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The good, the bad and the voter: The impact of hate speech prosecution of a politician on electoral support for his party

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Abstract

Hate speech prosecution of politicians is a common phenomenon in established democracies. Examples of politicians tried for hate speech include Nick Griffin in Britain and Jean-Marie Le Pen in France. Does hate speech prosecution of politicians affect the electoral support for their party? This is an important question, as the parties involved typically are controversial, often accused of stirring up political cynicism or political violence. The relevant literature has largely ignored this question, however. In this article, we use data from a representative sample of Dutch voters interviewed before and re-interviewed after the unexpected court decision to prosecute MP Geert Wilders. We demonstrate empirically that the decision substantially enhanced his party's appeal. This resulted in an immediate increase in support for the party by one to five percentage points among those who are moderately in favour of the assimilation of ethnic minorities into Dutch culture. In addition, the evidence suggests that the decision contributed to the party's subsequent electoral lift-off. Our findings call for investigations into the electoral effects of legal proceedings against political actors in democratic systems worldwide.

Keywords

Anti-immigrant party, hate speech, legal prosecution, party choice, Geert Wilders

Introduction

Anti-immigration parties exist in many established democracies. Their electoral strength varies over time and across countries. For example, the National Front (FN) in France foundered in the 1970s but flourished in the 1990s. In neighbouring Belgium, a party with exactly the same name exists, which has always been considerably less successful than the French FN. What explains such variation in anti-immigration parties' electoral performance has remained largely unknown.

Existing theories on the electoral performance of anti-immigration parties include explanations focusing on characteristics of their voters (Betz, 1994; Kitschelt and McGann, 1995), of the parties themselves (such as their being included in government (Spanje, 2011a) or their being boycotted (Spanje & Brug, 2009)), of competing parties (Meguid, 2005; Norris, 2005), of the institutional context in which they operate (Golder, 2003; Jackman and

Volpert, 1996), and of news media content in this context (Boomgaarden and Vliegthart, 2007; Walgrave and De Swert, 2004). Even sophisticated combinations of these explanations (e.g. Arzheimer, 2009; Brug et al., 2005; Lubbers et al., 2002) fail to some extent to explain the considerable differences in anti-immigration parties' success within countries over time, and across countries (see Brug and Fennema (2007) for an overview). This is because voter, party, country and media-content characteristics are relatively stable and thus do not account for much of the

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within-case over-time variation. These characteristics also tend to be relatively similar across countries. That is, despite considerable variation across countries, these traits do not explain all of the cross-country differences in anti-immigration parties' electoral fortunes either.

In this article we explore a new, additional explanation of anti-immigration party performance: the prosecution of these parties' leaders for hate speech. This may not solve the puzzle entirely, but it adds an important new perspective. Leadership, arguably key to electoral success of any party (e.g. Evans and Anderson, 2005), is particularly important for anti-immigration parties. This is because these parties are generally strictly hierarchically structured (cf. Carter, 2005). Some anti-immigration party leaders have been prosecuted for hate speech, while others have not. We expect this to have consequences for their support. This is obvious in cases where prosecution directly damaged the party leader's political future, as in the case of Belgian FN leader Daniel Féret, whose political rights were suspended for ten years following a conviction for hate speech.¹ Electoral effects are also expected in other cases, as we explain in our theory section below. Similarly, many political commentators have speculated that prosecution of anti-immigration party leaders affects their electoral support. Whereas, for instance, Dutch MP Geert Wilders is widely believed to have gained votes from the court decision² to prosecute him (Groen and Kranenberg, 2009b; Soest, 2009), many prosecuted anti-immigration party leaders, including John Tyndall³ (Britain) and Udo Voigt⁴ (Germany), have remained unsuccessful – which suggests that their prosecution did not bring them many additional votes.

Does hate speech prosecution of anti-immigration party leaders influence their electoral support? This is an important question, as prosecution of politicians is typically controversial. For instance, several trials of politicians in Western democracies have been denounced as mainly serving political aims, which is problematic from normative democratic perspectives (Kirchheimer, 1961; Posner, 2005). Moreover, anti-immigration parties are controversial as well. For example, some appear to stir up political cynicism (Brug, 2003; Thijssen and Dierickx, 2001) and others are associated with political violence (Jaschke, 2000; Jesse, 2001). Furthermore, the uncertainty surrounding such prosecution's electoral effects seems to have influenced decisions about how to react to the presence of anti-immigration parties and politicians, as in the case of Dutch MP Hans Janmaat (Donselaar, 1995: 27–32). If legal responses to political actors are based on expected electoral effects, this is yet another reason to investigate the occurrence of such effects. In this article, we focus on one particular case in order to make a first modest step towards answering the research question mentioned. This is the 2009 court decision to prosecute Wilders for hate speech.

