

RESEARCH NOTE

The Way Democracy Works: The Impact of Hate Speech Prosecution of a Politician on Citizens' Satisfaction With Democratic Performance

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The free and fair competition for political power and support is generally considered a necessary condition for democracy (e.g., Dahl, 1971). However, in democratic systems political competition is restricted in various ways. Most importantly, particular political ideas—for example, communism, or Nazism—may be ruled out as bases for political contestation.

A common way of excluding ideas is to prosecute politicians who publicly express them (Ingraham, 1979; Kirchheimer, 1961). Nowadays, such prosecution is often based on bans on so-called “hate speech” (United Nations International Convention on the Elimination of Racial Discrimination, 1965). Authorities usually justify the prosecution of politicians by claiming that it serves to combat the diffusion of reprehensible political ideas such as racism (United Nations International Convention on the Elimination of Racial Discrimination, 1965). Justified or not, their prosecution may keep politicians from being elected, and may prevent citizens from electing whomever they wish, or on whatever platform they wish. Political competition is thus restricted in these cases.

Where citizens are aware of this exclusion of ideas from political competition, this may affect their satisfaction with the way democracy functions in their country. On the one hand, citizens may consider attempts to eradicate odious ideas justified, or even desirable, in order to protect the functioning of democracy. On the other hand, they may feel that hate speech prosecution of politicians is an unjustified restriction of political competition. In this research note, we address the question of the effects of such prosecution on citizens' satisfaction with democratic performance.

This question is important, because democratic performance satisfaction is closely linked to political system support (Dalton, 2004; Norris, 2011). Lack of system support may cause antisystem political behavior such as participation in fights with the police and membership of revolutionary groups (Muller, 1977; Muller, Jukam, & Seligson, 1982). Democratic systems without a basic level of citizen support may even collapse (e.g., Linz & Stepan, 1978). Furthermore, the question touches upon the forced choice between minority rights and free speech rights that authorities in liberal democracies often face (e.g., Barkan, 2006, p. 183; Posner, 2005, pp. 27–8). In evaluating the merits of hate speech prosecution as a way out of this dilemma, effects on public opinion are arguably important.

Yet, the question has been ignored in the extant literature. Studies on legal proceedings against political movements (e.g., Barkan, 2006; Kriesi, Koopmans, Duyvendak, & Giugni, 1995) and parties (e.g., Capoccia, 2005; Minkenberg, 2006) typically examine other effects instead. Indeed, although hate speech prosecution of politicians is common to many established democracies (Fennema, 2000), it has hardly ever been systematically studied.

Prosecution of Politicians and Citizens' Democratic Satisfaction

The European Court of Human Rights defines hate speech as “all forms of expression which spread, incite, promote or justify hatred based on intolerance” (Weber, 2009, p. 3). Hate speech is criminalized all over the world following the United Nations ICERD treaty, ratified by 176 States worldwide (see <http://treaties.un.org>). These countries are obliged to adopt measures designed to eradicate hate speech (United Nations International Convention on the Elimination of Racial Discrimination, 1965), which include hate speech prosecution (e.g., Banton, 1996, p. 207). Dozens of Western European politicians have been prosecuted for hate speech in recent decades (Donselaar, 1995; Vrieling, 2010). Leaders of Belgian, Dutch, French, and German political parties received considerable sentences.

In countries where it frequently occurs, citizens may associate hate speech prosecution of politicians with the norms and procedures of the political “regime” (Easton, 1965, pp. 190–211). The political regime is defined as “the underlying order of political life” (Easton, 1975, p. 436) and can be, for example, democratic (Dalton, 2004, p. 6). The “norms” of democratic regimes vary (Dalton, 2004, p. 6; Easton, 1965, pp. 200–4). One way in which regime norms vary is in how authorities resolve the minority rights versus free speech dilemma.

The German democratic system, for instance, is a “militant democracy” (Loewenstein, 1937a, 1937b; Mannheim, 1950), radically intolerant of anti-democratic ideologies such as Nazism (Brinkmann, 1983; Thiel, 2009). In the United States, by contrast, free speech tends to prevail in political tolerance controversies—even those involving neo-Nazis (e.g., Gibson & Bingham, 1985). Germany was one of the first countries to ratify the ICERD, whereas the United States ratified the treaty 25 years later and without accepting any restriction of free speech (Banton, 1996, pp. 246–7).

