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The influence of radical right populist parties on law and order policy-making

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ABSTRACT

In many countries, be it in America (Trump), in Europe (Le Pen), or in Asia (Duterte), radical right populist leaders or parties succeed in gaining power. To what extent would they be able to influence policy-making? Do they really weight upon public decision-making? While the literature on populism and radical right populist parties (RRPP) is abundant, few authors have addressed the relationship between populist promises and policy-making. Yet it is crucial to assess the influence of RRPP nowadays. This article investigates the influence of a most likely case – the Schweizerische Volkspartei (SVP) – on law and order policy-making. The focus is set on a traditional policy sector and on a party with a long institutionalized participation in power. Based on process-tracing, the results show that the SVP influence varies according to the stages of policy-making and to its instruments. Agenda-setting is more significantly influenced, and popular initiatives are an important component of the populist strategy. Results may be generalized to different countries beyond the Swiss case, as shown in the discussion and the conclusion.

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To what extent do radical right populist parties (RRPP) influence policy-making? While the literature on populism and RRPP is abundant, few works have directly addressed their influence on policy-making. However, understanding such dynamics is a challenge for policy analysis and policy-making. Because populism is a political style (Moffitt 2016) “compatible in principle with any political ideology” (Taguieff 2007, 31), RRPP can be defined by a set of three core elements: populism, nativism and authoritarianism (Mudde 2007).¹ If populism can also be grafted onto other ideologies, the focus on this party family is particularly relevant since these parties are increasingly gaining access to power. In Austria (in 2016) and in France (in 2017), for instance, the radical right populists FPÖ and FN won the first round of the presidential elections. Yet, in Europe, RRPP are often seen as a threat to the quality of democracy (e.g. Albertazzi and Mueller 2013). But policy-making is a complex process mediated by an important set of political actors (Birkland 2005). Among them, RRPP may exert a significant influence depending on their resources and strategies.

This article is a single-case study focused on the Swiss People's Party (SVP). The SVP is largely considered as an RRPP in the literature (e.g. Mazzoleni 2008; Skenderovic 2009; Afonso and Papadopoulos 2015) because of its core characteristics, and it is the RRPP that remains the longest in power in Europe. Because the probability of confirming the policy influence of the SVP is relatively high – notably since the SVP is an “institutionalized” RRPP and since it can use direct democracy tools – the SVP is a most likely case (Eckstein 1975). The type of influence found at each stage of the policy-making is thus expected to be higher than other RRPP in general.

Most of the scientific studies have already focus on immigration while law and order policies – which mainly include penal policies (Compston 2004) – also belong to the core programmatic axis of RRPP. Law and order is associated with RRPP as strongly as immigration (Mudde 2007). This has also been verified through interviews with SVP leaders and MPs. Therefore, based on the process-tracing method, this article traces the process of enacting penal code reform at the national level over the last decade and tries to detect the role exercised by the SVP.

The two following sections provide details about the theoretical and analytical frameworks. Then, explanations on the methodology are given. The next section presents the results from the field. The last sections are dedicated to the discussion and to some concluding remarks.

Past studies on the influence of RRPP on policy-making

This article brings a particular contribution to a burgeoning literature. Since the beginning of the twenty-first century, researchers have started to investigate the policy influence of RRPP. Yet, as stated by Carvalho (2016, 665) “a frequent incongruence of this type of research concerns the contradictory character of its conclusions on similar time frames and identical case studies”. Several studies conclude that the policy influence of RRPP is great (e.g. Minkenberg 2001; Zaslove 2004; Akkerman and De Lange 2012; Afonso and Papadopoulos 2015). Afonso and Papadopoulos (2015) for instance show that the Swiss SVP influences the content of welfare reforms through party competition and coalition patterns. According to these authors, welfare reforms in the 2000s relied on different alliances than welfare reforms adopted in the 1990s. The role of the SVP has increased in the 2000s and it became a major political party in the policy-making process. Albertazzi and McDonnell (2015) also found that, compared to other RRPP, the Swiss SVP can significantly influence policy-making. Focusing on the delivering of electoral promises, they noticed that, overall, the pledges made by the SVP are delivered. Others studies reach opposite conclusions (e.g. Heinisch 2008; Tarchi 2008; Howard 2010). For instance, Heinisch (2008) indicates that the policy influence of the FPÖ, while in government, was extremely weak. According to him, the ÖVP (conservatives) exercised the strongest influence even in the policy domains under the responsibility of the FPÖ.

Still, the policy influence of RRPP is perceived as more nuanced by other scholars. The policy influence may thus vary in intensity, for instance, depending on the policy domain (Verbeek and Zaslove 2015) or the country context (Carvalho 2016). Contrary to previous studies, the notion of influence is therefore not a binary notion (to be influent or not). Moreover, following Williams (2006) and Carvalho (2014), the influence exercised by RRPP should be studied at different levels and can be direct or indirect, i.e. mainstream

parties can co-opt some aspects of the RRPP programmes because of the pressure exercised on them. Therefore, beyond the intensity of influence, different levels of influence can be distinguished.

These studies are a basis for the understanding of the influence of RRPP on policy-making and offer keys to develop this knowledge. But while there is no consensus among scholars about their effects on policy-making, several RRPP have managed to become mainstays of their respective governments (Kriesi and Pappas 2015), where they are perceived as having a “contagion effect” (Van Spanje 2010), whether or not they are members of a coalition. The actual influence RRPP exercise on policy-making is thus a puzzling question. This article aims at answering the following question: to what extent does the Swiss SVP influence law and order policy-making?

