in the country to the outside of the border fence — meaning the “8-kilometer rule” has been extended to the entire country.²⁴ This allows the foreigner to submit their application only by entering the gate within the transit zone. Thus the applicant does not have the right of entry and residence nor the right to work — only the right to stay in transit. The admissibility of the application is decided within eight days at the longest, after which the applicant is (in principle) allowed into the country after four weeks. It is a paradox that the transit zone is within the territory of the country, whilst legally the authority considers that the foreigner has not yet entered the country. This “*out-of-territory fiction*” is used to justify the denial of human rights to applicants.

The gate of the transit zone is open to Serbia (and Croatia), and the applicant can be returned to these countries without a formal or substantive decision, and without official communication with the neighboring country. If the applicant is awaiting a formal decision, their asylum application will not be considered admissible because the candidate countries for membership of the European Union (e.g Serbia), as well as Kosovo and Bosnia and Herzegovina, are also considered safe countries. This regulation²⁵ contradicts the Asylum Act that requires the asylum authority to ensure that the safe country meets the following conditions, in accordance with the 1951 Geneva Convention, (a) the principle of non-refoulement is respected in these countries, (b) international law is recognized and applied there, namely the applicant is not expelled to the territory of a country where there is a risk of being sentenced to death, torture or other inhuman or degrading treatment or punishment, (c) there is a possibility to apply for recognition as a refugee, and (d) protection is in line with the 1951 Geneva Convention. In the accelerated admissibility procedure, the authority does not decide on the safe country on an individual basis — the individual reasons of the applicant are examined only

²³ Article 2 (2) of the Schengen Border-Code established by Regulation (EC) No 562/2006 of the European Parliament and of the Council.

²⁴ Act LXXXIX of 2007, Act XCIV of 2016, Act XX of 2017, Act CXCVII of 2017.

²⁵ Government Decree No. 191 of 2015, July 21 designates the safe countries (of transit and origin).

if the applicant explicitly indicates the dangers in the ‘safe’ country (*‘rebuttal of presumption’*).

The European Union Agency for Fundamental Rights (FRA) was also concerned²⁶ that the automatic inadmissibility of asylum applications had become commonplace in Hungary, as the authorities had applied amendments to the Asylum Act.²⁷ Under the new provisions, judges cannot override the asylum authority’s decision on a safe third country in individual cases — there is no place in the procedure for examining individual circumstances. The list of safe countries is only secondary if the applicant has evidence that the country from which they came is not safe.²⁸ The Metropolitan Administrative and Labor Court has therefore referred a question to the Court of Justice of the European Union, for a preliminary ruling on whether the amendment to the Asylum Act violates the EU asylum acquis. The police arrested 840 foreigners near the border between September and October 2018 alone, and according to the National Police Headquarters (ORFK), they were escorted to the outside of the fence on the Hungarian-Serbian border. According to a report on Hungary by the Council of Europe’s Committee for the Prevention of Torture (CPT)²⁹, authorities often took photographs of captured migrants while escorting them to a Serbian border, at a gate that does not comply with the bilateral convention or access gates, in violation of the registration requirements. According to the ORFK, during this period the police and the army prevented 241 people from crossing the border into Hungary through the border fence — and thus the possibility of access to protection became physically and legally minimal.

STATUS OF THE APPLICANT DURING THE PROCEEDINGS

In the absence of authentically identifiable documents while seeking recognition, the applicant must make every effort to clarify their identity, in particular by contacting family members, legal representatives or, in the case of a non-state or related persecutor, the authorities of their country of origin. A further change in the legal procedure is that the selection of an interpreter should account for any discrepancies between the interpreter’s suitability and the applicant’s identity and cultural background, as indicated by him to the asylum authority. But the applicant is hardly well-enough informed to assess whether the interpreter is not

²⁶ Periodic data collection on the migration situation in the EU, November Highlights 2018, European Union Agency for Fundamental Rights, 2018. 2–3.

²⁷ Act VI of 2018 changing numerous other acts also on migration control.

²⁸ Government Decree No.63 of 2016, March 31.

