

# **POPULISM, HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW; CHALLENGES AND OPPORTUNITIES FOR CHRISTIANS IN EUROPE**

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## **Introduction**

We are reminded daily by the media and social networks of the spread of populist movements on all continents, in the most diverse political systems, even those that we are used to seeing as bastions of fundamental rights, liberal democracy and the rule of law. At the same time, we are often left with the idea that media and social media have contributed to this spread. The election of Donald Trump, Brexit and Boris Johnson or the governments of Nicolás Maduro, Rodrigo Duterte and Jair Bolsonaro are often described as expressions of this concept. In any case, we find that it is not easy to precisely identify the common denominator of these and other populist governments based on a

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conceptually rigorous and generally accepted definition of political science.<sup>1</sup>

In the absence of a rigorous definition, the political and constitutional discomfort that many of us feel when we are faced with this phenomenon leads us to a visceral feeling of dismay and disgust that impels us to recognise it by saying *I Know it when I see it*, as the Judge American Potter Stuart famously replied when faced with the question of how to define obscenity.<sup>2</sup> For many of us, populism appears a kind of political and legal obscenity, insofar as, in the name of an alleged adherence to the spirit of the people (*Volksgeist*), it leads to the trampling of essential dimensions of human rights, democracy and the rule of law. This does not mean, of course, that one should not seek to understand political leaders normally described as populists or neglect the concerns and aspirations of their supporters.

For Christians, whether Catholics, Orthodox, Protestants or Evangelicals, this issue poses an important challenge, as facing populism raises important questions and endless discussions on the relationship between religion and politics, church and state, as well as about the active experience of *citizenship of faith* within a secular society. The purpose of this article is not to provide complete and ready answers to all these questions. Less ambitiously, it intends only to identify and reflect on some of them, in the hope that the topic can be taken up in other forums for theological, political, legal and sociological reflection.

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<sup>1</sup> Müller, Jan-Werner, *What is Populism?*, Penguin Books, 2017, 2 saying that: “We simply do not have anything like a theory of populism, and we seem to lack coherent criteria for deciding when political actors turn to populist in some meaningful sense”.

<sup>2</sup> Gewirtz, Paul, On “I Know it when I see it”, in: *Yale Law Journal* 105, 1996, 1023f.

## **Characterisation of Populism**

In recent years, mainly in the wake of the global effects of the US subprime financial crisis, the ensuing sovereign debt crisis and fiscal austerity, and the influx of immigrants to Europe and North America, we have been witnessing, in the West, two ways of doing politics based on the return to ethnic-cultural tribalism and political economic and social nationalism. Incoming foreigners are perceived as a threat, even though many of them are trying to escape economic, social and cultural conditions and inequalities established and maintained by colonial and neo-colonial relations and structures. This resulted in both the positive and negative aspects of globalisation that we know today, namely in the field of migration.

The populist way of doing politics, characterised by resentful hostility, has been relatively common in Latin America, Africa and some parts of Asia, in which the memory of colonialism and the threat of neo-colonialism was felt with significant intensity. In the European and North American West, it is especially intriguing and disturbing to see the advance of political movements that present themselves with a message of repudiation towards the establishment, big government, millionaires, and the media. Even more surprising is that some millionaires and media outlets (e.g. tabloid press and in talk radio) are actively involved in promoting populism.<sup>3</sup> It is also disturbing to observe the growth of anti-Islamic and anti-immigrant identity politics in the context of a broader anti-globalist perspective. A good example of this can be found in the words of Donald Trump in Cincinnati, 2016, when he said: ‘There is no global anthem, no global currency, no certificate of global citizenship, we pledge allegiance to one flag and

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<sup>3</sup> Krämer, Benjamin, “Media Populism: A Conceptual Clarification and Some Theses on its Effects”, in: *Communication Theory* 24 (1), 2014, 42f.

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that flag is the American Flag!'.<sup>4</sup> Notably, this phenomenon gained momentum in those two parts of the world which contributed most, in the past and in recent history, to the advance of globalisation in the political, economic, social, cultural and technological spheres. Populist discourse builds on a *pathos* and *ethos* of fear, lost pride, resentment, anxiety, indignation, suspicion, and hatred, promising common sense, identity, purpose, order, certainty, and security.<sup>5</sup>

It has been pointed out that populism does not correspond to a comprehensive and coherent worldview. We can identify populist traits on the political right and on the left or of religious and secular persuasion. It is a broad concept, which often develops an alarmed and alarming discourse around real or imagined threats to which some fundamental immaterial goods are subjected, such as the Judeo-Christian values, the liberal way of life, modernity, secularism, public order, and national security. Ultimately, populism claims to be on the side of the middle class, the common people of the authentic nation, and is suspicious of the educated, globalised and disengaged elite.

Populism manifests itself in a simplistic and Manichean discourse,<sup>6</sup> which clearly distinguishes between we and them, friend and foe, native and immigrant, people and elite, main street and wall street. It is a discourse that rejects public institutions and prefers direct dialogue

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<sup>4</sup> Quoted and commented at length by Barrow, Elizabeth, "No Global Citizenship? Re-envisioning Global Citizenship Education in Times of Growing Nationalism", *The High School Journal* 100 (3), 2017, 163-165.

<sup>5</sup> Obshonka, Martin; Stuetzer, Michael; Rentfrow, Peter J. (et. alia) "Fear, Populism, and the Geopolitical Landscape: The " Sleeper Effect " of Neurotic Personality Traits on Regional Voting Behavior in the 2016 Brexit and Trump Elections", *Social Psychological and Personality Science* 9 (3), 2018, 285f.