Hitherto, the Austrian, Italian, French, Danish and Dutch cases have mainly been investigated. The Swiss SVP is extremely interesting because it is a member of the federal governmental coalition for several years (Mazzoleni 2008), also becoming the first party (in number of seats on the National Council) in 2003. Moreover, the Swiss political system provides an ideal framework for analysis since it is characterized by an atypical decision-making process (Papadopoulos 1997; Kriesi 1998; Knoepfel et al. 2014), that is, through pre-parliamentary consultation processes and direct democracy (Sciarini and Trechsel 1996). On the one hand, the consultation process contributes to an increase in political compromises. As underlined by Albertazzi (2008, 109), “consociational practices, far from being impediments, provide very fertile ground indeed to the populist anti-system rhetoric of the SVP”. On the other hand, direct democracy offers instruments for different types of actors (whose RRPP) to particularly influence policy-making.

Because previous studies on the Swiss case (Afonso and Papadopoulos 2015; Albertazzi and McDonnell 2015) suggest that the policy influence of the SVP should be taken into account to understand the Swiss policy-making process, one can hypothesize that the SVP exercises a policy influence in the law and order sector, i.e. in one of its priority sectors. Yet, these studies forget to take into account the extent to which this influence is exercised and the way the SVP does it. Because of the specificity of the Swiss case (what makes that case a most likely case), one can hypothesize that this influence is particularly strong and direct. It means that the SVP can exercise an influence at each stage of the process by intervening in the Parliament. In addition, because of the availability of direct democracy tools, the SVP can exercise an additional influence thanks to referendums or popular initiatives.

A framework for analysis

Policy-making is an oft-used notion (e.g. Howlett and Giest 2013), but it is barely defined. It is considered as a set of stages, and as a part of the public policy cycle model (Wilson 2008). These stages are agenda-setting (including problem recognition and issue selection), definition of solutions (the proposal is developed and alternatives are proposed, debated, accepted or rejected) and decision-making (the vote). Policy implementation and policy evaluation are two distinct steps of the public policy model (Wilson 2008). A wide variety of actors can intervene in policy-making and political parties are generally recognized as a major actor in the policy-making process (Adolino and Blake 2011). Their goal is to influence public policies by mobilizing resources and developing strategies in

order to gain access to power and benefit from its advantages. Yet the link between political parties and policy-making has been largely understudied (Coman and Persico 2010). While influencing policy-making is a major concern for political parties, there is a need to go beyond the existing “Do parties matter?” literature (Schmidt 1996; Hampshire and Bale 2015) in order to understand if RRPP do really influence and how.

A succession of traditions in the literature (Bachrach and Baratz 1962; Dahl 1973; Lukes 1974) has contributed to conceptualize and to discuss the notion of influence over time. Although often perceived as a fuzzy concept, one can stabilize the notion of policy influence through the following definition. The policy influence is the ability of an actor (e.g. political party) who is part of a competitive system to shape public policy according to its own will and goals, possibly at different stages of the policy-making process. Assessing the influence of a political party on policy-making thus implies analysing its role on the stages of the process (Huberts and Kleinnijenhuis 1994, 44–53).

In order to do so, two interrelated steps are developed. On the one hand, a formula is proposed to understand if the SVP matters. Secondly, the process-tracing helps to discover how the SVP proceeds to be influent.

Assessing the influence of the SVP

The qualitative framework is based on two dimensions of influence. The first dimension is the “weight of influence” (Lasswell and Kaplan 1950, 73), i.e. the extent to which policies are framed by a radical right populist party. Policies can be fully shaped in the sense of the party, but can also be only partially shaped or even not shaped at all in the sense desired by the party under scrutiny. This means that the will of the party – operationalized by electoral pledges (as proposed by Bouillaud, Guinaudeau, and Persico 2015) – is totally, partially or not at all translated in the policy-making process. The second dimension is the ascription of the goal attainment to the radical right populist party. This party does not play alone and other political actors can also share the same goals (Huberts and Kleinnijenhuis 1994; Arts and Verschuren 1999). In addition, a contextual event can also play a key role, for instance, at the agenda-setting stage. Therefore, taking into account this second dimension is crucial. The other political actors may be political parties but also civil society and institutional actors such as the parliament, government and judiciary (Birkland 2005). The more the radical right populist party is responsible for the shaping of policies, the more influential the party can be considered. These dimensions are summarized with the following formula proposed by Arts and Verschuren (1999, 419) (Figure 1).

$GA * AS = PI$ <p>GA = the extent of goal-achievement of A</p> <p>AS = the extent to which goal-achievement can be ascribed to A.</p> <p>PI = the extent of political influence of actor A;</p>

Figure 1. Formula about the RRPP influence on policy-making.