²⁹ Report to the Hungarian Government on the visit to Hungary carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 20 to 26 October 2017 Council of Europe, CPT/Inf (2018). 42.

properly trained, does not have an interpreter examination, or is even biased. In urgent cases the order assigning the interpreter is not mandatory, so the applicant does not even really know who their interpreter was. Fortunately, translation and interpretation costs are not borne by the client unless the authority orders it so in repeat procedures but without legal remedy against imposition of costs.³⁰

Asylum detention, which can be ordered for six months, or thirty days for families with children, has become common, even if the foreigner has not applied for asylum — but under the Dublin Regulation³¹ the applicant can be transferred to another country. In parallel, procedural guarantees have also been reduced. For example, an objection may be lodged within only three days, the applicant may be heard in the absence of a legal representative, and remote interpretation and hearing may be possible. In the local court, the legality and necessity of detention is examined not by a council but by a single judge. Asylum detention does not have to be carried out in a special institution set up or designated for this purpose, if an exceptionally large number of applicants place an unforeseen heavy burden on the capacity of the asylum detention centers or the asylum authority (although the ‘exceptionally large’ number is not defined by law).

A person who *re-submits* an application, if they submitted the application before expulsion or their application has already been legally rejected, is not entitled to a residence permit, and does not receive benefits or support (accommodation is mainly provided in the transit zone or detention). In addition, the applicant is not entitled to work in the host station or in public employment for nine months from the submission of the application (or even in accordance with the general rules applicable to foreigners thereafter), and must bear the costs of interpretation and translation during the proceedings, if they have not been granted an exemption.

Termination of the procedure is a decision in which the substance of the application is not clarified. Such a decision is possible for a number of reasons: for example, if the application is withdrawn in writing; if the applicant refuses the declaration and thus prevents the application from being processed; if the applicant does not appear in person at the personal interview and does not duly justify their absence; if the applicant leaves their place of residence for more than 48 hours without

³⁰ The Act on Asylum (Art. 34) was modified by the Act CXLIII of 2017 (Art.71).

³¹ The Dublin Regulation establishes the criteria and mechanisms for determining which EU Member State is responsible for examining an asylum application. The regulation was originally established by the Dublin Convention, signed in Dublin, on 15 June 1990. In 2003 the Dublin Convention was replaced by the Dublin II Regulation. In 2013, the Dublin III Regulation was adopted, replacing the Dublin II Regulation. It came into force on 1 January 2014 (Regulation 604/2013/EU of the European Parliament and of the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person). EU reform of the Dublin Regulation was started in May 2016.

permission, or leaves for an unknown place and fails to provide adequate proof of absence; or if the applicant makes it impossible to record their fingerprint or facial image. The applicant is often unaware of the serious consequences of termination, and it would be necessary to explain them. However, adequate legal assistance for this is usually lacking.

The migration crisis that appeared in September 2015 also came as a surprise to ordinary locals. Administrative procedures and public procurement procedures related to the construction, installation and operation of facilities — with the exception of the construction procedure and the compensation procedure — do not have to be carried out. In this way, it is possible to accommodate and care for applicants at a low level. Moreover, the police and the military may be involved in the registration of applications for recognition and surveillance, including the right to use weapons and coercive measures.

Education and basic health care take place in the transit zone. Specialist care is handled outside of the zone, but only with police escorts. There are no education/travel allowances or other financial allowances, and those awaiting transfer under the Dublin Regulation also live in transit. The transit zone operates as a *detention facility* (in principle for four weeks), closed continuously twenty-four hours a day, and visitors can only enter with the permission of the asylum authority. The applicants' clothing and luggage are inspected upon admission to the transit zone, and their rights and obligations must be communicated promptly in their mother tongue or in another language that they understand. The policy shall be posted in a conspicuous place in the transit zone in at least five languages. The health service and social service operate only at a basic level, but pay attention to the care of people with special needs, including providing food, bedding, blankets and pillows, a cleaning package, a locker, water and a washbasin, and access to limited media and telecommunications, as well as a prayer room and sports facilities.³²

According to the code of conduct, a foreigner in transit may file a complaint with the asylum authority, although they are in detention: they are obliged to stay in the area designated for the transit zone, but may request that the asylum authority designate another accommodation/container instead. Social workers carry out room visits as needed, but at least weekly, during which prohibited and infectious objects are removed, with the help of police staff. The person placed in the transit zone (to Serbia or Croatia) must indicate their intention to leave the transit zone voluntarily.