<sup>6</sup> Hawkins, Kirk A. "Is Chavez Populist?: Measuring Populist Discourse in Comparative Perspective", in: *Comparative Political Studies* 42 (8), 2009, 1042, saying 'The fourth definition, and the focus of this article, is the discursive one. It sees populism as a Manichean discourse that identifies Good with a unified will of the people and Evil with a conspiring elite.'

between a charismatic leader and the people. Once again, Donald Trump's rhetoric is clear 'The only antidote to decades of ruinous rule by a small handful of elites is a bold infusion of popular will. On every major issue affecting this country, the people are right and the governing elite are wrong on taxes, on the size of government, on trade, on immigration, on foreign policy.'<sup>7</sup>

## **The Presence of Populism in Europe**

In Europe, populist and nationalist politics have been particularly active in recent years.<sup>8</sup> In Holland, it emerged through the hand of Geert Wilders, of the Freedom Party, with the main slogan to protect Western values in the face of the advance of Islam. In France, we find a similar emphasis, in the National Front party, linked to the Le Pen family, often accompanied by an anti-European discourse, in terms that suggest a kind of secularised Gallicanism. In Poland, the Law and Justice party stresses the importance of national values, which are primarily related to national Catholic tradition, in the face of what it perceives to be European and global threats, both secular and religious.<sup>9</sup> In Germany, the populism of the Alternative for Germany (AfD) party is suspicious of immigrants and the process of European integration, both seen as threats to the political, legal, social and cultural identity of the Germanic people. In Hungary, the Fidesz party led by Viktor Orban, stresses the need to protect national and European identity based on Judeo-Christian values, considered under attack by successive waves of immigrants mainly from

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<sup>7</sup> Quoted by, Green, John C., Coffery, Daniel J., Cohen, David B. (eds.): *The State of the Parties 2018: The Changing Role of Contemporary American Political Parties*, Lanham: Rowman & Littlefield, 2018, 70.

<sup>8</sup> Rooduijn, Matthijs, "The Rise of the Populist Radical Right in Western Europe", in: *European View* 14 (1), 2015, 3f.

<sup>9</sup> Wróbel, Szymon "Mourning Populism. The Case of Poland", in: *Polish Sociological Review* 176, 2011, 437f.

Islamic countries.<sup>10</sup> In Greece, the Syriza and Golden Dawn parties, respectively on the left and right, present themselves as populist alternatives of resistance against the country's economic and financial subordination and the risk of economic, social and cultural collapse caused by the uncontrolled influx of immigrants coming mainly from Syria through Turkey<sup>11</sup>.

In Spain, Podemos, Ciudadanos and Vox political parties offer left, right and extreme right forms of populism, seeking to respond to the global financial crisis, austerity, internal political crisis of regional autonomies and the influx of immigrants mainly from North Africa. In Italy, the Five Star Movement and the Northern League promise a policy of resistance against the political, economic, and financial elite of Rome that they consider too centralist and conniving with European Union German-dominated economic policy. Curiously, some of these movements have been expressing a more favourable attitude towards the European Union, provided it closes its borders to immigration, protects European cultural identity, invests in greater social cohesion and develops an economic and financial policy to resist American, Russian, Chinese, Turkish and Indian populisms.

Interestingly, the UK was hit hard by populist politics, spearheaded by men like Nigel Farage, Boris Johnson, Jacob Rees-Mogg, Michael Gove and Dominic Raab, through the UKIP, Brexit Party and Tory Party, probably deluded by supposed British exceptionalism, imperial and colonial nostalgia, the proclaimed (by the British) special relationship with the United States and the persistent residues of anti-German discourse, still much indebted to the mentality and traumas of

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<sup>10</sup> Blokker, Paul, "Populist Counter-Constitutionalism, Conservatism, and Legal Fundamentalism", in: *European Constitutional Law Review* 15, 2019, 519f, discussing the cases of Hungary and Poland.

<sup>11</sup> Shehaj, Albana, Shin, Adrian J., Inglehart, Ronald, "Immigration and right-wing populism: An origin story", in: *Party Politics*, 2019, <https://journals.sagepub.com/doi/10.1177/1354068819849888>

the Second World War. This British discourse, revealing great disorientation in the face of the alternatives of localism and globalism, led to the Brexit 2016 vote that left British society highly divided internally, and exposed to the risk of being easy prey to external (e.g. United States, Russia, China and India) and domestic (e.g. Scotland, Wales and Northern Ireland) populism. In the Balkans, we see populism in action in the strongman tactics of Alexandar Vučić in Serbia, and Milo Đukanović in Montenegro, with the support of Russia and China.

This is, of course, a brief, simplistic and incomplete presentation of European populism and its root causes. In the space and timeframe we have, it is impossible to do justice to the complexity of the problem. However, we believe that we have presented the general features of this theme in terms that allow and stimulate further reflection and discussion around this phenomenon. For Christians in general, this is a challenging reality, as populists often proclaim the need to protect the European Judeo-Christian identity. In some cases, it goes further and warns of the need to safeguard the religious identity of the majority population against Islamic or secularised values considered, in their own way, to be disruptive to the dominant political, social, and cultural order.

## **Constitutional Impact of Populism**

Populism is a deleterious mutation in the genome of the body politic, able to generate all kinds of constitutional diseases. It has arguably important consequences in various political, economic, social, and cultural domains, at national, supranational and international levels. Neil Walker refers to this problem by pointing to the *constitutional tensions* generated by populist politics.<sup>12</sup> Gábor Tóth speaks of the emergence of

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<sup>12</sup> Walker, Neil, “Populism and constitutional tension”, in: *International Journal of Constitutional Law* 17 (2), 2019, 515f.

a populist pseudo-constitutionalism.<sup>13</sup> It is clear that it is a complex phenomenon, full of nuances, gradations and tonalities, relapsed to simplistic readings. In any case, it has been possible to draw some important conclusions. In the following lines, we will try to highlight some of the negative consequences populism produces in the domain of constitutional values and principles.

### ***Human Rights***

Populism has a significant impact on human rights in general. Populist movements, in emphasising the political identity of the political community, tend to neglect the rights of minority groups, such as freedom of religion and expression and respect for the principle of equality in the exercise of various fundamental rights, namely of a social nature. Foreigners and members of ethnic minorities are targets of abuse, discrimination, and harassment, directly or indirectly.<sup>14</sup> A hostile environment is generated intentionally. Xenophobic and racist discourse is explicitly or implicitly encouraged, as well as the appeal to hatred and violence. Human rights, historically conceived and promoted as instruments for the protection of dissidents, marginalised, excluded, oppressed and vulnerable, are openly devalued and scorned with increasing frequency, some going so far as to affirm the transition to a post-human rights paradigm. Individuals are assessed based on their greater or lesser ethnic, political, cultural, or religious identification with the values of the globally considered community. Their rights are placed in a situation of functional dependence on the interests defended by the majority of the population, formulated by the charismatic leader who claims to be its legitimate representative.