Hate speech prosecution of political actors

In 1965, the United Nations unanimously adopted the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Within 25 years, three-quarters of all countries worldwide ratified this treaty (Banton, 1996: vii). Following the ICERD, these countries are obliged to adopt measures to eradicate hate speech (United Nations, 1965: Art. 4). Based on bans on 'hate speech' (i.e. 'all forms of expression which spread, incite, promote or justify hatred based on intolerance'; see Weber, 2009: 3), legal proceedings have been filed against many politicians in northwestern Europe (Donselaar, 1995; Fennema, 2000). For example, more than 20 Dutch (Donselaar, 1995) and more than 30 Belgian (Vrielink, 2010) politicians have been prosecuted for hate speech in recent decades.

Hate speech prosecution fits into a general pattern of legal measures against anti-immigration political actors. For example, British authorities raided the homes and offices of anti-immigration party members on the basis of the 1965 Race Relations Act (Michael and Minkenberg, 2007: 1110) and Dutch authorities prohibited all public meetings of anti-immigration parties until 1996 based on public order considerations (Fennema, 2000: 130; Linden and Klandermans, 2006: 216). Organizations linked to Belgian (Erk, 2005) and French (Donselaar, 1995) anti-immigration parties were disbanded. German authorities monitored anti-immigration parties (Fennema, 2000: 129) and attempted to ban one of them, the NPD (Staud, 2006). We recognize the great variety of legal responses to the presence of anti-immigration actors, yet in this article limit our focus to one hate speech prosecution case.

Electoral effects of hate speech prosecution of political actors

We are not aware of any previous systematic study of effects of hate speech prosecution of political actors on voting behaviour. Indeed, hate speech prosecution has been largely overlooked in the voluminous literature on anti-immigration political actors – except for a few more descriptive studies (Fennema, 2000; Husbands, 2002; Minkenberg, 2006). Prosecution of political actors more generally has been approached from various angles.

Perhaps the most common approach to the subject is to identify particular unwanted political actors and to address the question of how to combat them. With regard to anti-immigration actors, authorities usually justify the use of the legal apparatus against them as necessary in the fight against discrimination (United Nations, 1965), and scholars traditionally take the same approach (Bouw et al., 1981; Damen, 2001; De Witte, 1997; De Witte et al., 1996; Donselaar, 1995; W. Downs, 2001; Jaschke, 2000). Indeed, legal measures against certain political actors have been considered crucial for 'defending democracy' (Capocchia, 2005; Donselaar,

1995: 297; Pedahzur, 2004). To the extent that the unwanted political actors pose a threat to the functioning of democracy, legal action against them is in accordance with the idea of the ‘militant democracy’, that democratic systems should be able to defend themselves against their enemies (Brinkmann, 1983; Fox and Nolte, 2000; Jaschke, 1991; Klamt, 2007; Loewenstein, 1937a, b; Minkenberg, 2006; Sajo, 2004; Tardi, 2004; Thiel, 2009a). Measures such as banning a party are arguably effective in this respect. Yet, the literature recognizes that such action may also have unintended effects (Donselaar, 1995: 27). Rigorous empirical assessment of the effects of such action has remained largely absent from this literature, besides the excellent study of inter-war European democracies by Capoccia (2005). Capoccia’s findings seem to imply that, when carefully combined with particular forms of accommodation, legal measures taken against political actors can substantially decrease their electoral support (Capoccia, 2005).

From a different (second) perspective, certain legal measures against political actors have been criticized as ‘political’. With regard to these measures, the question is often whether the authorities aim at ‘protecting . . . democracy or discrediting a political rival’ (More, 1994). Particularly controversial cases include Belgian legislation that makes it possible to stop state subventions to parties that advocate racial discrimination, which appears to target one particular party (Fennema, 2000: 128) and Janmaat’s trials,⁵ even compared to Stalinist show trials (Fennema, 2009). If authorities use such prosecution to obstruct political actors in their political activities, this would qualify as ‘political’ prosecution (Becker, 1971: xii; Kirchheimer, 1961; Shklar, 1986 (1964): 149). According to other scholars, prosecution of political actors is ‘political’ regardless of the authorities’ motives (Belknap, 1994; Bilsky, 2001; Hakman, 1972; Ingraham, 1979; Posner, 2005). Electoral effects of political prosecution have remained largely uncharted thus far, although Kirchheimer (1961), Friedman (1970) and Ingraham (1979) touched upon the topic. None of them explicitly focused on *electoral* effects, which is the focus of this article.