With the tightening of migration (entry and protection) rules, illegal, irregular and human trafficking cases are growing in direct proportion. The existence of a transparent and well-applied legal framework for entry into the EU (visa or refugee

³² Ministerial Decree (MI) No.3 of 2017, March 23 amending the Ministerial Decree (IRM) No.52 of 2007, Dec.11 on refugee authority and services.

status) can reduce illegal and security-threatening entry.³³ Therefore, the solution of detaining asylum seekers admitted to transit zones without any possibility of appeal is debatable. This rule was introduced with reference to the migration crisis, but in the absence of an actual mass of applicants and refugees. Due to the amendments related to the Border Protection Act introduced in September 2015, the European Court of Human Rights also condemned Hungary. Two Bangladeshi citizens had been detained in a transit zone on the Serbian-Hungarian border for 23 days after submitting their asylum application, and were then expelled from Hungary for having arrived through a safe country. The reason for their detention and effective remedy against expulsion was not provided at the place of detention, nor did the legal basis for detention meet the criteria of Article 5 of the Convention.³⁴ Although it is possible to use the accelerated procedure at the border, the asylum procedure can also be conducted at the border but without the automatic detention of applicants.³⁵ the automatic application of the list of safe countries of origin is also infringing, as is the false alternative of having the door open to Serbia so that there is no obstacle to leaving. This is because those who leave lose their right to asylum in the EU. In fact, the physical and legal establishment of the transit zone was therefore a sovereign national decision, without any EU or international obligation to that effect.

For all these reasons, the CPT had already classified transit zones as places of detention in the autumn of 2015, and criticized the border asylum procedure for a number of reasons:³⁶ it is too rapid; there is no automatic suspensive effect of appeal against inadmissibility of application for asylum; the parties are not heard in court proceedings during appeal; a final court decision may also be made by a court clerk; no new facts or evidence may be adduced in court proceedings; and legal aid is insufficient or not available at all. Under these circumstances, the CPT requested that the Hungarian authorities take the necessary (legal and administrative) steps against the risk of return (or chain-like refoulement) to foreign nationals arriving at the border. The CPT emphasized the need to deal with applications on a case-by-case basis, in particular because of the risks mentioned.

The asylum rules, which were further tightened in 2017, were aimed at non-

³³ European Commission: "Communication from the European Commission to the European Parliament, the European Council and the Council on the Progress report on the Implementation of the European Agenda on Migration". COM (2018). 250. Final.

³⁴ *Ilias and Ahmed v. Hungary* [GC], no. 47287/15, ECHR 2019. The case is analysed by Szabó Attila: "Ilias és Ahmed Magyarország elleni ügye". *Fundamentum*, 1–2 (2017). 69–70.

³⁵ See the targeted implementation of asylum detention by Tóth Judit – Nagy Boldizsár – Kovács András Gy.: "A Kúrián nincsenek menekültügyek – a menekültügyi joggyakorlatot elemző csoport jelentésének margójára". *Acta Humana*, 3 (2014). 41–44.

³⁶ Report to the Hungarian Government on the visit to Hungary of the European Commission for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) (21–27 October 2015), Council of Europe CPT/Inf (2016) 27 2016.

entry and diversion, as the aliens removed were not checked in any way, and their data was not included in any database. At the same time, according to the courts of several European countries, Hungary was no longer considered a safe country for asylum seekers. The reasons for this were ill-treatment in the transit zones, the growing number of applicants returned to Serbia (but not officially readmitted there), the minimum number of applicants crossing the Serbian-Hungarian border, and their detention in transit. In other words, the processing and treatment of applicants is not fair.

From an international legal point of view, this is a gray zone, and people expelled from Hungary are practically deported into Serbian forests. The European Commission therefore complains not only that refugees are being detained in transit zones, but also that they have only limited appeal against expulsion. At present, the Hungarian courts cannot change the procedures of the asylum authority - they can only instruct the office to repeat the procedure.³⁷

Moreover, in these circumstances NGOs cannot solve the problem either, as their entry into the transit zone is only possible with official permission.³⁸ The introduction of the special *immigration tax*³⁹ also aimed to weaken the financial foundations, social credibility and acceptance of the helpers. This legislation classified financial support by a non-governmental organization helping to carry out immigration assistance activities in Hungary as taxable if the organization is based in Hungary. Such activities are all programs, actions and activities directly or indirectly aimed at promoting immigration (such as the permanent relocation of non-EU citizens to another country) —carried out in the framework of media campaigns, education, networking, or ‘propaganda’ activities that promote immigration in a positive light. The immigration tax — and, in the event of concealment, a fine — must be paid by the organization carrying out such an activity (excluding organizations whose exemption is guaranteed by international treaty or reciprocity). The revenue from the immigration tax could only have funded border protection tasks but that money never made it back into the budget. However, its main goal was to completely eliminate social assistance and solidarity by repressive means and to stigmatize civilian helpers.