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<sup>13</sup> Tóth, Gábor Attila, “Breaking the Equilibrium: From Distrust of Representative Government to an Authoritarian Executive”, in: *Washington International Law Journal* 28, 2019, 317-323.

<sup>14</sup> *Ibid.*, 331f.



The problem becomes especially serious, in the specific scope of the right to religious freedom, when populist nationalism establishes an alliance with the dominant religious community. Just as has happened in states like Russia and Turkey. Even in countries like the United States, people of Islamic faith or African religions complain of the increase in hate speech, incitement to violence, discrimination, and persecution. In such cases, the creation of a climate of social hostility towards religious minorities can have serious consequences on the concrete possibility of exercising individual and collective religious freedom. The problem is aggravated when, in the name of nationalist populism, certain religious confessions are seen as a surreptitious form of meddling by foreign political interests. In China, Christianity is often seen as an intrusion into the Western lifestyle. In Russia, the advancement of Evangelicals is seen as a crowbar or a wedge, serving American political and economic interests. In the United States, Islamists are often viewed with suspicion for supporting the causes of militant international jihadism. When populist politicians directly and deliberately stimulate this distrust to pursue their political goals, the consequences for ensuring equal religious freedom will soon be felt, unless there is effective judicial protection.

### ***Democracy and Governance***

Democracy, as defined by Abraham Lincoln, is supposed to be the government of the people, by the people and for the people. Representative democracy presupposes the existence of a democratically-elected Parliament, where different parties, ideologies, political views and interests are represented, establishing a public argumentative and critical process for presenting alternatives, discussion, negotiation, deliberation and compromise.<sup>15</sup> In order for this

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<sup>15</sup> Kersten, Jens, "Parlamentarismus und Populismus", in: Juristische Schulung 582018, 929f.

process to have any legitimacy, democracy should not just include the will of the majority, since the people is the sum of the majority and the minorities. For this reason, the democratic principle must ensure that the will of the majority is limited, and that minority rights and interests are respected. That is why there is an intimate relationship between the democratic principle and that of the separation and reciprocal control of different institutional bodies and social powers.<sup>16</sup> Democracy presupposes the possibility for individuals to be part of the majority or the political minority, to be able to change their vote from one to the other and thus contribute to the minority becoming a majority and the minority becoming a majority. Hence, there is also an internal connection between democracy and fundamental rights.

Populist movements tend to favour the political majority, often defined in ethnic-cultural terms, and to despise and devalue the rights of minorities.<sup>17</sup> At the same time, they ignore the necessary balance between constitutional sovereign bodies and tend to stress the merits of the *Führerprinzip* by privileging a strong and uncritical adherence to the vision of a charismatic leader. The civic virtues that are normally expected from a typical politician in a liberal democratic society are often replaced by an ill-tempered and bad-mannered politician that “tells it like it is” and lashes out at political correctness. In this context, politics can become highly polarised and anti-pluralistic, culminating in extreme positions and radicalisation.<sup>18</sup>

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<sup>16</sup> Voßkuhle, Andreas, “Demokratie und Populismus”, in: *Der Staat* 57, 2018, 119f, 122.f, exploring fine anti-democratic elements of populism: a) a know-it-all mentality; b) homogeneity instead of pluralism; c) identity instead of representation; d) diffuse assignment instead of free mandate; e) alignment instead of effective opposition.

<sup>17</sup> Urbinati, Nadia, *Me The People, How Populism Transforms Democracy*, Cambridge: Harvard University Press, 2019, 3f.

<sup>18</sup> A good exploration of this topic can be found in, Kyle, Jordan/ Mounk, Yasha (2018), “The Populist Harm to Democracy, an Empirical Assessment”, Tony

Even when this is not enough to annihilate the democratic rule of law, it is enough to cause great political and institutional trepidation and serious threats to human rights and democratic values.<sup>19</sup> Democracy is generally understood as a process of ceaseless critical discussion and deliberation. There is no such thing as instantaneous democracy.<sup>20</sup> However, when populism dominates, dissonant voices - whether from members of parliament, journalists, scientists, or economists - are ignored, harassed, and silenced, dubbed “enemies of the people”. Around the leader, there is an elite which is often technically incompetent, eager for promotion and whose performance and evaluation criteria are judged solely by their loyalty to the leader.<sup>21</sup>

Democracy requires periodic refreshment of political legitimacy and demands that civil society preserve its freedom and autonomy so that citizens can vote freely. Hence the importance of the existence of free elections held periodically and the constitutional limitation of executive mandates. What happens instead is that some populist leaders seek to change the rules in the middle of the game to guarantee their perpetuation in power. Evo Morales and Vladimir Putin are examples. Even Donald Trump hit the headlines when he mused about serving more than the legal limit of two terms as US president during an exchange with reporters outside the White House, even hinting at the

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Blair Institute for Global Change, <https://institute.global/sites/default/files/articles/The-Populist-Harm-to-Democracy-An-Empirical-Assessment.pdf> (accessed 20 May 2020).

<sup>19</sup> Tsai, Jung Hsiang, “Populism and democratic crisis in semi-presidential countries” in: *Journal of Democratization* 26(8), 2019, 1458f.

<sup>20</sup> Kuo, Ming-Sung, “Against instantaneous democracy”, in: *International Journal of Constitutional Law* 17(2), 2019.

<sup>21</sup> Izzadeen, Ameen, “In this era of demagogues, democracy on death row”. *Daily Mirror* (Sri Lanka) (August 23, 2019 Friday). <https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:5WWB-HNS1-F12F-F0BT-00000-00&context=1516831> (accessed 21 May 2020).

possibility of perpetuating himself in power, making it unclear whether he was serious, playing, or testing the terrain. They try to convey the message that only they have the necessary vision, qualities, and skills to lead the country.