Several high-profile politicians have been convicted for hate speech in Germany, which would be difficult to imagine in the United States.

As many citizens seem to fiercely oppose hate speech prosecution of politicians,¹ this raises the question of the effects of such prosecution on citizens' support for the norms and procedures of the democratic regime in their country. Easton describes "support" as "the way in which a person evaluatively orients himself to some object through either his attitudes or his behavior" (Easton, 1975, p. 436). In this research note we focus on support for the regime's norms and procedures, which we refer to as "satisfaction with democratic performance" (cf. Dalton, 2004, pp. 22–5).

In the case of all politicians we have referred to thus far, the statements they were prosecuted for revolve around the ideal of cultural unity in the country, free from "foreign" influences. In line with this, we theorize about hate speech prosecution of not just any politicians but of *assimilationist* politicians: Those who advocate the assimilation of "foreigners" and ethnic minorities into the country's dominant culture. We expect that awareness of such prosecution increases satisfaction with democratic performance among those who believe in the multiculturalist ideal, while sparking off dissatisfaction among those who adhere to the ideal of cultural unity.²

About multiculturalist citizens, we assume that they consider the way in which anti-immigration politicians advocate assimilationism to be at odds with democratic principles. Hate speech laws have been implemented in many established democracies with a view to securing the rights of vulnerable minorities in society. To the extent that citizens think prosecution based on such legislation helps to maintain the quality of democracy, hearing about it is expected to *increase* their satisfaction with democratic performance. This is because citizens in established democracies are assumed to want the authorities to "defend" democracy—the government form they overwhelmingly support (e.g., Dalton, 2004, pp. 41–3)—and satisfaction with democratic performance is generally assumed to grow if a political system acts according to citizens' demands (Easton, 1965; Norris, 2011).

H1: Hate speech prosecution of an assimilationist politician in an established Western democracy will increase multiculturalist citizens' satisfaction with democratic performance in their country.

Among assimilationists we expect the opposite effect. This builds on the assumption that they feel that the restriction of political contestation as a result of hate speech prosecution is unjustified. For example, it can be argued that punishing politicians for statements such as "we will send them back" (Fennema, 2000, p. 128) effectively prevents criticism of the multicultural ideal from entering the political scene. To the degree that citizens perceive hate speech prosecution of a politician as damaging democracy, their satisfaction with democratic performance is hypothesized to *decrease*

¹For example, when asked to position themselves on a seven-point scale running from "the prosecution of Wilders was completely unjustified" to "completely justified," 17.1 % of 636 respondents to a voter survey conducted by TNS-NIPO in June 2011 chose the first-mentioned position (detailed results available upon request from the authors).

²The effect of hate speech prosecution on public opinion is arguably mediated by the mass media and/or interpersonal communication. The roles of the mass media and of interpersonal communication fall beyond the scope of this research note, however.

after hearing about it. After all, most citizens in established democracies are assumed to want the authorities to refrain from damaging democracy, and citizens are typically expected to become less satisfied with democratic performance if a political system fails to meet their demands (Easton, 1965; Norris, 2011).

H2: Hate speech prosecution of an assimilationist politician in an established Western democracy will decrease assimilationist citizens' satisfaction with democratic performance in their country.

The Case Under Investigation

We test these hypotheses in the context of the 2009 court decision to prosecute MP Geert Wilders for hate speech. Wilders has made several controversial public statements such as that “we should stop the tsunami of Islamization” (ten Hoove & du Pré, 2006). These and other inflammatory statements resulted in calls for legal action against Wilders. In June 2008 the Public Prosecution Service decided against prosecuting him for hate speech. Infuriated by this decision, various persons and societal organizations asked the Amsterdam Court of Appeal to overturn the Public Prosecution Service's decision. The court did so in January 2009, ruling that Wilders should be prosecuted for incitement to hatred and discrimination, and for group defamation of Muslims. The prosecution led to a trial that started in October 2010. Wilders stated in an interview that millions of Dutch citizens would lose their trust in the judiciary if the court found him guilty (Dutch newscast *Nieuwsuur*, October 14, 2010). Broadcast live on public television and intermittently dominating the national news, the trial ended with Wilders's acquittal in June 2011.

