

Europe's authoritarian shift

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The European Union prides itself for being a *legal order* and a supranational organisation created through, and organised around, a specific institutional framework and an ordoliberal-inspired “rules against discretion” approach. Theories of ‘integration through law’ abound and the European Monetary Union (EMU) remains a unique common currency area structured within a constitutional framework. Officially, the formal priority of treaties, mandates and the European legal framework are presented as the *sine qua non* of European integration.

Law, however, is *interpretation*. And when the question of interpreting the meaning and scope of this legal order comes into play, so does discretion. Any serious observer of the EU knows full well that the glorification of the legal formalism of the EU exists in parallel with a degree of discretionary interpretation that allows for considerable contestation and ambiguity.

The case of the European Central Bank offers a good example. While its mandate is a singular pursuit of price stability with a treaty-based prohibition of direct monetary financing of member state budgets, the reality of the post-2008 crisis management and the initiation of the bond purchasing programs indicated that, when faced with adverse conditions, a wider interpretation of what exactly price stability means or how it is to be achieved prevailed.

In fact, research has shown that adherence to the *formal* prohibition of direct monetary financing that determined the response of the ECB during the early stages of the Eurozone crisis and which has been widely recognised as exacerbating its devastating consequences, corresponded to a *specific* reading of the central bank’s mandate. For one, in the design stages of the EMU, government debt purchases had actually been considered acceptable within a monetarist framework of regulating the money supply, while the prohibition of open market operations was routinely bypassed through secondary market interventions, quickly becoming part of the ECB’s toolbox to deal with gorged financing gaps. The ECB’s refusal to act as a ‘lender of last resort’ (the way that the US Federal Reserve or the Bank of England had) in the beginning of the Eurozone crisis has in fact been described as an “outlier position” (van’t Klooster [2023](#)), relying on a conceptualization of monetary policy as a disciplinary mechanism against ‘fiscal imprudence’ that dominated mid-2000s discourse within the ECB (Papademos [2005](#)). In other words, an interpretation of the ECB’s role and mandate constructed during the cheerful period *before* fiscal interventions became indispensable for managing the economic downturn brought about by a collapsing banking sector. The Securities Markets Programme (SMP) of 2009, the Outright Monetary Transactions (OMT) plan of 2012 and, finally, the adoption of the Public Sector Purchasing Programme (PSPP) in 2014 all showed that when faced with the potential of an economic collapse, pre-crisis *rules* were replaced with crisis-management *discretion*.

The outbreak of the Covid pandemic further embedded this reality, expanding its underlying logic to other EU institutions. Thus, alongside the Pandemic Emergency Purchase Programme (PEPP) of the ECB, the European Commission (EC) initiated its own Recovery and Resilience Facility (RRF), providing direct funding in the form of loans *and* grants raised by the EC issuing bonds, undermining the conventional opposition to fiscal transfers that dominated the EMU’s initial design.

This apparent contrast between the formal understanding of a supranational legal order and the discretionary interpretation of its framework need not, however, be seen as an incompatible contradiction. One of the founding architects of European integration, Jean Monnet, had laid the groundwork for conceptualising such apparent divergence by proclaiming that

Europe is “forged in crisis”, adding that “[it] will be the sum of the solutions adopted for those crises”. Such a formulation allows for an understanding of European integration as the consequence of *both* institutional guidelines that seek to create path-dependent outcomes *and* discretionary choices necessary to maintain the whole. Given the historically evident openness of the neoliberal tradition in allowing deviations from strict rules in the face of adverse circumstances, a conceptual framework that can accommodate such ‘transgressions’ is available.

The limits of the European legal order

What happens however when deviations from the EU legal order cannot be explained or justified through reference to acute moments of crisis? The cases of the Polish and Hungarian governments offer such an example, challenging the widespread narrative that EU membership and its accompanying dependence on trade and investment is expected to create pressure on governing elites to abide to the European liberal-democratic package.