The formula is applied at each stage of the policy-making. Values are the result of a multiplication since both the first dimension and the second are a necessary condition for policy influence and since none of them is, alone, sufficient for policy influence. Although values result from the application of the formula, the method remains qualitative. The values and the numbers help to systematize the method and to determine a type of influence exercised by the RRPP at each stage of the process. These values are assigned according to the following criteria. The “goal achievement” (GA) is the extent to which the pledges of the radical right populist party are (1) set on the policy agenda, (2) imposed at the institutional level (parliament or government) and (3) adopted as decisions. Three values will be assigned for each of these stages: 0 (not at all), 1 (partially) and 2 (totally). If the pledges are debated inside the institutions (e.g. following the introduction of a law proposal; following/during a campaign for a popular initiative²), it means they have been successfully brought to political agenda. The influence on the agenda-setting is partial if the proposals/debates are partially related to the pledges or total if they are totally related to the pledges. Imposing a solution at the institutional level means that other political parties – that were not initially defending the proposal – co-sign a proposal and/or that the government, the parliament or any other institutional body decides to accept the proposal. If this support helps the proposal to reach the last step of the policy-making process, the value 2 is given. If this support is partial (e.g. only one Council adopts the proposal, but not the other), the value 1 is attributed. Finally, if a decision is adopted (e.g. a law), it can be totally in line with the initial pledge or only partially.

The “ascription of goal-achievement” (AS) is related to the fact that the populist party has played a key role during the policy-making process. Exercising a key role means that the party has been alone to develop causal energies³ leading to the agenda-setting, definition of solutions and/or decision-making. The populist party has played a key role at the agenda-setting stage if it has managed – alone – to impose the debate in the institutional arenas, for instance, thanks to parliamentary tools (e.g. by proposing law proposals). In such a case, the value 2 is attributed. If several parties set the agenda, together, by proposing a common law proposal or by proposing similar and independent law proposals, for instance, they receive the value 1. If the party has not acted in the parliament, government or any other arena, the value 0 is attributed. Other actors are important to take into account but the context as well. The same applies for the next stages of the process and the process-tracing will be particularly useful to detect the role of the party under investigation. Four values – on a scale between 0 and 4 – will result from the formula and will generate a typology of influence.

Assessing how the SVP is influent

Even if two steps are developed in this methodological framework, these steps are inter-related. The aim of this second step is to better understand the causal mechanisms at stake (George and Bennett 2005; Beach and Pedersen 2013). Causality lies in the links between the SVP and the results of the policy-making process (the reforms). More specifically, this article traces the process of enacting penal code reform at the national level over the last decade. This method helps to detect key moments at each stage of the policy-making process (e.g. a specific debate at the Parliament, a consultation process, a

government formation, etc.) and to spot which actors intervene, in what context, and how. A set of “causal energies” can thus be detected and attributed to particular actors. The process-tracing has been used by Hampshire and Bale (2015) to find evidence about the way parties in government can impact policies, and is particularly well-suited for a fine-grained analysis of the policy-making process.

Three types of data (interviews, documents and direct observations) are relevant in this study. The data were firstly obtained thanks to interviews conducted with “key players” (Arts and Verschuren 1999), i.e. actors involved in the policy-making process. Thirty-four members of the Swiss Parliament and/or party officials were interviewed between September 2015 and March 2016, based on a snowball sample (cf. Table 1). This way to select interviewees is particularly relevant in process-tracing (Tansey 2007). The interviews, which lasted on average 65 minutes, were held in French and transcribed by the author. Both MPs from the SVP and from other parties represented in the parliament were interviewed. The interviewees come from a wide range of cantons (Vaud, Geneva, Neuchâtel, Basel-City, Fribourg, Valais, Argovia, Zurich, Thurgovia, Bern and St. Gallen) and have varying political experience (in terms of lengths of post). Because of the very specific profile of each of the interviewees, their anonymity was fully guaranteed. Supplementary data were obtained through documentary sources, i.e. party manifestos (2007 and 2011), government and parliamentary documents (government messages, parliamentary initiatives, etc.), parliamentary annals (for the period 2007–2015), roll-cast votes, documents from the consultation processes on the reforms and documents from referendum campaigns. The last contribution to the rich empirical material came in the form of direct observation (e.g. by attending several SVP meetings). The data obtained through direct observations are not directly used to trace causal mechanisms but help to better apprehend how the SVP acts and how populism is used by the party. Together, these three types of data are systematically used to reconstruct causal mechanisms and to detect if and how the SVP influences policy-making.

Findings: To what extent does the SVP influence the policy-making and how?

Switzerland adopted a new penal code at the beginning of the twenty-first century, which was entered into force on 1 January 2007. Because of this, this study will focus on the period of 2007–2015. This period covers two full federal legislatures, during which the SVP had one seat on the Federal Council (national government).

In order to answer the research question, the analysis focuses on the processes and mechanisms involved in three major penal public policy reforms carried out since the 2007 introduction of the new Swiss penal code. These reforms were selected for their heavy coverage in the Swiss media, as well as for the significance placed on them by the political parties in interviews about law and order. The first reform to be discussed is one adopted into the penal law in June 2015, whose key changes were reintroducing judges’ power to order short-term prison sentences and reforming the day-fines system that had been introduced in 2007. The second reform was enacted to prevent paedophiles from working with children. The third major reform granted the government powers to expel foreigners convicted of a criminal offence. While addressing an immigration issue, this reform is also a key penal policy.

Table 1. List of interviewees.