### ***Separation of Powers***

Although the remote origin (*causa remota*) of the principle of separation of powers can be traced back to the old, endless and repetitive discussions on the virtues and defective forms of monarchical, aristocratic and democratic government, its close origin (*causa proxima*) was mainly due to the thinking of John Locke, Montesquieu and James Madison, in the 17th and 18th centuries. This principle rests on a fundamental attitude of mistrust, quite understandable in the light of the Judeo-Christian worldview regarding what can realistically be expected of the character traits of human beings.<sup>22</sup> Modern constitutionalism rejects any claim to unlimited human moral reliability. It assumes that absolute power, whatever its nature, cannot be entrusted to a single person, because men are not angels, they are not governed by angels and even angels have fallen.<sup>23</sup> The principle of separation of powers provides the system of government with the necessary mechanism of checks and balances, while separating and rationalising the political, legislative, administrative and judicial functions, preventing any of them from acting outside the scope of any external inspection and control. In a

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<sup>22</sup> Tóth, op. cit., 341f.

<sup>23</sup> We have in mind the famous words of James Madison, in *The Federalist Papers* No. 51: “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”

world of morally imperfect and fallible human beings, the ambition of some must stifle the ambition of others.

This principle is now one of the most important political-constitutional developments in modernity.<sup>24</sup> It developed in Europe against the pretensions of concentration of the absolute power in the Monarch, having flourished within American constitutionalism. Later, it would be reborn in constitutional law after the end of the Second World War as a conscious reaction against the various totalitarian experiences of concentration of power in the executive branch, supported by a single, national-socialist, fascist, or communist party. This is a principle considered to be inherent in democratic rule of law. As an antidote against the tyranny of a politician, a minority or a majority, the principle of separation of powers offers a balanced scheme that includes several political, legislative, administrative, and judicial institutions, all of which together represent state sovereignty, where they interact based on principles of institutional dialogue and reciprocal control, thereby building the relevant political will. This scheme is intended to ensure that the State is not held hostage, exclusively, by an individual, a political elite, economic interest groups, or culturally homogeneous popular majorities. The political will that really counts, within the framework of democratic rule of law, is not necessarily that which directly expresses the wishes, desires or cravings of an individual, a political majority, an influential minority or an effective private interest group, but the will that legitimately results from the constitutionally balanced, dialogical and loyal exercise of power by the various existing sovereign institutions.

Populism does not particularly like the principle of separation of powers. On the contrary, Neil Walker stresses that populism “entails a

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<sup>24</sup> Garry, Patrick M., “Liberty Through Limits: The Bill of Rights as Limited Government Provisions”, in: *SMU Law Review* 62, 2019, 1745- 1754.

strong preference for the rule of men over the rule of law.”<sup>25</sup> Populist constitutionalism thrives on the weakening of institutional checks and the supremacy of the executive power.<sup>26</sup> The populist politician likes to speak directly and instantaneously to the people and with the people. Populist leaders often seek to blame their own failure on Parliament, the Supreme Court, the Constitutional Court, the Court of Auditors, the Central Bank, the federal states (where they exist), the prosecutor or the police. The spectacle of seeing Brazilian President Jair Bolsonaro participating in demonstrations in Brasília calling for the closure of the Brazilian Congress and the Supreme Federal Court is an eloquent example of this.

### ***Rule of Law***

The rule of law is one of the fundamental principles of modern constitutionalism. It is based on the ideal, strongly rooted in the Greco-Roman and Judeo-Christian tradition, of establishing a form of government based on law, justice and the common good, in which governors and governed are in a position of legal equality. It is, fundamentally, a matter of creating a government of laws and not of men, in which arbitrariness, caprice and voluntarism cannot decide anyone's destiny. Currently, the rule of law affirms the primacy of democratic law, the guarantee of legal security and the protection of trust, the publicity of laws, administrative acts and judicial judgments, the regularity and proportionality of state action, the subordination of administration and courts to the law and the guarantee of effective judicial protection to all citizens in independent and impartial courts. Public administration must function in a formalised, predictable, hierarchical, and bureaucratic way, treating all individuals equally, impersonally, impartially and transparently. Populism is a threat to the

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<sup>25</sup> Walker, op. cit.

<sup>26</sup> Tóth, op. cit., 327f.

rule of law, as populist rulers often seek to dominate the administration and put it at the service of their own political agenda.<sup>27</sup> One example is the printing of the name “Trump” on American families’ and businesses’ relief cheques during COVID-19.<sup>28</sup> Likewise, populism is often tempted to control the judiciary at its various levels, undermining its necessary independence and impartiality. This has been the source of permanent tension between the European Union and the authorities in Poland, dominated by the populist party “Law and Justice”. In Poland, we have witnessed the increasing politicisation of the Constitutional Court, the attempt to control the Supreme Court, political control over the Prosecutor General and over judges.<sup>29</sup> The guarantee of publicity over court decisions is not properly guaranteed. These are examples of how populist politics constitutes a serious and intolerable threat to the rule of law.

### ***Sphere of Public Discourse***

A democratic society based on human rights presupposes the existence of a sphere of public discourse where all political, economic, and social issues can be the subject of open and critical discussion. All policies and all politicians must be subject to rigorous and permanent scrutiny, from different points of view and perspectives. In this sense, the robust guarantee of a wide range of communicative freedoms (e.g. expression, press, media, social networks) and the political and economic independence of the journalism profession are essential and indispensable factors. All of this must be ensured by a solid legislative

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<sup>27</sup> A serious warning can be found in, Huq, Aziz/ Ginsburg, Tom, “How to Lose a Constitutional Democracy”, in: *UCLA Law Review* 65, 2019, 65f, 86f.

<sup>28</sup> BBC News, “Trump’s name to appear on US relief cheques”, 16 April 2020 <https://www.bbc.com/news/world-52293910> (accessed 21 May 2020)

<sup>29</sup> Koncewicz, Tomasz T, “Understanding the Politics of Resentment: of the Principles, Institutions, Counter-Strategies, Normative Change, and the Habits of Heart”, In: *Indiana Journal of Global Legal Studies* 26, 2019, 501f.

and regulatory framework, with administrative and jurisdictional control and enforcement mechanisms.