A third way in which scholars define the prosecution of political actors is in terms of ‘repression’ (Davenport, 2005; Earl, 2011). This term has been regularly used to describe legal proceedings against Western European anti-immigration politicians (Fennema, 2000; Linden and Klandermans, 2006; Minkenberg, 2006). Effects of repression on voting behaviour have rarely been explored. Notable exceptions are studies by Lipset and Marks (2000) and by Beyerlein and Andrews (2008). Lipset and Marks (2000) discuss electoral effects of repression in their impressive study of why no social democratic party exists in the United States. They claim that the party generally withstood the fierce repression in the wake of World War I, except in smaller and rural communities (Lipset and Marks, 2000: Ch. 7). Beyerlein and Andrews (2008) assess the impact of the repression of black Southerners on their turnout in

the 1960 U.S. Presidential election. Turnout appeared to be boosted by perceived violent as well as non-violent repression against blacks (Beyerlein and Andrews, 2008). No consensus exists on the impact of repression on mobilization more generally, however. In fact, in the literature, empirical support for all kinds of mobilizing and non-mobilizing effects can be found (for overviews, see Davenport, 2005; Earl, 2011; Koopmans, 1996).

Again other scholars would describe the hate speech prosecution of politicians as a type of ‘legal control’ (Barkan, 1984, 2006). Legal control can take various forms, including injunctions, lawsuits, undercover surveillance and criminal prosecution (Barkan, 2006: 182). The electoral effects of legal control have remained underexplored in the relevant literature (cf. Barkan, 2006: 184). Besides electoral effects, negative consequences that legal proceedings may have for targeted challengers include time, energy and money spent on the legal proceedings, as well as more indirect impact such as the disrepute trials may bring to the incriminated, and potential supporters backing off as a result (Barkan, 2006: 182). Among the positive effects are that the defendants ‘may try to turn the tables by using their prosecution and trials as public forums to air their grievances, to win favorable media coverage, and to change public opinion’ (Barkan, 2006: 183). Barkan (1984, 2006) argues that the effects of legal control mainly depend on the way it is applied. In the United States, past challenges posed by Socialists, Communists, Southern civil rights activists and Black Panthers were effectively dealt with, whereas some abolitionists, post-war labour and anti-war activists actually increased their political support as a result of their trials, as Barkan (2006: 183) claims.

Theoretical framework and hypotheses

In contemporary Western Europe, it seems most politicians who face prosecution for hate speech are members of anti-immigration parties (e.g. Vrieling, 2010). These are parties that attach much importance to issues linked to immigration and that favour immigration restriction policies (Fennema, 1997; Spanje, 2011b). What effect would such prosecution have on the electoral support for anti-immigration parties?

In theorizing about this, we begin from the academic consensus about what drives the vote for these parties in general. Ample evidence exists that anti-immigration parties, rather than merely attracting a-political protest votes, mobilize on the basis of voters’ ideological predispositions and policy preferences (e.g. Brug and Fennema, 2003; Brug et al., 2000, 2005; Carter, 2005; Kitschelt and McGann, 1995; Norris, 2005). More specifically, they mainly – although not exclusively – appeal to voters because of their tough stance on issues linked to immigration (e.g. Brug and Fennema, 2003; Brug et al., 2000; Ivarsflaten, 2008). Scholars who emphasize these findings (e.g. Brug and Fennema, 2003) generally take political-economic theories as a starting point,

modelling electoral competition essentially as a market where demand meets supply, with ‘demand’ referring to voters and their preferences, and ‘supply’ to parties and their ideologies and policies (cf. Downs, 1957). From such theoretical perspectives, it is emphasized that where there is demand for restrictive immigration policies, an anti-immigration party is likely to emerge. Where such a party exists, some voters will vote for it so as to have their preferred policies enacted.