Data

The unexpected decision to prosecute Wilders created a natural experimental setting, which allows for research combining high external validity and high internal validity (Morton & Williams, 2010). A maximally helpful natural experimental research design (similar to, e.g., Boomgaarden & De Vreese, 2007; Brug, 2001) would require panel data, derived from interviews of respondents from a representative sample of the citizenry before and interviews of the same respondents after the unanticipated decision. We have such data at our disposal. We use data from a three-wave panel survey that we commissioned in the Netherlands around the time that the Amsterdam Court of Appeal ordered the prosecution of Wilders. A representative sample of the Dutch citizenry was interviewed before (waves 1 and 2) and re-interviewed after the prosecution decision (wave 3).

From an online panel of 143,809 citizens, 2,400 persons over 17 years old were randomly selected, and invited to fill out an online questionnaire. Of these persons, 1,394 completed the questionnaire (wave 1). After the invitation in November 2008, all respondents received a participation request again in December. All 1,394 participants were re-contacted, of whom 1,127 cooperated once more (wave 2). This means a sample loss of 19%. In February 2009, a third wave of participation requests was sent

out to the entire sample of 2,400, and 1,174 respondents participated. A total of 976 respondents participated in all three waves of the survey. This means that the overall (wave 1 to wave 3) sample loss was 30%. The sample is representative of the Dutch 18+ population. This said, when compared to the census data from the Dutch citizenry, groups underrepresented among the respondents who completed all three waves are men (48.6% of the sample vs. 49.4% of the population), citizens under 30 years of age (28.0% vs. 34.2%), and those who had intermediate vocational education (30.9% vs. 48.0%).³

The court decision came completely unexpectedly for the respondents. Evidence for this unexpectedness can be found in a media content analysis we conducted based on LexisNexis data, which shows that in the last 39 days before the decision the eight main national newspapers mentioned Wilders and/or his party 363 times without even once referring to any upcoming decision about whether or not he would be prosecuted. In the following month, by contrast, the court decision was very visible in the news. Wilders and/or his party can be found in 574 articles in the 30 days following the court decision, 200 of which also referred to his prosecution.⁴ This means that, on average, each of these newspapers contained about one article per day about the prosecution during a full month following the court decision. Because of this media attention, and the clear, official announcement of the prosecution, citizens can easily have recognized the prosecution as such, which arguably has maximized the likelihood of effects on their democratic performance evaluation. Individual-level satisfaction with democratic performance serves as our dependent variable.

Operationalizations

The standard indicator used to measure satisfaction with democratic performance is “satisfaction with the way democracy works” in the country under study (e.g., Anderson & Guillory, 1997; Karp, Banducci, & Bowler, 2003). This indicator, although criticized (Canache, Mondak, & Seligson, 2001; Linde & Ekman, 2003),⁵ has also been used in landmark comparative-empirical studies of political system support (Dalton, 2004; Norris, 2011). See for all question wordings Table 1.

³When we weigh the data according to gender, age, education, household size, region of residence, and vote choice in the latest (2006) national elections, the results of the multilevel analyses are similar: No effect across the total sample, just as in Models 1–2, and larger H1 and H2 effects in Models 3–6 than based on unweighted data (although, due to larger standard errors, the effect in Model 6 falls just short of statistical significance at the $p < 0.1$ level, two-tailed).

⁴The media content analysis was done by a coder trained especially for this study. To measure how much coverage Wilders received we conducted a key word search using “Wilders” and “PVV” on the basis all articles in the eight main national newspapers from 13 December 2008 until 20 February 2009. This period corresponds with the dates that the survey was fielded. To gauge how much media attention the prosecution decision created, a hand coding of 356 (printed) newspaper articles was done. These articles were selected by a key word search in LexisNexis using the following search string: (Wilders OR PVV) AND (rechtspraak OR gerechtshof OR advocaat OR rechter OR vervolging OR vervolgd OR vervolgen OR rechtszaak OR aanklacht OR klacht OR (Openbaar ministerie) OR strafzaak OR strafvervolgning OR artikel 12 procedure OR juridisch OR (aanzetten tot haat) OR (aanzetten tot discriminatie) OR Spong OR proces OR straf-proces). The coder coded an article “1” if it mentioned the (upcoming) decision and “0” otherwise. A second coder also coded the 356 articles. The inter-coder reliability was high (Krippendorff’s $\alpha = .99$).