Since their rise in power (2015 for Kaczyński’s *PiS* and 2010 for Orbán’s *Fidesz*) both governments have been described as authoritarian and nationalist, with a clear flavour of Euroscepticism. They have openly opposed liberal democracy, with *PiS* drawing inspiration from the interwar authoritarian regime of Józef Piłsudski and Orbán proudly adopting the description “[Christian illiberal democracy](#)” for his own form of governance. Apart from such ideological positioning, both governments have operationalized their ideas in violations of the EU legal order, cascading from the effective abolition of judicial independence and constitutional checks to the drastic curtailing of the rights of assembly and press freedom. The persistent branding of opposition forces as ‘traitors’ can also be seen as being at odds with the liberal-democratic consensus.

Orbán often describes the EU as a ‘cosmopolitan totalitarian regime’ bent on undermining Christian cultural values, while his (essentially antisemitic) [attacks on Jean-Claude Juncker](#) as a George Soros stooge in 2019 forced even the conservative EPP to initiate a process for his party’s exclusion from the coalition (Orbán withdrew from the EPP before a final decision was reached). And while there is no historical contradiction between the European value-system and the fervent anti-communism that both governments strongly emphasize, its operationalization as a euphemistic excuse for suppressing any left-oriented opposition has raised quite a few eyebrows. Finally, the stoking of dehumanizing xenophobia against migrants and refugees has led to considerable tension – not because it contradicts the EU’s own migration policy as such, but due to the bureaucratic obstacles it creates to the *management* model of EU-wide migrant allocation programs.

However, both governments remain staunchly pro-market, prioritizing the framework of a competitive order, balanced budgets and low taxes, with the *PiS* publicly embracing an ordoliberal ‘social market economy’ (*Sozialmarktwirtschaft*) vision. From an economic perspective, the specific role of Poland and Hungary as accumulation nodes within the global value chains, as well as their positioning within the logistical infrastructure of (especially German) industries, has made both countries highly dependent on foreign direct investment (representing more than 50 per cent of GDP), a predicament facilitated by EU membership. Yet, instead of acting as a pressure point for conforming to the EU legal order and its purported liberal-democratic values, this reality has had the opposite effect of essentially sheltering their authoritarian direction – or ‘democratic backsliding’, as it is sometimes referred to in critical commentaries. The institutional necessity of unanimity in relation to the EU budget, foreign and defense policy means that Polish and Hungarian acquiescence remains crucial.

It is true that the continuous disregard for EU rule of law requirements became, at some point, difficult to ignore. In 2017, thus, the European Commission triggered Art. 7 against Poland, a process that included the threat of sanctions, the suspension of Poland's voting rights in the European Council and the freezing of financial aid. And while a qualified majority was not reached to enforce the decision, the EC initiated 'infringement procedures' that led the European Court of Justice (ECJ) to issue a number of rulings demanding from the Polish government a reversal of the reforms that undermined judicial independence. Similarly, in 2022, the EU increased pressure on Hungary by freezing €22 billion euros from the [Cohesion Fund](#) until judicial independence had been restored. Before that, funds from the pandemic-related Recovery and Resilience Facility of the EC had [also been suspended](#) for both countries.

Defending each other against such actions, the Hungarian and Polish governments had announced a joint plan to create a research institute that would advance a rule of law interpretation that was meant to be contrary to the 'EU mainstream' but it soon turned out that there would be no need for that as Russia's invasion of Ukraine resulted in a significant de-escalation of the 'rule of law conflict'. Remarkably, even though Poland threw its full weight behind supporting Ukraine while Hungary's response moved in the exact opposite direction, the question of undermining the EU's legal order receded in the background. In the case of Poland, its geopolitical role in this war resulted in a withdrawal of the announced sanctions and financial aid pause, whereas in the case of Hungary, the requirement of its vote for a unanimous decision over Ukraine's potential EU membership led to [recent negotiations](#) towards unlocking the cohesion funds that were frozen.