Freedom of expression in the broad sense, understood as the totality of the various communicative freedoms, performs several functions of the greatest importance in a democratic society. It is at the service of freedom of conscience and individual thought, it contributes to the search for truth and knowledge in all areas of life, it allows for the existence of competition between different ideas in a context of openness and decentralisation of authority, it enables the democratic self-government of the population, and it allows for the control and denunciation of the pathologies of political power, with special emphasis on its decisive role in the fight against corruption. At the same time, it facilitates the gradual evolution of society, enabling it to adapt to new realities. It also fosters mutual understanding between communities with different political, ideological, and religious conceptions, enabling their peaceful coexistence.

Populism, subordinated to an ideal of promoting homogeneous and organic collective thinking, has a very characteristic and predictable approach to freedom of expression and press and media regulation. The aim is to create the idea that we live in a post-human rights world, that we can do nothing to change it as it is an irreversible fact that we must conform to. In this context, there is often an attempt to control or end the public television outlet.<sup>30</sup> Independent and impartial information is seen by populists as a threat. Remember the war waged by Boris Johnson against the BBC. At the same time, it seeks to ensure that private media, although formally independent from a political and economic point of view, is effectively controlled by national or foreign magnates who are friends of power. Look at the reality experienced in the United Kingdom, Turkey, or Russia. If that is not enough, attempts are made to characterise journalists and the media as hostile and enemies of the

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<sup>30</sup> Tóth, *op. cit.*, 331f.



people. Donald Trump is a typical case in this context, although not the only one. Strengthening laws against defamation, slander and the spread of fake news is also a frequent tactic in some populist media, with a view to silence journalists. Turkey and Russia are good examples. The development of hidden schemes by circles close to power to spread false news is also frequent in some populist media, such as Russia or Brazil. Disturbingly, against the backdrop of populist nationalism, violent attacks against journalists have also been increasing worldwide.

### ***COVID-19 as a Test Case for Populist Governance***

COVID-19, a virus that allegedly spread from Wuhan, China, turned out to be a case study for the governance of nationalist populism. This does not mean, however, that there is a linear and clear relationship between populism and success in the fight against the virus. The UK, Poland, Serbia, and Turkey are good examples of populist relative success in the fight against the virus.<sup>31</sup> The virus has gone through different stages of dissemination and different states have had better and worse moments over time. We cannot try to find simplistic correlations, let alone ignore the facts.

However, it has been observed that populists have tended to refer to it in war-like terms. In the UK and the United States, the problem was viewed by Boris Johnson and Donald Trump with negligent pride. Boris Johnson's governing team revealed a cabinet structured around nationalist and exceptionally slogans, devoid of any substance, totally unprepared to take timely preventive measures and to ensure the provision of personal protective equipment for health professionals, thereby leading to thousands of entirely preventable deaths. Ironically, the health of Boris Johnson, affected by COVID-19, was largely saved

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<sup>31</sup> Balkan Insight, "Pandemic Boosts Support for Europe's Autocrats!", May 6, 2020, <https://balkaninsight.com/2020/05/06/pandemic-boosts-support-for-europes-autocrats/> (accessed 20 May 2020)

thanks to two immigrant nurses from Portugal and New Zealand.<sup>32</sup> The UK's relative success in the field of vaccination was, to a large extent, the result of nationalist populism applied to vaccination.

Donald Trump showed the consequences of a health policy centred on electoral polls and personal megalomania. While asserting his full presidential authority to fight COVID-19, he decided to blame China, the World Health Organization, the State Governors, the mayors, the journalists and the media for its dissemination and suggested the injection disinfectant to citizens and the use of UV treatment, hydroxychloroquine and *chloroquine*. The team of specialist doctors from the Donald Trump government sought at all cost to engage in damage control. The wearing of a protective face mask was seen as a sign of weakness, with geopolitical symbolism, to be avoided in any respect. The slogan "America First" resulted in America leading the world in the number of deaths from COVID-19. In the United States, populism manifested itself in uncritical and unscientific COVID-19 denial, fuelled by conspiracy theories, in some cases of a religious, dispensationalist and apocalyptic nature.

The situation did not spiral further, in both contexts, thanks to the existence of a strong civil society and liberal and democratic culture in the United Kingdom and a solid system of separation and reciprocal control of powers, both horizontally and vertically, in the United States.

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32 See, in general, Shahane, Girish, "COVID-19: Populism's moment of reckoning", 20 May 2020, <https://www.livemint.com/mint-lounge/features/COVID-19-populism-s-moment-of-reckoning-11589962979252.html> (accessed 21 May 2020); Linsker, Daniel, "COVID-19 And The Challenge Of Populism", Forbes, April 2, 2020, <https://www.forbes.com/sites/riskmap/2020/04/02/COVID-19-and-the-failure-of-populism/#2ffc2434f99> (accessed 21 May 2020); Lassa, Jonatan A/ Booth, Miranda, "Are populist leaders a liability during COVID-19?" April 8, 2020, <https://theconversation.com/are-populist-leaders-a-liability-during-COVID-19-135431> (accessed 21 May 2020).

In any case, the dramatic vision of dozens of coffins being deposited in mass graves in New York City was a sobering warning that, in the United States, serious social and economic problems remain, demanding a reformist action by political institutions and civil society as a whole. The same is true for the “pandemic of the unvaccinated” that has spread across the country.