⁵Unfortunately we lacked the questionnaire space that would allow us to include multiple indicators of democratic satisfaction.

Table 1

Descriptive Statistics of the Variables Used in the Analyses (Dutch Citizenry 2008/2009)

	N	Mean	St. deviation	Minimum	Maximum
Satisfaction with democracy wave 1 ^a	1,394	4.71	1.32	1	7
Satisfaction with democracy wave 2 ^a	1,293	4.84	1.37	1	7
Satisfaction with democracy wave 3 ^a	1,174	4.55	1.41	1	7
Aware of court decision ^b	1,174	0.51	0.50	0	1
Multiculturalist [imputed] ^c	1,394	0.29	0.45	0	1
Radical assimilationist [imputed] ^c	1,394	0.22	0.42	0	1
Voted for winning party ^d	1,394	0.53	0.50	0	1
Political cynicism ^e	1,394	4.50	1.00	1.38	7
Economic expectations wave 1 ^f	1,394	3.25	1.10	1	7
General political knowledge ^g	1,394	2.99	1.10	0	4
Probability to vote for the PVV wave 2 ^h	1,221	2.48	2.59	1	10

Note. Question wordings:

^a“Regardless of who is in power, how dissatisfied or satisfied are you with the way democracy works in the Netherlands?”

^b“What did the Amsterdam Court of Appeal rule in the Geert Wilders case?” Five multiple choice optional answers to each question were listed, as well as a don’t know option. The correct answer was “The Amsterdam Court of Appeal ordered the prosecution of Geert Wilders for incitement to racial hatred and discrimination and for defamation.” Respondents who correctly answered the question are coded “1,” the others “0.”

^c“Some think that foreigners and members of ethnic minorities in the Netherlands should be allowed to live here while preserving their cultural customs and traditions. Others think that they should completely adjust to Dutch culture. And what about you? Could you please indicate your position on a scale ranging from ‘preserve culture minorities’ (0) to ‘completely adjust to Dutch culture’ (10)?” Respondents scoring less than 7 are coded “multiculturalist”; respondents scoring 10 are coded “radical assimilationist.”

^dThe variable identifies respondents who had reported right after the latest Dutch national election in 2006 that they had voted for CDA, PvdA, or CU, the three parties that formed a coalition government.

^eWe measure political cynicism based on eight questions. Citizens could indicate their agreement with eight statements on a scale from “strongly disagree” (1) to “strongly agree” (7). These questions are “Most politicians try to serve the general interest, even if that goes against their own interest,” “Politicians who remain loyal to their ideals will have a difficult time reaching the top,” “Almost all politicians will sell out their ideals or break their promises if it will increase their power,” “Most politicians talk a lot but do little to solve the really important problems facing our country,” “Most politicians are in politics for what they can get out of it personally,” “Most politicians are truthful with the voters,” “Most politicians are dedicated and we should be grateful to them for the work they do,” and “Most politicians are willing to stick up for what they believe in, even in difficult times.” One component of political cynicism underlies the answers to these items, explaining 45% of the variance in the replies (Eigen value = 3.57, $N = 976$). After inversely coding the first and the last three items, they add up to a reliable scale with Cronbach’s $\alpha = .82$.

^f“How do you think that the economic situation in the Netherlands will develop in the next 12 months?” Respondents could indicate their expectations on a scale running from “It will get much worse” (1) to “It will get much better” (7).

^gThe variable is the number of correct answers given to the following four questions: “Maxime Verhagen is a member of which political party?,” “Which political party is largest in terms of seats held in the Second Chamber?,” “Who is the current Speaker of the Second Chamber?,” and “What is Wouter Bos his current job?” Five multiple choice options were given for each question, and a don’t know option in addition. The correct answers were “CDA,” “CDA,” “Gerdi Verbeet,” and “Minister of Finance.”