Gender (M/F)	Political party	Position	Linguistic area ^a	Date of the interview	Length of the interview (in minutes)
M	SVP	Member of the National Council	F	19 October 2015	80
		Ex-Chairman of the National Council			
F	CVP	Member of the Council of States	F	1 December 2015	120
M	FDP	Member of the National Council	F	15 December 2015	45
M	Greens	Member of the National Council	F	11 December 2015	60
F	–	Representative of the White March	F	26 October 2015	90
M	CVP	Member of the National Council	F	16 October 2015	60
		Member of the board of directors of the CVP			
M	SPS	Member of the Council of States	G	1 December 2015	60
		Ex-Chairman of the National Council			
M	SVP	Member of a cantonal parliament	F	29 September 2015	90
		Member of the board of directors of the SVP			
F	FDP	Member of the National Council	G	8 December 2015	60
M	SVP	Member of the National Council	G	14 December 2015	30
M	MCG	Member of a cantonal parliament	F	10 November 2015	120
		Member of the board of directors of MCG			
M	SVP	Member of the National Council	G	24 September 2015	30
M	SVP	Member of the National Council	F	17 November 2015	60
M	SVP	Member of the National Council	G	20 November 2015	105
F	Green-liberals	Member of the National Council	F	20 October 2015	90
M	CVP	Member of the National Council	F	19 October 2015	60
M	SPS	Member of the National Council	F	27 October 2015	90
M	SVP	Member of the National Council	F	24 September 2015	30
M	SVP	Member of the National Council	F	15 February 2016	60
M	SVP	Member of a cantonal parliament	F	16 September 2015	105
M	SVP	Member of the National Council (2007–)	F	02 October 2015	60
M	SVP	Member of the board of directors of the SVP	F	03 February 2016	90
M	SVP	Member of the National Council	G	14 December 2015	60
M	SVP	Member of the National Council	G	22 September 2015	25
		Member of the board of directors of the SVP		24 September 2015	20
M	SVP	Member of the National Council	F	29 January 2016	45
M	FDP	Member of the board of directors of the FDP	F	28 September 2015	60
M	SVP	Member of the National Council	F	24 September 2015	105
F	SPS	Member of the National Council	F	09 November 2015	60
M	Greens	Member of the Council of States	F	16 December 2015	90
		Member of the board of directors of the Greens			
M	SVP	Member of the Council of States	G	10 December 2015	60
M	SVP	Member of the National Council	G	3 November 2015	45
M	SVP	Member of the National Council	G	26 November 2015	75
M	SVP	Member of the board of directors of the SVP	F	7 September 2015	120
M	SVP	Member of the National Council	F	22 September 2015	105

^aThe names of the cantons are not given in order to preserve the interviewees' anonymity. The linguistic areas are the French-speaking part (F) and the German-speaking part (G) of Switzerland.

The penal law reform

On 1 January 2007, a revision to Swiss penal law came into force that introduced a new type of sentence: day-fines. The aim of the revision, which was to reduce the number of detainees in jails, was accompanied by an automatic reprieve to those serving existing sentences. The revision also stripped judges of the ability to pronounce a short-term prison sentences. Criticism quickly arose against these new penal dispositions from judicial authorities and political parties. The first political actor to react was the SVP, through the 2007 parliamentary initiative to repeal the revised penal code provisions (n° 07.428), put

forward by MP Luzi Stamm. A first causal energy can thus be detected at that moment. One year later the radical-liberal party (FDP) submitted a parliamentary initiative (n° 08.431) calling for the day-fines system to either be suppressed or made subsidiary to a prison sentence. These two parties – both traditionally recognized as right-wing political parties in Switzerland (Meuwly 2010) – called for similar revisions of the penal law. Nevertheless, their motives were interestingly divergent. Tensions between liberal and populist views of penal law can be observed, notably through interviews. The SVP aimed to make Swiss penal law tougher as a deterrent to potential criminals and offenders:

It is not credible. One thus must be tougher. We need a hardening, mostly concerning jail sentences, even if a sentence is quite short. (SVP Member of the National Council interviewed 20 November 2015)

The FDP (and the judicial authorities) mainly aimed to provide judges greater room for manoeuvre, and to ensure sentencing was done on a case-by-case basis.

We believe what is essential is to give back to judges the possibility of giving the right punishment to the right person. (FDP Member of the National Council interviewed 15 December 2015)

A few days after the FDP parliamentary initiative was submitted, the Swiss Socialist Party (SPS) asked the government to assess the impact of the new day-fines system (Postulate n° 08.3381). As a consequence, the Federal Council commissioned the Federal Department of Justice and Police to launch an evaluation whose results were presented in a report on 30 March 2012. Meanwhile, the SVP – thanks to its numerical strength – convened the parliament in an extraordinary session in June 2009 around the issue of law and order and, more specifically, the strengthening of the penal law. No law was adopted during this session. Any SVP proposal adopted by the Lower House (e.g. regarding reestablishing the right to pronounce short-term sentences⁴) was systematically rejected by the Upper House.