The authoritarian turn in Greece

We have so far seen how the cherished foundation of the EU as a legal order that promotes integration through strict adherence to existing treaties and mandates and liberal-democratic values such as the rule of law can be by-passed or side-lined when dealing with unprecedented economic crises, when direct economic interests require it and/or when the necessity of institutional procedures in relation to EU decision-making unanimity demands it.

There is however a third example where governmental curtailment of constitutional checks, independent authorities, press freedom and a general respect for the rule of law gets ignored even though none of the above qualifiers could justify it: this is the case of the government of New Democracy in Greece. In this situation, indifference towards the authoritarian direction of this government cannot be explained through reference to an unfolding crisis, any evidence of pressure due to direct economic interests or the threat of potentially not abiding to EU voting expectations. Instead, it appears to be the case that Greece's authoritarian turn is tolerated due a set of chosen appearances and an abstract "pro-business" ideological affinity. An outlier from previous rationalisations of rule of law violations, Greece needs to be examined under a different light precisely because its own 'democratic backsliding' happens in stealth (as far as EU institutions are concerned) and represents, therefore, a more troubling example of the blindfolded descent towards authoritarianism.

Ever since its victory over Syriza in the general elections of July 2019, close observers (should have) noted a peculiar portrayal of the New Democracy government by mainstream outlets: the *Financial Times* called their inauguration an opportunity to "return to the political mainstream" ([FT](#), July 9th 2019), while the *Economist* greeted the "offered moderation" of the new government ([The Economist](#), July 11th 2019). This was puzzling because anyone paying serious attention to the period of Syriza's governance (with the exception of the first 6 months of turmoil and uncertainty in early 2015) knows that no political party has performed a more a veritable

“return to the political mainstream” than Syriza, a transformation reminiscent of Mitterrand’s own ‘capitulation’ in 1983.

In fact, it was not even ‘moderation’ that accompanied Syriza’s stint in power but the acceleration of austerity to such a degree that the technical report of the European Stability Mechanism of 2017 felt the need to praise Syriza’s government for implementing structural reforms “over and above the commitments agreed initially in the MoU signed in August 2015” ([ESM 2017: 3](#)). This made sense: Syriza’s performance on the path of fiscal consolidation turned out to be so successful that when it was outvoted in 2019, it left behind a primary budget surplus of 3.5 per cent of GDP (accumulated through massive spending cuts), a surplus not achieved in Greece since the early 1990s. What is more, the ostensible left-wing character of the party contributed to the implementation of such austerity *without* massive mobilizations to counter it. From such a perspective, the proclamation of New Democracy as a long-sought return to some so-called normalcy and political mainstream can only be described as an inadvertent or deliberate obfuscation of reality. Moreover, an examination of the performance of New Democracy since 2019 throws such a characterisation even more into disarray, especially when considered from the perspective of proclaimed EU liberal-democratic values such as civil rights protection, the role of independent authorities, the concentration of powers and press freedom.

Early signs of such a direction became visible during the Covid pandemic, when the hasty acquisition of Silicon Valley technology to enforce lockdowns and move services online was characterised by the “steady erosion of privacy safeguards”. Contracts with companies like Palantir were not even publicly registered when they were signed, in what can only be retrospectively understood as an attempt to avoid questions of compliance with the EU’s privacy directives. For in the end, as Nektaria Stamouli [describes](#), the eventual publication of the contract *after it had expired* in 2021 revealed that it was a mere two-pages long. No safeguards of privacy were, of course, included in it.