However, more recent research on anti-immigration party support suggests that this demand–supply mechanism works only to the extent that a party and its leader are viewed as willing and able to actually implement the policies voters prefer to see enacted (Bos and Brug, 2010; Brug, et al., 2005). If an anti-immigration party lacks a basic level of organization and of leadership quality (Carter, 2005), or if a party’s leader is not considered legitimate or effective enough (Bos and Brug, 2010), many voters will not evaluate it on the basis of the policies it proposes (Brug et al., 2005), which reduces a party’s electoral success (Bos and Brug, 2010). After all, voters who act rationally in the sense that they intend to have their preferred policies enacted will choose only between parties that are instrumental to their goals (Downs, 1957).

When applied to electoral effects of hate speech prosecution of anti-immigration parties, political-economic theories do not lead to unequivocal predictions. In fact, there are theoretical reasons for predicting a drop in popularity of the defendant’s party while there are also reasons for expecting a boost to her party’s support.

On the one hand, the utility that would accrue to a vote for a prosecuted politician’s party may be lowered as a result of the prosecution for at least two reasons. First, having to defend himself or herself against criminal (racism) charges likely makes a politician and the party s/he leads criminal (or racist) in voters’ eyes. This is expected to reduce the party’s *legitimacy*, as (racist) crime is widely discredited in contemporary Western societies. Delegitimization reduces an anti-immigration party’s electoral support (cf. Bos and Brug, 2010). Second, prosecution may affect an anti-immigration party’s *effectiveness*. Its organization may suffer from the prosecution of its leader, because of his or her absence, because of all the resources spent on trials, because (potential) followers are deterred from activism in the party (cf. Barkan, 2006: 182; Ingraham, 1979: 32), or – in systems where many parties operate – because other political actors’ reduced willingness to politically cooperate with the party as a result of its leader being discredited as a criminal (cf. Spanje, 2010). The party’s effectiveness, perceived and/or real, may decline as a consequence. For anti-immigration parties, less perceived effectiveness leads to less attractiveness to voters (cf. Bos and Brug, 2010). This is because a voter who wishes to see severe cuts in immigration influx to the country is expected to refrain from voting for an anti-

immigration party if (s)he thinks that prosecution would render such a vote ‘wasted’ in instrumental voters’ eyes.

However, in this article we investigate the effects of a decision to prosecute a politician, not of the prosecution itself. Such decision is not expected to reduce a party’s perceived legitimacy. Concerning party effectiveness, a mere decision to prosecute a politician does not make the politician absent, use up much resources or scare off potential supporters. Similarly, such decision does not prevent other actors from political cooperation. In sum, the theoretical reasons for expecting that prosecution of a politician for hate speech reduces his or her party’s electoral support may apply to prosecution but not to just a decision to prosecute, which is the subject of this article.

On the other hand, hate speech prosecution of a politician may be expected to increase electoral support for his or her party. First, media attention to hate speech prosecution of an anti-immigration politician means free publicity for the politician, which is expected to increase his or her perceived effectiveness (cf. Bos et al., 2010, 2011; Hopmann et al., 2010). The more voters consider an anti-immigration party leader effective, the more successful his or her party (cf. Bos and Brug, 2010). Second, the prosecution may strengthen the link between the politician and the policy issue proposals (s)he is tried for. To the extent that political actors have ‘ownership’ of certain policy issues, i.e. that there are issues they can relatively easily mobilize voters on (Brug, 2004; Petrocik, 1996), this can be an important strength. A stronger association with the issue would allow him or her to more easily mobilize policy-oriented citizens who consider casting an anti-immigration vote. Third, media attention to the hate speech prosecution of an anti-immigration politician means media attention to immigration issues. Media attention to particular issues tends to enhance their importance in voters’ eyes (McCombs and Shaw, 1972). Thus, exposure to media coverage of such prosecution is expected to increase the perceived importance of immigration. Perceived importance of immigration tends to electorally benefit anti-immigration parties precisely because of their ownership of immigration issues mentioned above (Boomgaarden and Vliegenthart, 2007; Walgrave and De Swert, 2004). Fourth, Donselaar (1995: 27, 70, 269) mentions the possibility that prosecuted politicians benefit electorally from portraying themselves as martyrs for freedom of speech. Such an effect is also alluded to by Dutch political commentators, who attributed the PVV’s electoral gains in early 2009 to voters associating Wilders with free speech (Groen and Kranenberg, 2009a, b; Soest, 2009), almost universally valued in established democracies nowadays. These four theoretical considerations apply not only to the prosecution as such but also to a decision to prosecute, which leads us to formulate a first hypothesis.

Hypothesis 1: The decision to prosecute an anti-immigration politician for hate speech will increase electoral support for his or her party.