The main arguments used by the Upper House to explain their rejection of these proposals were that individual components of penal law could not be selectively revised, and that the proposed revisions were too populist (e.g. CVP Member of the Council of States interviewed 1st December 2015; SPS Member of the Council of States interviewed 1st December 2015). The Council of States – where the SVP is one of the smallest political groups in terms of seats – thus played a crucial role in limiting the influence of the SVP on policy-making during this session. More generally, this kind of extraordinary session is commonly recognized by experts and elected officials as being a good way to orientate the political agenda but not to make decisions. At this stage, the role of the SVP is thus important in terms of agenda-setting, and in terms of laying the foundation for subsequent discussions, but not in terms of decision-making. SVP MPs themselves recognized this limited influence:

When a political group requests an extraordinary session, this is to detect problems and to shed light on them. The goal was to say, “There are problems here, there are security problems there, there are problems there in criminal law, etc.” and this helps to raise awareness, to make clear to politicians that these problems exist. (SVP Member of the National Council interviewed 17 November 2015)

In 2012, following the Federal Department of Justice and Police report, the Federal Council proposed a legal amendment to the parliament’s committee on legal affairs.

The proposal included suppressing the primacy of day-fines over jail sentences, reintroducing the option of short-term jail sentences and suppressing the reprieve accorded to day-fines. On 23 September 2013, debates began in the parliamentary plenum. During the first debates, the SPS and the Greens quickly accepted revisions to the short-term prison sentences system. If this revision was a part of the SVP electoral programme in 2011, it was also defended by the FDP, and the justifications by the SPS and the Greens for accepting these terms are closer to those of the FDP than to those of the SVP. That is, the SPS and the Greens defended in principle that judges needed discretionary room for manoeuvre, and acknowledged that sentencing should be individualized, in contrast to the SVP position, which mainly argued that Swiss penal law needed to be tougher in order to be credible. The FDP thus exercised greater influence over the other parties than the SVP on this aspect of the policy.

During the first debate in the parliament in 2013, the socialist party did not reject the agreed-upon terms but strategically abstained “in order to avoid leaving the door open to the SVP and its proposals” (SPS member of the National Council interviewed 27 October 2015). In this sense, the SVP managed to influence the agenda by influencing the vote of the SPS. Ultimately, however, the SVP – which had pledged to vote against the bill if the final agreement failed to fully restore the pre-2007 legal framework – rejected the final agreement despite having been the ones to put it forward in the first place. Meanwhile, the SPS and the FDP had seemed satisfied with the final version:

We have had several successes ... In the end, it remains a project where the SPS has clearly obtained what it had asked for since the beginning in order to support the law. (SPS Member of the National Council interviewed 9 November 2015)

We are entirely satisfied with this new version of the penal law. (FDP Member of the National Council interviewed 15 December 2015)

If the SVP voted against the text in June 2015, it would not use the referendum (deadline 8 October 2015) to cancel the law. While the party did not consider this reform sufficient, according to it, it was a step in the right direction.

The SVP exercised influence on agenda-setting and defining solutions regarding this reform. The presence of precise pledges in its 2011 electoral programme, the number of interventions in both Houses of Parliament by SVP representatives, the extraordinary session, and the role it played more generally before and during the parliamentary debates are causal energies that contributed to that influence. The main result has been the mobilization of a populist strategy that shifted the discourse surrounding penal code policy to “a discourse which suggests that the justice system privileges criminals and prisoners at the expense of crime victims and the law abiding public” (Boda et al. 2015, 873). The influence on policy-making is shared with other political parties and civil society actors (judges). At these two stages of policy-making, according to our formula and typology (see Table 2), one can thus describe SVP influence as “moderate”.

Table 2. The penal law reform.

Policy-making	Agenda-setting	Definition of solutions	Decision-making
Formula: $GA * AS = PI$	$2 * 1 = 2$	$2 * 1 = 2$	$1 * 1 = 1$
Type of influence	Moderate influence	Moderate influence	Minor influence

This “moderate influence” at these two first stages results from the fact that, if the value 2 is attributed to the goal attainment (GA), the value 1 is attributed to the ascription of influence (AS) as a consequence of the “sharing of responsibilities”.

The influence of the SVP on the content of law is weak, but exists in the form of two major pledges it introduced to and defended in the parliament, which have subsequently been entered into law. It can, therefore, be said to have contributed to reform. This has been possible via the parliamentary arena, because the SVP had many seats at the National Council. Even though the SVP voted against its own proposed reform in June 2015, its negative vote was strategic and the party had voted in favour of several of its articles prior to the final vote. In addition, the SVP did not act to cancel the reform through a referendum. With regard to compromises and coalitions, these can be observed primarily between the SPS and the FDP. In contrast, the more populist and radical SVP saw its reform efforts systematically blocked by the Council of States in this case study. At this final stage of the policy-making process, and according to our typology, the influence of the SVP is thus minor considering the content of the decision.

Preventing paedophiles from working with children

In 2001, following the broadcast of a TV report by *Temps présent* about the state of paedophilia in Switzerland, a social movement called the “White March” was created to fight paedophilia and protect children. This movement significantly contributed to set the issue on the political agenda in the 2000s. At the same time, a shift in the political support for this issue appeared. While left-wing parties had mobilized around the issue most during the 1990s, the SVP took it on in 2004, notably MPs Nathalie Rickly, Oskar Freysinger and Gregor Rutz. This can be seen as a very first causal energy from the SVP:

Civil society simply decided to launch a popular initiative [about pedophilia]. This initiative was in favour of greater severity for crimes and we accompanied this movement with our structure. It helped to collect signatures, to defend the text in the parliament, and above all to run a campaign with a number of resources in front of the population. (SVP Member of the National Council interviewed 17 November 2015)

In 2006, the White March launched a petition aimed at forbidding convicted paedophiles from working with children. Despite obtaining 17,000 signatures, the petition had no effect. A parliamentary initiative (n° 04.473) was then prepared by Christine Bussat and several MPs, including SVP MPs, in order to go further. The text was adopted by the National Council (all the SVP MPs voted for the text) but rejected by the Council of States. At this stage, the role of the SVP is marginal. Several MPs from a variety of political parties supported the proposal and the National Council accepted the initiative. But the agenda-setting and the definition of solutions mainly derived from the mobilization of the White March and not from the SVP itself, as recognized by most of the interviewees, notably from the SVP. By gathering enough human and financial resources, the social movement persisted and launched a popular initiative – considered by Christine Bussat herself as tougher, as it called for a lifetime ban from working with children as opposed to the 10 years initially proposed – on 20 October 2009.