^h“Some people know that they will always vote for the same party. Others make at every election a new decision about which party to give their vote to. Below you find a list of political parties. Could you indicate for each party how probable it is that you will ever vote for it? Please use a scale from 1 (“I will never vote for this party”) to 10 (“I will surely ever vote for this party”)...Partij voor de Vrijheid.”

Our key independent variable is awareness of the court's prosecution decision. All effects are supposed to occur among respondents who were aware of the court decision in the third wave, and *not* among respondents who were not. We tapped awareness on the court decision by way of a multiple choice question. Respondents who correctly answered this question (51% of our sample) qualify as aware of the prosecution decision.

Attitudes toward the integration of foreigners and ethnic minorities are expected to moderate the effect under study. We distinguish between multiculturalists, moderate assimilationists, and radical assimilationists⁶ on the basis of respondents' answer to a standard Dutch national election studies question.⁷ We control for (other) factors theoretically related to satisfaction with democracy: voting for a winning party in the general election (Blais & Gélinau, 2007), political cynicism (Blais & Gélinau, 2007), and economic expectations (Blais & Gélinau, 2007). We also control for general political knowledge, in view of the possible different meaning, and therefore perhaps different level, of satisfaction with democracy according to political knowledge level (Canache, Mondak, & Seligson, 2001, pp. 518–21). Another control variable is the probability of voting for the Freedom Party (PVV)—the party of which Wilders is the founder, leader, and only member. This is because anti-immigration parties tend to attract less satisfied voters in general (e.g., Brug, 2003), so PVV supporters are likely to have lower democratic satisfaction levels. See Table 1 for the operationalization of the controls and for descriptive statistics of all variables used in the analyses in this article.

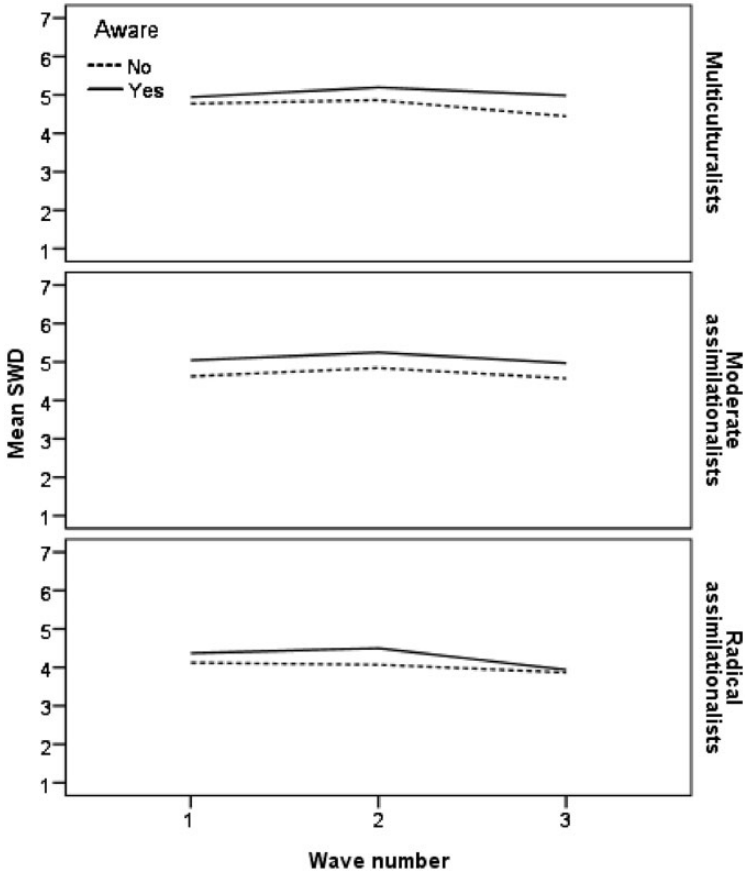
Analysis

We pool the data from all three waves so as to maximize statistical leverage. Dependent variable in our analysis is satisfaction with democratic performance (by any respondent in any wave). We estimate multilevel models, because tests indicate that the observations on the dependent variable are more similar per respondent than across respondents (Hox, 2010; Steenbergen & Jones, 2002). We estimate a series of multilevel models using awareness of the prosecution decision as the key independent variable. In Models 1 and 2, we estimate the effect of the interaction of a wave 3-identifier and awareness, to be referred to as *After* × *Aware*. This interaction effect equals the impact of awareness on democratic performance