It is hard to avoid the impression that the specific story is directly related to the spyware scandal that would become public in 2020, when investigative journalist Thanasis Koukakis was told by an anonymous whistle-blower that his phone had been tapped. Koukakis’ case soon turned out to be just a scratch of the surface, as an expanding list of opposition *and* government politicians, journalists and businessmen were also found to be under surveillance. For many of them, the high-tech spyware known as Predator had infected their phones via a phishing link included in a text confirming a vaccination appointment from the state’s own electronic platform. And while initially denying it, the government was eventually forced to concede that “select surveillance operations” were in place under the abstract pretext of “national security”, operations orchestrated and run by the National Intelligence Agency (EYP) which, as it happened, had been placed under the direct control of Prime Minister Mitsotakis in 2019. The further official claim that the Greek state had not, however, purchased or used the Predator spyware technology has been directly challenged by [cybersecurity experts](#), forcing even right-wing and usually government-friendly newspaper *Kathimerini* to [challenge](#) the narrative of the government. Interestingly, and without of course implying that surveillance is reduced to authoritarian governments, identical scandals of spying on opposition journalists and politicians (using technology produced by the same company that created Predator, NSO) had have also surfaced in [Hungary](#) and [Poland](#).

The fact that part of the surveillance operations targeted investigative journalists strengthened growing concerns over press freedom which, in the case of Greece, pre-dated the spyware story but nonetheless coincided chronologically with the rise of New Democracy in government. The issue had in fact already surfaced in the case of the (in)famous “Petsas list”

(named after the Civil Protection minister's name) which indexed the media outlets that would benefit from a 20 million euros' worth government hand out to meant ensure the relaying the state's measures in the context of the pandemic. That media outlets were given state money in order to do what is *literally* their job was already a dubious gesture but the revelation that Petsas' list directed less than 1 percent of that money to outlets critical of the government only added fuel to the fire.

This event landed on a Greek media landscape that already left a lot to desire. Most crucial in this respect is the reality that the overwhelming majority of mainstream TV channels and newspapers, a significant percentage of the press distribution agency, numerous radio stations and the most visited online news outlets are all owned by *three* businessmen whose relations to the government can safely be described as more than friendly. Within such an overall framework, it is hardly surprising that press freedom in Greece has been consistently downgraded in the last years, with the most recent [evaluations](#) of *Reporters Without Frontiers* ranking Greece the worst performer in the whole EU and 107th in the world.

Yet, instead of a case of full government *capture* of the media environment (as many have described the situation in Hungary), what we have in Greece is more concomitant with a nuanced *reciprocal* relation, conducive to the pro-business ideological outlook of New Democracy. The result, in any case, is a situation where the mainstream media are not only staggeringly biased in favor of the government, abandoning even performative semblances of critical or investigative journalism, but they also seem to consider it their task to *instruct* the government on how to mitigate situations that threaten its legitimacy.

The aftermath of the devastating train wreck that claimed the lives of 57 people in February 2023 offers an exemplary case. Demonstrating the harrowing depths of one-sidedness that mainstream journalists were prepared to adopt in order to abdicate governmental responsibility for the tragedy, coverage of the event embedded a growing feeling that all sense of proportion had been irredeemably lost. In a crescendo of dumbfounding insensitivity, a so-called acclaimed journalist did not hesitate to find a silver lining in the disaster, proclaiming the deaths an unfortunate but necessary *sacrifice* for modernizing the railway system. Meanwhile, other journalists were busy jumping through hoops to promote the narrative that sole responsibility for the wreck lay with a low-paid station manager who failed to activate an automatic safety system – which was, as railway workers informed anyone willing to hear, never actually installed. Sensing that the protective bubble around the government was increasingly undermined, other journalists resorted to publicly advising the government how to minimize the tremendous political cost by comparing its performance to previous governmental failures, directly hinting at the horrifying death of 104 people at a wildfire in Athens during Syriza's government.

Having described this context, it is pertinent to remember that the erosion of press freedom is an indication (if not a *consequence*) of a deeper institutional derailment. And at this level, the Greek government has an equally impressive track record that would, under different circumstances, be sufficient to earn Greece a spot in the list of EU countries described as undergoing 'democratic backsliding'.