The government was opposed to the initiative for a variety of reasons, invoking mainly respect for the existing legal order. It thus proposed to reject the initiative and to adopt an indirect counter-initiative – indirect because it would have entered into force in 2014 if the

initiative was rejected by the people. The law provided a framework for preventing paedophiles from working with children, but only for a given period of time and in specific cases. The majority of Swiss political parties exercised a strong lobby to counter the initiative; the SVP was the only party to officially support it. Nevertheless, its implications seem to be limited:

No, they [did not campaign for the initiative]. They just influenced its result by saying they supported the initiative and when they were interviewed on the radio on that issue. In such conditions, they defended the initiative. (Representative of the White March interviewed 26 October 2015)

This abstract illustrates the role of the SVP in this campaign. The SVP itself recognizes this secondary role:

The SVP has not really been active in this initiative but we supported it. (SVP Member of the National Council interviewed 3 November 2015)

The SVP was not the leader of the initiative; nevertheless, it was the only political party – and the biggest in terms of seats at the National Council – to defend it. As such it exercised a causal energy by campaigning for the initiative.

Despite the opposition of most political parties and other actors, the White March collected enough signatures (100,000) to prompt a popular vote. On 18 May 2014, the majority of citizens and cantons approved the initiative. The dispositions were included in the federal constitution but their translation into law has been problematic according to the White March, but also to the SVP:

In the implementation of the law the parliament has tried to soften the clear will of the people. ... We sold this initiative to the people – because we also collaborated to gather signatures – as a way to prevent a person convicted of these acts from working with children again in the future. (SVP Member of the National Council interviewed 15 February 2016)

In sum, the role of the SVP on the political agenda should not be underestimated since the party did not bring the issue to the agenda but helped the issue remain on the agenda thanks to its political support. At that precise moment, the SVP has furnished a crucial causal energy. Even if only as a secondary actor, the party collaborated to influence the political agenda. In addition, in comparison with other political parties, the SVP is the only party to have fought in favour of the initiative and to be satisfied with the result of the popular vote. All the others officially rejected the initiative. This is particularly important since, after the adoption of an initiative by the people, the Parliament has to adopt a law to implement the initiative. If the initiative is supported by the largest political group at the National Council (the SVP) since the beginning of the process, it is thus a strong support. The link between a popular movement and a party is important. Moreover, an RRPP can mobilize a populist style and populist arguments during the campaign. It can thus reinforce the arguments developed by the movement at the eyes of many people (Wodak 2015). Therefore, if the parliamentary arena has not been crucial for the SVP, the popular initiative is key to understand the success of their (part of) influence and the populist style developed during the campaign has also to be taken into account. According to the typology (see Table 3), a moderate influence can thus be recognized at each of the three stages of policy-making, and the ability of the SVP to collaborate with a broad social movement⁵ in a given policy area is an indication of its integration into

Table 3. Preventing paedophiles from working with children.

Policy-making	Agenda-setting	Definition of solutions	Decision-making
Formula: GA * AS = PI	2 * 1 = 2	2 * 1 = 2	2 * 1 = 2
Type of influence	Moderate influence	Moderate influence	Moderate influence

Swiss society. This contrasts with most other European RRPP. Finally, here again, the coalition between political parties formed around this initiative was atypical, with the SVP on one side and all the other parties on the other side. A new line of cleavage seems thus to exist between parties, and the SVP has played a crucial role in its construction, as suggested by Skenderovic (2009, 171).

Expulsion of criminal foreigners

After having failed to develop an electoral pledge in the parliament in 2007, according to which criminal foreigners should be expelled from Swiss territory, the SVP decided to put pressure on the other political parties around this issue through a popular initiative. Another way to exert a causal energy was thus developed:

The Federal Council and the majority of the parliament did not want [a law about the expulsion of criminal foreigners] and the SVP has used the popular initiative in order to force the decision. (SVP party official interviewed 3 February 2016)

On 10 July 2007, the SVP began collecting the 100,000 required signatures to launch its popular initiative about the expulsion of criminal foreigners. Despite the fact that the party was alone to defend that initiative, it was accepted by a double majority (citizens and cantons) on 28 November 2010. The result was not surprising in light of Ackermann and Freitag’s (2015) finding that half of Swiss citizens approve of reduced immigration, notably because of a perceived (criminal) threat. Acceptance of the initiative necessitated an amendment to the federal constitution (Article 121). Even before its adoption, however, the SVP was already considered by the other parties as an influential political actor on this issue relative to others. Indeed, by having gathered enough signatures to bring the petition to a referendum the SVP forced the other parties to take a position. In addition, while it had initially refused to recognize the existence of the problem raised by the SVP, the Federal Council later reacted by proposing a counter-initiative. The counter-initiative was considered by most elected officials to be close to the SVP initiative, with the exception of several provisions that brought it in line with international rules. If the aim was strategic, the influence of the SVP is clearly recognized (e.g. CVP Member of the National Council interviewed 19 October 2015), as illustrated by the following examples:

I was ready to propose a law which included their entire initiative ... I felt under threat even if I knew it was contrary to international law. But for me, in the future, it would have been easier to change the law than the constitution. It is just tactics. (Green-liberal Member of the National Council interviewed 20 October 2015)

The Minister of Justice wanted to go too far towards the desired direction of the SVP. And in fact when citizens have to vote, they prefer the original to the copy. (Green Member of the National Council interviewed 11 December 2015)

Thanks to the initiative, the Parliament has started to make a step in our direction, started to be tougher. (SVP Member of the National Council interviewed 10 December 2015)

Table 4. Expulsion of criminal foreigners.

Policy-making	Agenda-setting	Definition of solutions	Decision-making
Formula: GA * AS = PI	2 * 2 = 2	2 * 2 = 2	2 * 2 = 2
Type of influence	Major influence	Major influence	Major influence

Regardless of the result of the popular vote, the SVP had already achieved its goal of toughening the law, and had managed to influence not only the political agenda but also the decision by single-handedly contributing an amendment to the Swiss Federal Constitution. As a consequence of the popular initiative, and based on statistics from the Swiss Federal Statistical Office (2016) the number of expelled criminal foreigners is expected to increase in the following years.

The SVP electoral pledge is fully realized. Following our typology (see Table 4), above SVP influence can be considered as equally major at all the policy-making stages. While the SVP is close to the FDP in socio-economic terms, the “radical right populist” aspect seems important to understand the evolution of the initial pledge about the expulsion of criminal foreigners. No alliance has been found between these two political parties. This mainly results from the populist style of the party and/or the radicalism of the proposition, as stated by most of the interviewees, including an FDP member of the National Council interviewed 8 December 2015. The populist strategy can here be illustrated through the two ways used by the SVP to promote its popular initiative. In one case, the SVP put up posters around the country that featured a black sheep, which represented the criminal foreigner it wanted to expel. The poster and the black sheep were heavily criticized by other political parties and in the media for being xenophobic and populist (as articulated by an SPS member of the parliament interviewed 27 October 2015). The second way it promoted its popular initiative was through the organization of a cycle of conferences on the topic of expulsion of criminal foreigners. During these conferences, a populist style was strongly mobilized by the SVP in order to gain votes.⁶ This has contributed to highly mediatize the issue addressed by the SVP. As explained by Wodak (2015), the interdependence between the media and RRPP is therefore particularly strong.

In this reform process, direct democracy was a necessary ingredient in the SVP's influence. By both using populism and mobilizing direct democratic institutions, the party was able to address an important issue for the party and influence each stage of policy-making, from problematization and agenda-setting until the adoption of a concrete decision.

Discussion

The three major reforms conducted in the area of penal public policy over the last decade reveal that the SVP is able to influence policy-making in one of its main issues. This expands on the findings by Afonso and Papadopoulos (2015) or Albertazzi and McDonnell (2015) according to which the SVP matters and this confirms the first part of our hypothesis.

Three main strategies of the RRPP to exert influence on the policy-making are highlighted thanks to the process-tracing method. The first set of strategies is developed through the parliamentary arena. The second strategy is the populist style of the party. The third is the mobilization of popular initiatives. The first two types of strategies have not contributed to significantly increase the SVP policy influence on the whole policy-making process. Moreover, they also contribute to prevent SVP influence. While Afonso

and Papadopoulos (2015) found that the influence of the SVP increased during the 2000s by playing a greater role in the institutions, our study suggests that alliances between mainstream parties and the SVP in the law and order sector are more difficult to achieve. This is the case in the Parliament but also – and even more – in the government.

Together, the three synthetic tables (cf. Tables 1–3) show that the influence is not linear and can evolve during the policy-making process. However, they all indicate that the influence of the SVP is always existent (positive) and is the highest at the agenda-setting stage. Their influence tends to decrease at the next stages of policy-making. While this corroborates what the literature in public policy analysis has brought to light for political parties in general (Muller and Surel 1998), this notably results from the fact other actors intervene in order to limit the influence capacity of the SVP. They do so by creating coalitions without including the SVP. Alliances between the SPS, the CVP and the FDP are formed in the parliamentary arena – during the discussions but also during the votes for the three penal reforms – to make “softer” penal policies than those proposed by the SVP and/or to prevent the SVP from influencing penal public policy. According to interviews realized with Swiss MPs, this mainly results from the fact that the SVP is perceived as an RRPP and, therefore, dangerous for the state of democracy. Their influence thus tends to decrease still faster than mainstream parties.

Institutional actors such as the Council of States also play a crucial role in limiting its influence. The main argument developed by institutional actors to counter the RRPP influence is their populist style – classically defined as a political style that fosters antagonism between the people and the elites, and that can be grafted onto any ideology from any point on the political spectrum (Jagers and Walgrave 2007). Even if they initially supported a proposal made by an SVP elected official, the nature of the party contributes to change these “actors’ positions” (Fagerholm 2015). This confirms the fact that the polarizing style of the SVP has contributed to change “the entire culture of political debate among the Swiss parties” (Vatter 2016, 10). If a populist style is classically used by many niche parties for electoral purposes (Mudde 2007), our study shows that this style also constitutes a limit to their influence on policy-making. The Council of States, for instance, often argue that it rejects an SVP proposal because of its populism and radicalism (e.g. interview conducted with a CVP member of the National Council 19 October 2015).