⁶As we asked this question after the prosecution decision, in wave 3, respondents' ethnic integration policy positions may have been affected by the court decision and the media attention for Wilders afterwards. If we distinguish respondents based on attitudes towards immigrants, measured before the court ruling, we obtain similar results with regard to H1, pro-immigrant citizens becoming more satisfied with democracy (results available upon request from the authors). We do not find empirical evidence in support of H2 when using anti-immigration attitudes to distinguish between subgroups of our sample.

⁷On a 0–10 integration of ethnic minorities scale, respondents scoring 6 or lower are coded "multiculturalist," those between 6 and 10 "moderate assimilationist," and those positioned at 10 "radical assimilationist." We impute the 238 (out of 1,394) missing values on this variable—a result of respondents using the don't know option—by estimating their values on the basis of regression analyses using all information available in the data except the dependent variable.

Figure 1
 Mean satisfaction with democracy by wave and awareness; multiculturalists, moderate, and radical assimilationists



satisfaction. Model 2 also includes controls, Model 1 does not. In Models 3 (without controls) and 4 (with controls), we include a three-way interaction of *After* × *Aware* and a multiculturalist identifier to test H1. We replace this three-way interaction with a three-way interaction variable of *After* × *Aware* and a radical assimilationist dummy in a fifth (no controls) and sixth (controls) model to test H2.

Results

We first examine descriptive statistics of the data. See Figure 1 for the mean democratic satisfaction levels in each wave among those who were aware and those who

were unaware of the prosecution decision in wave 3. We distinguish between multiculturalists (upper graph in Figure 1, $N=251$), moderate assimilationists (middle graph, $N=491$), and radical assimilationists (lower graph, $N=234$) based on citizens' positions on the ethnic integration scale.

The graphs in Figure 1 are not very suggestive. First of all, we expect stability among moderate assimilationists, and in all three groups between wave 1 and wave 2. The effects among moderate assimilationists are indeed negligible but there is some change in the multiculturalist and radical assimilationist group between the first two waves. This suggests that the natural experimental setting is not an ideal one, as there seems to be contamination from either question ordering (Canache, Mondak, & Seligson, 2001, p. 514) or other factors unrelated to the decision to prosecute Wilders.

Second, democratic satisfaction slightly decreased when the court decision was taken (between wave 2 and wave 3), among multiculturalists who became aware of it. As there happened to be a stronger negative simultaneous trend among the unaware multiculturalists, the net effect is in the predicted direction. This can be interpreted as empirical evidence in support of our first hypothesis. However, the effect is mainly driven by change in a group that is not theoretically expected to change: Those who remained unaware of the prosecution decision.

Among radical assimilationists, the predicted decrease among those who were aware is borne out, while the control group decreased less. This net effect is considerably larger than the absolute value of any fluctuation within the six groups mentioned between wave 1 and 2, where we expect stability.

We now turn to the findings of our multilevel regression analyses. See Table 2 for the results.⁸

The first two models in Table 2 show no indication of a general effect of the court decision on satisfaction with democratic performance. On average, in wave 3 satisfaction was lower than before. Also, those who correctly answered the knowledge question on the prosecution decision in wave 3 have, on average in all waves, higher democratic satisfaction. No significant effect is found of being aware in wave 3 (*After* \times *Aware* in Models 1 and 2). Thus, there does not seem to be an impact of awareness of the prosecution decision *across the entire sample*.

In Models 3–6, we look beyond this lack of general effect and assess citizen heterogeneity. The third and fourth models show that awareness of the prosecution has a positive impact of about 0.40 among multiculturalists, which is significant at the $p < .05$ level, two-tailed, at least. Among radical assimilationists, there is a significant negative effect of 0.34 (Model 5) or 0.28 (Model 6), marginally significant. In sum, the regression analyses provide some empirical evidence in support of both H1 and H2.

⁸The mean-centering of the interactions does not substantially change our findings. Results available upon request from the authors.