In Hungary, Victor Orban, who in the past decade had been weakening the institutional mechanisms of separation and control of powers, directing the electoral system, and placing the media under the control of his circle of friends, took advantage of the COVID-19 crisis to have a "coronavirus law" passed in Parliament bestowing him with almost unlimited powers, on the pretext of responding to an emergency situation. In Brazil, Jair Bolsonaro at first devalued COVID-19 as if it were a mere flu. The virus spread rapidly across the country, and it was soon realised that economic and social inequality and insufficient public health infrastructure would have disastrous social and health consequences. In the midst of the crisis, Bolsonaro seemed more concerned with defending his power (and the interests of his children), than protecting the population. His first concern was to ensure control over police and jurisdictional institutions. He even said, “I am the Constitution”. It was not more successful in its attempts simply because the Brazilian democratic and jurisdictional institutions, already tested by previous political crises, managed to put the brakes on their authoritarian bias. In Russia, Vladimir Putin, who had long established a theological-political coalition with the Russian Orthodox Church, has sought to adopt the appropriate political, constitutional, and legal measures necessary to centralise power and perpetuate its ownership and exercise. In Russia, COVID-19 served to justify the ban on all demonstrations from any one person. In China, the fight against COVID-19 was used to increase people's surveillance, which was already very significant in the practice of the social credit system. In various contexts, populists used

confinement rules to also confine elements of the opposition and used the ban on spreading false news to silence the most critical journalists or the most troubling questions. In India, the lockdown put into place by the Narendra Modi government was perceived by many, not as the rational quest for adequate, necessary and proportional measures needed to fight COVID-19, but as a new opportunity to crack down on Muslims, Christians and other minorities.<sup>33</sup>

Despite the evident political, ideological and economic divergences and disagreements that exist between populists like Trump, Putin, Jinping, Modi, Erdogan, Bolsonaro or Duterte, the truth is that a secret and tacit link sometimes seems to be detected between them, based on a common feeling of contentment and satisfaction for having restored and brought back to the world a deliberate and unashamedly patriarchal, tribal, sexist and belligerent politics. However, some more attentive journalists noted that most women executive leaders – such as, Taiwan’s president Tsai Ing-wen, New Zealand’s prime minister Jacinda Ardern, the German chancellor Angela Merkel, Denmark’s prime minister Mette Frederiksen, and Sanna Marin, the Finnish prime minister, managed to approach the COVID-19 crisis in a more rational, sensible, sensitive, humane and effective way than those advocated by would-be Alpha-male populist leaders.<sup>34</sup>

COVID-19, along with other crises such as Australia’s forest fires or the Amazon rain forest crisis, shows that in our day and age, populist nationalism is wholly misguided. One cannot solve global sanitary or environmental problems by leaving multilateral forums, by disregarding

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<sup>33</sup> Jaffrelot C/ Martelli, J T, “Current crisis consolidates populist rapport between a leader and a fictional representation of people”, Updated: April 29, 2020, <https://indianexpress.com/article/opinion/columns/india-COVID-19-coronavirus-lockdown-narendra-modi-6383721/> (accessed 21 May 2020)

<sup>34</sup> Taub, Amanda, “Why Are Women-Led Nations Doing Better With COVID-19?”, The New York Times, May 18, 2020, <https://www.nytimes.com/2020/05/15/world/coronavirus-women-leaders.html> (accessed 21 May 2020)

the evidence and shouting America First, Britain First, Australia First or Brazil First. A nationalist, isolationist and independentist concept of sovereignty is utterly outdated and useless, and even dangerous. We live in a time in which sovereignty must be shared, pooled, articulated, networked, cooperative and interdependent. What's more, it must be based on human rights, democracy, freedom of circulation of people, companies, goods, services, and capital, as well as on free trade, fair competition, environment and consumer protection, peaceful resolution of disputes and the rule of law. The church, with its personalist, communitarian, and universalist message of the primacy truth, justice and of spiritual values over profit and private interest, can and should provide important moral and ethical guidelines in this regard.

## **Challenges Facing Christians in Europe**

The relationship between the church and political power has come to occupy a central place in Christian theological reflection since Lactantius, the Christian theologian who became an adviser to the first Christian Emperor, Constantine I. Shortly thereafter, Athanasius, Ambrose of Milan, and Augustine of Hippo laid the groundwork for a discussion of the correct relationship that Christians should maintain with established powers.<sup>35</sup> If it is true that these powers cannot escape

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<sup>35</sup> Opederbeck, David W., *Law and Theology, Classic Questions and Contemporary Perspectives*, Philadelphia: Fortress Press, 2019, 79f, 83f.; this tension between church and state can be seen in the words spoken by Ambrose of Milan when, following the Massacre of Thessalonica, he prevents Emperor Theodosius from entering the Church: 'You do not reflect, it seems, O Emperor, on the guilt you have incurred by that great massacre; but now that your fury is appeased, do you not perceive the enormity of your crime? You must not be dazzled by the splendour of the purple you wear, and be led to forget the weakness of the body which it clothes. Your subjects, O Emperor, are of the same nature as yourself, and not only so, but are likewise your fellow servants; for there is one Lord and Ruler of all, and He is the maker of all creatures,

the designs of God's providence, it is also true that Christians must maintain the necessary critical distance from them, since Jesus Christ said: 'My Kingdom is not of this world'.<sup>36</sup> At that time, as it is now, the Christian response to political power was never simple or homogeneous. On the contrary, it has always been and will continue to be complex and full of nuances and subtleties.

Some of the existing populist proposals seem to exert an irrepressible attraction to Christians. Some of them promise, in exchange for political loyalty, the protection of borders from immigrants, the preservation of Judeo-Christian values, the defence of the Christian identity of the people, the preservation of the traditional family, the fight against organised crime and corruption, the guarantee of religious freedom from the majority confession, the direct participation in political decision-making and legislative measures, and proximity to the media and cultural dissemination. The price demanded of Christians is *only* that they show a reasonable tolerance for aggressive, bellicose, overbearing, authoritarian, racist, misogynistic, xenophobic, anti-Semitic, anti-Islamic and homophobic political discourse. They are also asked to disregard demagoguery, economic and social inequality, corruption, environmental destruction, the violation of minority rights and the deliberate spread of alternative facts and fake news. If it is true that Christians tend to react negatively to the populism of Xi Jinping, Recep Tayyip Erdogan or Rodrigo Duterte, which they see as a serious threat to their worldview, the truth is that many Christians have not resisted the populist delusion. For some, Trump, Putin, Orban, Kaczyński and

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whether princes or people. How would you look upon the temple of the one Lord of all? How could you lift up in prayer hands steeped in the blood of so unjust a massacre? Depart then, and do not by a second crime add to the guilt of the first.' Davis, William Stearns (ed.): *Readings in Ancient History: Illustrative Extracts from the Sources. Vol. II: Rome and the West*, Boston: Allyn and Bacon, 1912-13, 298-300.