³⁷ “11 pontban a menekültügy kíméletlen új szabályairól”. *Helsinki Figyelő*, 2017. március 28. https://helsinkifigyelo.blog.hu/2017/03/28/11_pontban_menekultugy_uj_szabalyozasarol (Accessed 10 January 2020.)

³⁸ On 24 June 2019, the Commission indicated that it would bring an action against the European Court of Justice against Hungary for action against migration NGOs. Furthermore, the procedure launched in October 2017 will be supplemented by another, as the Hungarian authorities will refuse food to refugees awaiting adjudication in the transit zone on the Serbian border. See “July violations package: key decisions” July 25, 2019.

³⁹ Act XLI of 2018 (Art.253) on amendments of tax rules and special immigration tax.

GUARANTEES REQUIRED FOR A FAIR TRIAL

In the rules of asylum procedure, it is possible to *deviate from the general Administrative Procedural Code* (Act CL of 2016) by even more points than before. This guarantee system has changed frequently without constitutional reason, consideration for proportionality or necessity.⁴⁰ Thus, they deviate from numerous procedural principles, such as conflict of interest rules for clerks and interpreters, closed treatment of experts' and witnesses' data, full access by the client to protected data relevant to the case, and even the possibility of hearing children or incapacitated people without the presence of a parent or guardian. People with disabilities are not allowed to make a written statement, and applicants cannot submit proof of failure to comply with the procedural deadlines, which are now extremely short. The unlawful authority decision may not be amended or revoked by its own motion, and the infringement may not be remedied by the public prosecutor. Moreover, the court shall decide on the review of detention within sixty days of receipt of the application. In court proceedings, the personal hearing of the applicant is only mandatory if the applicant is in asylum custody (remote hearing), but if the applicant has for example moved to an unknown place or the repeated application is based on the same factual basis, a hearing may be omitted. However, the rapid judicial review of detention provided for in Article 26 (2) of Directive 2013/32 / EU is not accompanied by *free legal assistance*, leaving it unclear as to why the applicant should be detained.

The hearing of a child under the age of 14 should preferably take place in a child-friendly hearing area, and the person conducting the hearing of the minor should have the knowledge necessary to hear the minor. The trustee or child-protection guardian must inform the applicant about the personal interview, how to prepare for it, and its consequences. If the presence of the legal representative of the incapacitated applicant at the personal interview would impede clarification of the facts, the asylum authority must request the appointment of an *ad litem/ad hoc guardian*. It is not known how qualified helpers and caretakers are available for this.

The government has designated the Office of Immigration and Asylum (from July 2019 the National Directorate General of Immigration) as a *country information centre*, which will provide data and facts of the source/transit country to the ongoing cases to its own Asylum and Aliens Divisions and the UNHCR within 15 days. This is not necessary in the case of an accelerated procedure or an inadmissible application, so in such cases *no fact-finding* is required and the presumption of a safe country must be rebutted by the applicant, with evidence.

Guarantees have been further reduced during the migration crisis. For example, there is no minimum reception supply and no application and placement at open reception stations, only in the closed transit zone. The application cannot

⁴⁰ See for instance, Act CXLIII of 2017 and Act CXXXIII of 2018 amended the Asylum Act.

be submitted elsewhere, only in the transit zone, after the applicant has waited in line for days or weeks at the fence. Representation of a child over the age of 18 is assisted only by an occasional guardian. The decision taken in the asylum procedure is deemed to have been communicated on the day of its publication (on the bulletin board). Placement of the applicant (even for an unaccompanied child over the age of 14), if out of transit, can take place anywhere. The applicant will be detained or assigned a place of residence. Due to the inadmissibility of the application or the expedited procedure, the applicant may apply for a judicial review within three days, but there is no possibility to appeal again against the decision to reject the application. Termination of the proceedings is possible for a number of reasons, but no appeal can be lodged against it, nor can the proceedings be continued. Based on all this, an even more cumbersome form of procedure was created compared to the procedure at the border and at the airport.

A decision refusing to issue a *bilingual travel document* to a refugee or subsidiary protected person, because of which they would be unable to travel — even though they would be able to do so without a visa for a short stay not exceeding three months⁴¹ — may be subject to judicial review. The administrative lawsuit can be initiated within three days, and the court will make a final decision on the claim within eight days. In exceptional circumstances the court may change the decision of the asylum authority, which is therefore different from the normal (asylum) administrative procedure.