The fact that the National Intelligence Service was brought under the direct control of the Prime Minister has already been noted, generating concerns over a worrying concentration of powers. But it is neither the only case, nor the most institutionally troubling one. Other examples would include the decision of bringing the formerly independent National Meteorological Service and the National Observatory under the direct control of the Civil Protection Ministry, announced by the Prime Minister in the aftermath of the wildfires that devastated Greece this summer. As many noted, it was hardly coincidental that the decision was announced a few days after the

National Observatory had publicly contradicted the official government narrative about the extent of the fires, while also providing a damning comparison to devastation caused by fires in previous years.

Nonetheless, attempts to control information or to silence refutations of the official narrative are not the only targets. Alongside such interventions, the government has also engaged in a consistent undermining of independent authorities constitutionally delegated as counterweights to governmental majorities. The recent cases of the Hellenic Authority for Communication Security and Privacy (ADAE) or the Greek National Council for Radio and Television (ESR) are clear examples.

Under the official excuse that their term had expired, the government announced the replacement of some members of the parliamentary *Conference of Presidents*, an institution responsible for appointing members to independent authorities (such as ADAE or ESR) and whose legitimacy is meant to stem from its 3/5 enhanced parliamentary majority composition. After a sudden decision to replace these members of the *Conference* (a haste that, curiously, did not extend to replacing members of the *Greek Ombudsman* or the *Hellenic Data Protection Authority* whose terms had also expired), the government ended up with a (rather dubious) majority control of the institution. In yet another peculiar coincidence, this abrupt change of the composition occurred only one day before ADAE was meant to deliberate on the exact amount with which it would fine the National Intelligence Service for withholding information related to the Predator spyware scandal. Moreover, the fact that a government-friendly majority in the *Conference* was reached with the assistance of 2 votes from the far-right *Greek Solution* party, whose leader has been fined with more than €1 million euros by the ESR (i.e., the other independent authority affected by the decision) seems far from irrelevant.

The Greek case in the European context

Explanations of the above cases of institutional derailment that focus on a micro-political, strategic and ephemeral alliance between New Democracy and far-right parties fail to take into account both historical trajectories and contemporary transformations. There is little doubt that New Democracy's electoral majority in the 2023 general elections and the remarkable decline of left-wing votes renders the growing far-right constituency a considerable opposition force for the government. Such a limited view however does not only disregard the ideological affinity between New Democracy and the far-right but it also obfuscates a necessary coming to terms with the contemporary rise of the far-right and authoritarian tendencies across Europe.

For one, those not confused by the short-sightedness and frivolity of appearances know full well that the party of New Democracy has *historically* harboured far-right personalities and positions within its ranks. Its more recent incorporation of politicians that came directly out of far-right/fascist parties would, from this perspective, hardly constitute a noteworthy change. But if something has altered the landscape, that is the direct appointment of a significant number of such politicians into key ministerial positions, allowing them to emerge as veritable representatives and co-authors of the government's ideological worldview.

It is within this context that the governments' adoption of straightforwardly far-right positions should not be misread as a micro-political electoral strategy. When the government voiced the despicably xenophobic fabrication that refugees were "most likely" responsible for starting the wildfires of the last summer (despite contrary evidence from the fire service), it was not merely trying to appease voters lost to far-right parties. Similarly, when New Democracy's ex-Prime Minister (2012-2015) Adonis Samaras, castigated the "deconstruction of traditional values" through "woke culture" while hinting at the fascist "Great Replacement" piece of fiction

during a speech in May 2023, he was not just mimicking alt-right talking points for electoral gains. Last but surely not least, current Minister of State Makis Voridis' expressed hope to "defeat the left" was framed, in his own words, not within the context of an "electoral victory" but in a struggle "for our souls, our fatherland, our history, our nation". A speech, in other words, that drew more inspiration from his background in the ranks of former dictator Papadopoulos' fascist EPEN party and his admiration for Pinochet and Jean Marie Le Pen, than a circumstantial electoral strategy.