<sup>36</sup> John 18:36.

Bolsonaro, to mention some examples, are divinely established leaders, anointed by the power of God, to fulfil a preordained mission, to engage in spiritual warfare and to win.<sup>37</sup>

Christians should consider the fact that the type of populist politician is not entirely absent in its own scripture. We find it in Absalom, son of King David, a man of carnal appetites, who built a monumental tower named after himself. Taking advantage of his exuberant, seductive appearance and charismatic personality, Absalom sought to dispute the political protagonism, competing with his own father and conspiring for his political destruction. He resorted to murder, violence and espionage if and when necessary to achieve his goals, characterising his father David as an incompetent King, distant from the people and oblivious to their problems. To portray a viable alternative, Absalom developed a calculated populist strategy, distributing handshakes and kisses to a naive and enthusiastic population, making easy and generous promises of greater effectiveness in political governance and in the administration of justice.<sup>38</sup> In the process, sex and sexism were also weapons. His misogyny and lack of character were evident when Absalom, after having abused and shamed his own sister, decided to publicly, on an outdoor terrace, copulate with his father's ten concubines, to dishonour him in front of all the people. We can at least speculate, with plausibility, that had Absalom's populism triumphed at that time, the course of Israel's spiritual, political and social history would certainly have been very different and for the worse.

About 1000 years later, we find traces of populism in Pontius Pilate, the man who, presiding over the most important trial in universal

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<sup>37</sup> Opderbeck, op. cit., 201f.

<sup>38</sup> Russell, Stephen C. *The King and the Land: A Geography of Royal Power in the Biblical World*, Oxford: Oxford University Press, 2017, 68f, discussing the case of Absalom and remarking that 'This is the symbolic import of Absalom's promise to restore justice at the city gates. His revolt was a populist movement, and David was anything but a populist.'

history, decided to hand Jesus over to be crucified, despite seeing no harm in him.<sup>39</sup> In doing so, Pilate placed, above all else, his political instinct that led him to try to capture the essence of the people's spirit and to follow his most primitive and irrational impulses. Pilate was likely convinced that, in his capacity as governor, he was responding to popular desire and should attend to the general will, regardless of the merits of his moral content. Pleasing the uncontrolled crowd and preserving his position in political power, regardless of the cost, were more important than the demands of truth and justice. In those moments, he viewed truth with cynicism and suspicion. When faced with the imperatives of justice, he simply chose to wash his hands, as though cleaning his troubled conscience. Fortunately, divine providence would not fail to make this heinous decision contribute to the good of those who love God and who are called by Him.

In fact, throughout the biblical narrative, from Genesis to Revelation, Satan is the first, the last and the quintessential populist. He approaches human beings and, with sophistic intent and manipulative speech, in an apparently comprehensive and compassionate tone, seeks to identify their needs and desires, proposing to satisfy them. In the process, he appeals to the most basic drives, instincts, and fears of the human being. Satan promises knowledge, security, wealth, prestige, and power. In reality, he is nothing more than a liar and a murderer from the start. Nothing he offers is free or altruistic. For Satan, there is always a more interesting and appealing alternative than following the commandment

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<sup>39</sup> Rimmer, Chad, "What is Truth? A reflection on populism through the lens of John 18:28-38", in: Sinn, Simone/ Harasta, Eva (eds.), *Resisting Exclusion Global Theological Responses to Populism*, Geneva: LWF Studies, 2019, 246-247, remarking that 'The religious leaders had a strong desire to appease the populist movements of the day, collectively referred to as Zealots' and that 'populist leaders will often narrow the definition of "the people" in order to appease those who belong to the dominant culture and exclude the legitimate concerns of "others" from being addressed'.



to love God with all your heart and your neighbour as yourself. There is always an easier way. There is a price to pay: to worship him, serve him, give one's soul to him and renounce the cross. That was the price he demanded from Man and Jesus Christ himself, and it is the same price he demands from the church. In any case, the church must be very careful with hasty, abusive, and politicised use of apocalyptic, eschatological language, which sees in all things, even the most normal and banal, indisputable manifestations of a spiritual battle between good and evil, thus contributing to political and social polarisation and becoming part of the problem and not of the solution.<sup>40</sup>

Israel was called on to be a light to the nations. Moses created a legal system that would reflect the essential dignity of all human beings and show concern for some categories of people in particularly vulnerable situations, such as orphans, widows, and foreigners. Israel's legal system, freed from slavery, should be a benchmark of justice and mercy for all peoples. Only then would Israel's vocation be credible. The church was and is called to be salt and light in the world. True religion, says the scripture, consists of helping orphans and widows in their tribulations and guarding against the corruption of the world.<sup>41</sup> These are, in fact, central ideas of the modern concept of democratic and Social State, which translate into the notion of social rights and the anti-corruption principle.<sup>42</sup> We know today that it is impossible to preserve the rights of the most vulnerable without a real commitment to fact-based, transparent, responsive, responsible and active engagement in the fight against corruption. Christians, whether Catholics, Orthodox, Protestants or Evangelicals, cannot be carried away by the promises of

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<sup>40</sup> One must remember that Jesus himself was a victim of the abusive use of religious language when he was accused of working with Beelzebul. Matthew 12:22f. and Luke 11:14f.

<sup>41</sup> James 1:27.

<sup>42</sup> Teachout, Zephyr, "The Anti-Corruption Principle", in: *Cornell Law Review* 94, 2009, 341f.

those who offer prestige, power, money, asking only for a compromise on lies, demagoguery, inequality and injustice. Christians cannot side with those who, promising easy, cheap, and simple solutions to the complex political, economic and social problems facing the world, those who favour the concentration of political and economic power in an elite of oligarchs, and who express hostility towards any form of opposition or control. Throughout the scripture, the clear and unmistakable missive pervades that the proclamation of the message of salvation is only likely to be credible and effective if it is based on a serious and consistent commitment to truth, justice, and mercy towards the weakest and most vulnerable. This decisive and essential commitment must positively shape the relationship of the church everywhere, within the structures of political, legal, and economic power.