The asylum authority *shall review the existence of the conditions for recognition as a refugee, subsidiary protection, at least every three years* after the recognition or upon receipt of the request for extradition, and may revoke its decision accordingly. This is done if the refugee is convicted in a final court decision for committing an offense that is punishable by imprisonment for five years or more by law. In a dispute concerning the revocation of legal status, the personal hearing of the applicant in the administrative lawsuit is mandatory. A personal hearing is omitted by the court if, for example, the foreigner has left for an unknown place.

CONCLUSIONS

The new asylum procedure is proven to work well in Hungary. This can be illustrated by the case of a Macedonian refugee in 2018.⁴² The ex-prime minister,

⁴¹ This is provided for in the European Agreement on the Abolition of Visa Requirements for Refugees, signed in Strasbourg on 20 April 1959, to which Hungary is a party.

⁴² Nikola Gruevski: "Mystery over how Macedonia ex-PM escaped". *BBC*, 16 November 2018. <https://www.bbc.com/news/world-europe-46223909> (Accessed 10 January 2020). "Gruevski megkapta a menekültstátuszt". *HVG*, 2018. november 20. "Gruevski-ügy exkluzív – Íme a részletek". *Magyar Idők*, 2018. november 20. "Válasz Orbán Balázs államtitkárnak". *Helsinki*

who was sentenced to two years in prison for corruption in his country, neither had a passport nor could he enter Hungary with an identity card. Therefore, he was allowed to enter the country with the permission of the Minister of the Interior, failing which he would have had to wait in the transit zone, similarly to the other applicants, or by presenting a single travel document issued by the Hungarian state. The latter was mentioned by the Office of Immigration and Asylum in its report. Although such a document can only be legally issued to EU citizens, the Hungarian consular authorities have resolved this legal contradiction. According to the Office, the legal conditions for recognizing the Macedonian man as a refugee were met, as he had a well-founded fear that his life would be in danger if he returned to his country and persecuted for his political past, opinion, and fabricated accusations by the new government. The applicant alleges that the new government had put pressure on the court, and therefore his freedom would be in danger. The man did not ask for protection in Hungary, Serbia or Montenegro, which the government considers safe, because Macedonia has good relations with both countries, cooperation between them is excellent — so it was feared that if he was returned to Serbia or Montenegro he would be handed over to the Macedonian authorities. On the basis of this argument, the applicant immediately overturned the presumption in the accelerated procedure that the EU candidate country, which is safe for others as defined the Government Decree, was not for him. In view of all this, his asylum application was deemed admissible and, on the basis of a thorough fact-finding, it was probable that he was a victim of discrimination, the fabricated charges against him were illegal, the judiciary in his country was not impartial, and the irregularities were so severe that they reached the level of persecution.

A good week in the case of a man who arrived in Budapest with the help of Hungarian diplomats was sufficient for the detailed proof procedure — although at least sixty days would have been available for this. This speed is exceptional because the refugee was neither a minor (whose application must be processed out of turn) nor belonging to a vulnerable group. Of course, he was not an ‘average’ applicant because, unlike the others, he was not detained and did not have to wait for a decision in transit. Even though the man was asked to be extradited, he can still be safe in Hungary.

The new system can therefore be visibly fast, efficient, and humane, albeit only if it is justified by appropriate ‘public interests’. In other cases, applicants face a very complex procedure with many elements and pitfalls, in which only a minimum of human rights and humanity is given space.⁴³

Figyelő, 2018. november 20. https://helsinkifigyelo.blog.hu/2018/11/20/valasz_orban_balazs_allamtitkarnak (Accessed 10 January 2020.). “Pintér titkolja, ő adott-e engedélyt Gruevszki belépésére”. *HVG*, 2018. december 1. https://hvg.hu/itthon/20181201_gruevszki_pinter (Accessed 10 January 2020.)

⁴³ Tóth Judit: From the Minimum of Human Rights to the Maximum of National Defence:

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The conference focused on the questions of migration and populism to draw attention to the close connection between these two phenomena. The presentations and the articles devoted special attention to studying this relation during the refugee and migration crises, and their climax in the year 2015. In particular, the analyses surveyed the effect of migration on populist discourse and the strengthening of radical right-wing parties in Europe, as well as performed multifaceted investigations into the migration crisis in Hungary.

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