Table 2
Explaining Satisfaction with Democratic Performance, Dutch Citizenry, November 2008 to February 2009

	Model 1 <i>b</i> (SE)	Model 2 <i>b</i> (SE)	Model 3 <i>b</i> (SE)	Model 4 <i>b</i> (SE)	Model 5 <i>b</i> (SE)	Model 6 <i>b</i> (SE)
Constant	4.56*** (0.05)	5.59*** (0.23)	4.49*** (0.06)	5.57*** (0.23)	4.72*** (0.06)	5.58*** (0.23)
After	-0.21*** (0.05)	-0.22*** (0.05)	-0.17** (0.05)	-0.20** (0.06)	-0.20*** (0.05)	-0.22*** (0.06)
Aware	0.38*** (0.07)	0.25*** (0.07)	0.42*** (0.08)	0.32*** (0.08)	0.35*** (0.08)	0.21*** (0.08)
After × Aware	0.02 (0.06)	0.03 (0.07)	-0.09 (0.07)	-0.08 (0.08)	0.09 (0.07)	0.09 (0.08)
Multiculturalist			0.30* (0.12)	0.09 (0.12)		
After × Multiculturalist			-0.17 (0.11)	-0.11 (0.12)		
Aware × Multiculturalist			-0.19 (0.16)	-0.25 (0.15)		
After × Aware × Multiculturalist (H1)			0.41** (0.14)	0.40* (0.16)		
Radical assimilationist						
After × Radical assimilationist					-0.62*** (0.11)	-0.33*** (0.11)
						-0.02 (0.12)

(continued)

Table 2
Continued

	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
	<i>b</i> (SE)	<i>b</i> (SE)	<i>b</i> (SE)	<i>b</i> (SE)	<i>b</i> (SE)	<i>b</i> (SE)
Aware × Radical assimilationist					-0.04 (0.16)	0.15 (0.16)
After × Aware × Radical assimilationist (H2)					-0.34* (0.15)	-0.28+ (0.17)
Controls	No	Yes	No	Yes	No	Yes
<i>N</i> observations	3,297	2,751	3,297	2,751	3,297	2,751
<i>N</i> respondents	1,174	917	1,174	917	1,174	917
Log-likelihood	-5,135	-4,091	-5,127	-4,086	-5,088	-4,079
AIC	10,282	8,203	10,274	8,202	10,196	8,189
BIC	10,319	8,268	10,335	8,291	10,257	8,277

Note. + denotes statistical significance at the $p = .10$ level (two-tailed);

*denotes statistical significance at the $p = .05$ level (two-tailed);

**denotes statistical significance at the $p = .01$ level (two-tailed);

***denotes statistical significance at the $p = .001$ level (two-tailed);

control variables included in Models 2, 4, and 6 are voting for a winning party, political cynicism, economic expectations, general political knowledge, and probability to vote for the PVV.

The effects are quite substantial.⁹ On average, satisfaction with democratic performance went up by about 0.4 points on a 7-point scale among multiculturalists and down by around 0.3 points among radical assimilationists.¹⁰ The effects within the two subgroups mentioned cancelled out, so that hate speech prosecution did not exert a clear response among the citizenry as a whole.¹¹ No significant effect is found in the moderate assimilationist group.¹²

Conclusion

“I have had enough of the Quran in the Netherlands, just ban that fascist book” (Berkeljon, 2007). From October 2010 until June 2011, Dutch MP Geert Wilders stood trial for making this and other statements. Given the fact that such prosecution removes certain ideas from the political scene and thus restricts competition for political resources, a drop in democratic satisfaction is to be expected. Yet, it is also possible that citizens welcome the prosecution for hate speech as enhancing democratic quality. In this study, we find some empirical evidence for both the former and the latter. About half the sample was affected one way or the other.

An observation that has not been studied here was the general early-2009 shift toward dissatisfaction with the way Dutch democracy functions. It was mainly citizens who adhere to the ideal of multiculturalism who became more dissatisfied—unless they had heard about the prosecution decision. It may have been the omnipresence of Wilders in the political news (Schaper & Ruigrok, 2011) that stirred up democratic dissatisfaction among his opponents. Whatever it was that caused the observed

⁹The findings based on some of the model specifications could be attenuated due to contamination if radical multiculturalists included some who hold the countervailing value of support for free speech, and assimilationists include some who hold the countervailing value of protecting democracy from hate speech.