The Christian church, in its different manifestations, does not have an indissoluble commitment to a particular ethnicity or national set of values. It has a mission addressed to all people in all nations, to whom it recognises equal dignity, and to which it addresses its message of reconciliation with God, and above all, to uphold universal values of peace, truth, rationality, reasonableness, kindness, equity and justice, and strive for forms of global, regional, national and local governance based on these values. The legitimacy of national government systems will depend, to a large extent, on their conformity with these values and their ability to interpret and implement them in a manner adapted and appropriate to local circumstances. Christians, in all nations, should resist those who sow demagoguery, manipulation, lies, division, oppression and corruption, and commit themselves to an intellectual and spiritual renewal that will allow them to positively influence the community and seek peace, prosperity and justice in the environment in which they live.<sup>43</sup>

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<sup>43</sup> Rimmer, *op.cit.*, 248, stressing that, 'Where dominant powers that seek to disintegrate, disappear or disenfranchise bodies as a means to exclude them,

Today's Christians must stand for human rights, democracy, the rule of law, in the good tradition of primitive *Ecclesia*, an assembly in which everyone participated from the same faith in a spirit of brotherhood to help each other confront difficulties shared by all. This does not mean, of course, that Christians are expected to agree with all competing ideologies or accept them all with an attitude of relativism and indifferentism. The church must endeavour to establish a constructive relationship with all government authorities in all contexts, as well as with civil society, while maintaining the necessary critical distance that allows it to perform its prophetic function.<sup>44</sup> The words of American theologian R. W. Frank are still relevant today, when he stressed that 'Dogma and doctrine will not be venerated because of their antiquity or origin in sacred literatures of the past. They will deserve the respect of people only as they are instrumental to more harmonious and richer forms of human association'.<sup>45</sup>

On the other hand, the church must be humble and acknowledge that it often offers its flanks to criticisms directed at it, when it places itself on the side of the oppressors. If Denis Diderot is said to have urged the people to "*strangle the last king with the entrails of the last priest*", this is explained by the position taken by the French institutional church in the Ancient Regime. If Karl Marx said that "religion is the opium of the people", this can be explained by the church's indifference and *paralysis*

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faith motivates us to re-draw the circle to include their being and their voice to embody the fullness of truth. In the face of exclusionary populism, such as the political agency of a community of faith.'

<sup>44</sup> Spencer, Nick, "The rise of Christian populism", Bible Society, 16 October 2017, <https://www.biblesociety.org.uk/latest/news/the-rise-of-christian-populism/>, (accessed 20 May 2020), stressing that 'the best defence against superficial, content-lite, Christian identity politics, is theologically informed, content-heavy, Christian belief politics.'

<sup>45</sup> Frank, R. W., "Democracy and the church", in: *The Journal of Religion* 1 (5), 1921, 528 -534.

by *theological analysis* (or lack of it) in the face of material conditions of economic production and social oppression. This radically anti-clerical attitude was also due to the propensity of the church to seek to resolve spiritual problems using temporal power and law. However, Christians can hardly expect positive national, supranational, or international law to be fully in line with the value ideals taught by the church.<sup>46</sup> Positive law will always be a realistic and prudent compromise between universal ideals and the (im)possibilities of their realisation in a morally flawed and corrupted world. The approximation of positive law to the divine and natural law will be greater the greater the spiritual renewal of society. And this renewal will be all the more likely and plausible the greater the church's commitment to the weakest, most vulnerable and excluded in society. Ernst-Wolfgang Böckenförde, the renowned German jurist and constitutionalist, claimed that the liberal secular state lives on assumptions that he himself cannot guarantee.<sup>47</sup> That being true, it is important that the church is able to provide the ethical and moral guarantee that human rights, democracy, and the rule of law need in order to survive.

## Conclusion

In this text, we presented a brief description of the populist style of doing politics, identified its manifestations in Europe, and called attention to its impact on the main pillars of modern constitutionalism, such as human rights, democracy and the rule of law. We have drawn attention to the way in which the church has been betrayed over the centuries, and it still can be today, due to spurious pretensions of

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<sup>46</sup> Opderbeck, op. cit., 115f.

<sup>47</sup> Bockenförde, Ernst-Wolfgang, *Staat, Gesellschaft, Freiheit*. 1976, 60, stating: 'Der freiheitliche, säkularisierte Staat lebt von Voraussetzungen, die er selbst nicht garantieren kann'.

prestige, wealth and power that have nothing to do with its original and essential mission, rather they are obstacles to compliance. As Nick Spencer warns us, ‘When populist politics hijacks Christianity, ejecting theology and replacing content in the process, Christians cannot remain silent. Secularists may seize on this trend and use it to further their cause of removing religion from the public square.’<sup>48</sup> This is the real danger of the temptation of populism facing the church today. As Nick Baines, Bishop of Leeds, puts it, Christians “are called to resist those who seek to polarise and to reduce complexity to simple slogans”.<sup>49</sup>

For Christians, whether Catholics, Orthodox, Protestants or Evangelicals, the challenge remains to maintain their faithfulness to the fundamental biblical values of peace, goodness, mercy, truth, justice, and solidarity, aware that the great commission which Jesus Christ gave to the church is for all individuals in all nations, and must be fulfilled not by force or violence, but by the Spirit of the Lord. This was the core of John Locke’s admonition when he wrote: “If, like the Captain of our salvation, they sincerely desired the good of souls, they would tread in the steps and follow the perfect example of that Prince of Peace, who sent out His soldiers to the subduing of nations, and gathering them into His Church, not armed with the sword, or other instruments of force, but prepared with the Gospel of peace and with the exemplary holiness of their conversation. This was His method”.

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<sup>48</sup> Spencer, *op. cit.*

<sup>49</sup> Baines, Nick, “Going back a different way: being Christian in a populist world“, January 6, 2019, <https://nickbaines.wordpress.com/2019/01/06/going-back-a-different-way-being-christian-in-a-populist-world/> (accessed 20 May 2020).