As expected, the influence of the SVP on policy-making is the strongest when it uses popular initiatives. It confirms Albertazzi and McDonnell’s results (2015). Only in that case the SVP is able to equally (in a major way) influence the three stages of the policy-making process and to transform its electoral pledges, even if alone, into decisions. The causal mechanism describing the strong influence of the SVP – i.e. when its electoral pledges are fully translated into decisions – can be summarized as shown in Figure 2.

This suggests that the influence of RRPP in countries where direct democracy tools are not available may be weaker. These results help to understand and to corroborate why the influence of RRPP on public policies is generally limited, as stated by Heinisch (2008) or Howard (2010). This research allows to better apprehend in more general terms the role of these parties in European democracies, and to enrich the literature on whether parties matter.

The influence of the SVP through the government has hardly been evoked in the article because no specific SVP “causal energy” can be found in that arena in the policy-making processes under scrutiny. It can be explained by the fact that the SVP – as a populist party

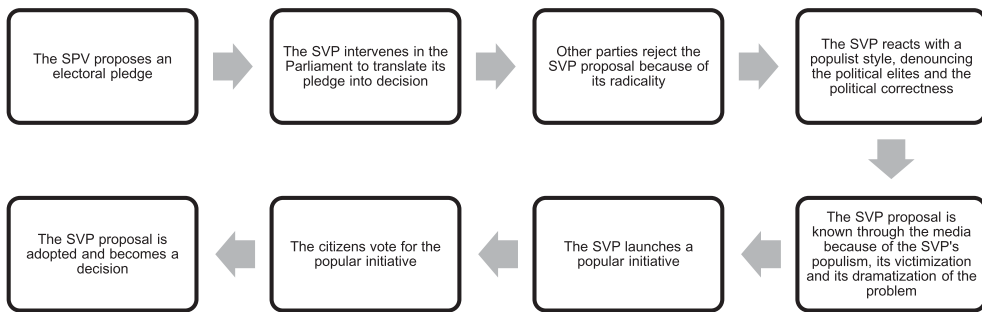


Figure 2. The causal mechanism explaining the full influence of the SVP.

– often struggle against the government. Yet the SVP is not a real anti-establishment party and is a full member of the national government.

Concluding remarks

Although several other RRPP in Western and Eastern Europe are also in power, the Swiss political system provides a peculiar framework due to popular initiatives. This most likely case thus allows to better apprehend the policy influence of RRPP beyond the Swiss case. But policy instruments of direct democracy, such as referenda, are applied in several other democracies. And, in other countries as well, the parliamentary arena may serve a greatest direct influence on public policy. The Swiss case thus paves an avenue for further research in a comparative perspective.

The process-tracing method has been highly relevant in order to assess the policy influence of the SVP since it has allowed an in-depth analysis of policy-making processes. However, some limitations can also be underlined. Indeed, this method helps to detect explicit acts from the SVP and from other political actors, and therefore to rebuild causal mechanisms. Nevertheless, a last dimension of power (Huberts and Kleinnijenhuis 1994; Lukes 1974) should also be taken into account in order to perfectly apprehend the influence of the SVP. The SVP could indeed be influential even without acting. According to Lukes (1974), the behaviour of other political actors may be altered by their perception of the power of the SVP. Further research is thus needed in order to tackle that third dimension of power.

Finally, qualitative method helps in assessing the influence of a political party. Applying a formula about the influence of a party allows circumscribing a fuzzy phenomenon in policy analysis. But, especially for small N research, interviews with key actors and experts are a corner stone to understand and to explain policy-making. Any decision process is tightly linked with the interactions between actors, notably in democratic regimes. In several countries today, more policy analysis is needed to contribute to the state of the art about populism and democracy.

Notes

1. This article does not take into account extreme right parties since they differ from RRPP in their goals and, more importantly, the way to reach these goals. As stated by Jamin (2013) or

Wodak (2015), extreme right parties can resort to unconstitutional or undemocratic ways to reach their goals. Parties such as the Greek Golden Dawn are thus set aside in order to focus on RRPP.

2. This also brings an issue on the agenda since the institutions always react to a popular initiative, for instance by proposing a counter initiative.
3. Causal energies can be detected thanks to “empirical footprints” (Beach and Pedersen 2013, 22).
4. Motion n° 09.3300 introduced by Luzi Stamm (SVP), adopted by the National Council 10 June 2009 and rejected by the Council of States 10 December 2009.
5. Even if mainly supported by the SVP, the White March has a clear vocation to remain politically neutral, and its composition was heterogeneous at the beginning of the 2000s (with members from the SPS, CVP and SVP, for instance).
6. Based on direct observation, populism was used, for instance, during a debate organized on 8 February 2016 in Lausanne: an SVP elected official argued against other parties – “the elite” – for allegedly lying in order to counter the initiative. According to the same SVP member, the Federal Houses did not respected the popular will, and it was for the people that the SVP had launched a new initiative.

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