¹⁰It is possible that the satisfaction decrease among aware radical assimilationists is not caused by their approval of Wilders’s ideas but because they value free speech. If the probability that someone is a strong supporter of “free speech” were higher for radical assimilationists than for multiculturalists, it would be difficult to separate the effect among aware radical assimilationists of perceived infringement upon free speech from the effect of perceived repression of anti-immigration ideas on their decreasing satisfaction. This seems to be the case to some extent, as we find a positive correlation of $r = .27$ between unculturalism and free speech attitudes ($N = 976$). However, as we have only measured attitudes towards free speech after the court decision, these attitudes are likely to be contaminated by the decision (yet, the correlation is similar, $r = .19$, among unaware respondents, $N = 571$). Future studies should address the question of whether it is perceived repression of assimilationism or perceived infringement on free speech that drives the effect.

¹¹As an additional observable implication of our theoretical considerations, we expect that the effects are larger among those in either subgroup who attach much importance to immigration issues. We find that this is true for both multiculturalists and for radical assimilationists (results available upon request from the authors).

¹²We find similar results based on calculating difference-in-differences estimators after propensity score matching (as proposed by Heckman, Ichimura, Smith, & Todd, 1998). Depending on the type of matching algorithm we use (Caliendo & Kopeinig, 2008, p. 41), the effect varies from 0.34 to 0.48 among multiculturalists, and from -0.27 to -0.22 among radical assimilationists. The effect among multiculturalists is in the predicted positive direction each time and reaches conventional levels of statistical significance ($p < .10$, two-tailed) in all analyses. Among radical assimilationists, the impact is consistently negative. The effect is also of roughly the same size as in the regression analyses. However, in contrast with the regression analyses, the effect is not statistically significant—not even at the $p < .10$ level, two-tailed. This is partly due to the relatively weak statistical power of the matching analysis. Yet, it is clear that the results based on propensity score matching do not provide unambiguous support for H2.

democratic dissatisfaction change,¹³ it may have influenced our analyses. Apart from this, we should mention five other caveats.

First, it remains uncertain to what extent we can generalize our findings to prosecutions for different statements, to other times, to other countries, or to other types of politicians. We speculate that among those who disagree with the political idea, satisfaction with democratic performance only increases among those who think the idea is dangerous for democracy *and* believe that democracy should be protected from dangerous ideas by way of the particular measure taken.

A second caveat is that the key event at stake here is a decision to prosecute a politician, and not the prosecution itself. The actual trial may have consequences for satisfaction with democratic performance of its own. Future studies should address the effects on satisfaction with democracy of the actual trial of Wilders, and of other politicians.

A third limitation of this study to bear in mind is that our data do not allow us to evaluate how long the effects last. They may quickly fade or they may persist, perhaps being reinforced with every new case or with every new development of a current case. In any case, our findings suggest that hate speech prosecution of politicians have effects of considerable size.

Fourth, we have been unable to disentangle the consequences of the court decision itself and of the media attention it created. The public debate on the decision may have had dynamics of its own. These dynamics may play out differently in different contexts and under different circumstances, which renders generalizations from this study particularly problematic.

A fifth point is that, because of the difficulties associated with our satisfaction with democracy indicator, we should be cautious in interpreting the results of our analyses. Future research might want to revisit the question of what effects prosecution of politicians has on support for the political system in established democracies using multiple-item indicators (e.g., Gibson, 2003; Linde & Ekman, 2003).

Notwithstanding these caveats, this study is a first step onto territory that has remained uncharted for too long now. One day we might conclude with near certainty that the many legal proceedings against anti-immigration politicians actually helped the functioning of democracy in Western democracies—or that they helped damaging it.

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¹³This may partly be due to the British authorities’ refusal to let Wilders enter their country in February 2009, which also created media attention and was said to help Wilders electorally (e.g., Dutch weekly Elsevier, 15 February 2009). Linked to the same political tolerance controversy as the prosecution, this event is likely to have had similar effects.

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