As in other parts of Europe, the significant rise of far-right/authoritarian tendencies in Greece emerge out of a combination of ideological shifts at the level of political parties *and* pressure from below, with constituencies of disenchanted subjects increasingly opting for authoritarian 'solutions' to the combined problems of economic decline, accelerating inequality, the existential threat posed by climate catastrophe and the lack of visible alternatives.

The widely shared sense of powerlessness and impotence of *individuals* vis-à-vis the social totality generates an almost perverse identification with authoritarian structures. Moreover, as Adorno had already noted in his Institute's study of the [authoritarian personality](#), the fear of becoming superfluous in the context of a visible decline of the prevailing form of economic organisation gives rise to a 'defence mechanism bound with prejudice'. In consequence, the accompanying fury against such an oppressing reality, which appears much stronger to any resistance to it, often results in a transference of such anger towards those oppressed by it. The resulting methodological consensus becomes, as we have seen, externalised in the dehumanisation of migrants and internalised in the 'traitorous' branding of domestic oppositional forces. Central to this framework is a fantasy of *harmony* that can only be achieved by excluding those deemed disruptive or weaker.

As elsewhere, the translation of such a process into the everyday life of Greek society is demonstrated in a growing number of *anti-social* behaviours from below (ranging from the organisation of pogroms against migrants in the border regions of Greece to the shocking [murder of a man](#) by crew members of a ferry boat in Piraeus) which are, crucially, institutionally mirrored in the justificatory statements and reactions of government officials.

As already noted, many tend to describe such an overall shift towards authoritarianism as 'democratic backsliding'. In closing, it is perhaps worth pausing to consider the implications of this concept. For only then does it become apparent that the term 'backsliding' presupposes not only a *regression* to a largely undefined and abstract previous state of affairs but also, more subtly, a firm belief in *progress* in the form of a naturalised and linear trajectory of steady improvement that somehow gets 'diverted'. That this is a crucial imaginary of the liberal-democratic paradigm and of the capitalist mode of production itself is rather evident. Its infusion into Monnet's dictum of European integration as "forged through crises" is equally not hard to decipher.

But we could perhaps benefit from conceptualising the contemporary predicament more as an *overhaul* than a regression. Rather than insisting on a supposed incompatibility of the liberal order with authoritarianism, Gáspár Miklós Tóth's elaboration of the concept of [post-fascism](#) that finds "its niche easily in the world of global capitalism without upsetting the dominant political forms of electoral democracy and representative government" appears, unfortunately, as more appropriate. In the current context, the absence of a persistent antagonistic movement does not only allow authoritarian tendencies to advance without the need to intensify the violence of the repressive side of the state (France could be seen as an exception here) but it also means that the authoritarian shift takes place *within* and *through* formal democratic procedures. If the EU will indeed be run by far-right and/or authoritarian

governments in the immediate future, as [many](#) are alarmingly pointing out, this will be the result of *elections* and not the work of violent movements like the SA or totalitarian one-party systems.

It has become quite common to revoke the interwar period as a historical parallel to our contemporary situation. But history contains no repetitions. If authoritarian liberals sided (even temporarily) with fascist regimes in the 1930s, this was primarily fostered by the existence of a massive labour movement whose social-democratic, anarchist or communist expressions were seen as indistinguishable and as a direct threat to the world of property and capital. From this perspective the historical analogy falls short. But if there is a historical lesson that can be drawn, it consists of the fact that there is no inherent incompatibility between liberalism and authoritarianism. Today, authoritarianism emerges from within the liberal order and it smoothly accommodates itself within its formal framework. Given this reciprocity, an attempt to undermine authoritarianism by defending the very system that produces it appears as a recipe for disaster.