It would be naïve to think that the effect hypothesized above would be just as strong for all voters. The increase in anti-immigration party support is expected to be moderated by attitudes towards the integration of foreigners and ethnic minorities in the country's dominant culture. The effect is expected to be strongest among voters who agree with the political idea on trial, assimilationists, i.e. voters who are in favour of the assimilation of ethnic minorities into the pre-existing culture. This is because the political idea around which trials of anti-immigration politicians revolve usually concerns criticism of the multiculturalist ideal – at least, politicians are prosecuted following their public expression of such criticism. As a case in point, Janmaat was convicted for publicly stating that ‘as soon as we have the opportunity and the power to do so, we will abolish the multicultural society’.⁶ Thus, the anti-immigration vote should be most positively affected among assimilationist voters. Among multiculturalist voters, anti-immigration party support – as far as it exists – should hardly be influenced, if at all. To the extent that voters act rationally in the sense that they aim to have their preferred policies enacted (Downs, 1957), multiculturalists are not expected to vote for the party – regardless of the politician being prosecuted or not. Thus, we formulate the following second hypothesis:

Hypothesis 2: The decision to prosecute an anti-immigration politician for hate speech will increase electoral support for his or her party more among assimilationist voters than among multiculturalist voters.

The case under investigation

We set out to assess our hypotheses based on the case of the 2009 court decision to prosecute Wilders for hate speech. In 2006, he founded the Freedom Party (PVV) and since then has made many controversial statements, such as ‘I have had enough of the Quran in The Netherlands, just ban that fascist book’ (Berkeljon, 2007). In June 2008, the Public Prosecution Service decided against prosecuting Wilders for these and other statements,⁷ although dozens of reports had been filed against him.⁸ Following a formal complaint from several persons and organizations against this decision, the Amsterdam Court of Appeal overturned the Public Prosecution Service's decision in January 2009.⁹ The resulting trial, starting in October 2010 and ending with Wilders' acquittal in June 2011, was broadcast live on Dutch public television.¹⁰

Did the court decision affect the electoral support for the PVV? Several political commentators argued that Wilders benefited electorally from the court decision (Groen and Kranenberg, 2009b; Soest, 2009). This perception is partly based on results of public opinion polls conducted at the time. Figure 1 displays the PVV's electoral performance since the November 2006 general elections, in which it experienced electoral breakthrough. The dotted line indicates the

PVV's electoral trajectory before the court decision; the solid line denotes its appeal after it. Support is indicated in projected PVV seats in the Dutch national parliament (out of a total of 150 seats), as is common in Dutch opinion polls.

Figure 1 is quite suggestive. The court decision on 21 January 2009 seems to have made its mark on the PVV's electoral trajectory. There is a four-seat bump between the first and second poll in 2009, i.e. between 15 and 27 January. This increase makes it into the top five of the largest increases across the 153 (quite irregular) time-points under investigation. After this first shift, the PVV experienced electoral lift-off, its projected number of seats more than doubling within three months. Moreover, the party's appeal remained structurally higher after the decision than before. The average of the dotted line is 11.9, which corresponds to the PVV's result in the 2006 general election (9 seats), whereas the solid line's average is 24.6, which materialized in the 2010 election (24 seats). The PVV's projected performance fell to pre-decision levels only once in the period since the court's decision.

Data

We had commissioned a survey in December 2008, and by chance this was just before the court decision, which came as a surprise to voters with regard to both timing and content. Concerning timing, for weeks on end there had been no mention of any upcoming court decision in the media in general, let alone on 21 January 2009 in particular.¹¹ Regarding content, experts and insiders expected the court to dismiss the complaint filed against the Public Prosecuting Service's decision.¹² This constitutes a natural experimental setting (Shadish et al., 2002), which we analysed using a panel survey (similar to, e.g., Boomgaarden and De Vreese, 2007; Brug, 2001).

We commissioned TNS-NIPO to conduct a three-wave panel survey of Dutch voters for us just before and shortly after the court decision. From an online panel of 143,809 citizens, a representative sample of 2,400 eligible voters was randomly selected and invited to fill out an online questionnaire before the decision. Of these persons, 1,394 completed the questionnaire (58 percent).

All respondents received a participation request again two weeks later, still before the court decision, of whom 1,127 cooperated once more (81 percent). In addition, a fresh sample was drawn based on gender, age, education, household size and region of residence. A sample of 285 additional respondents was invited to fill out the wave 2 questionnaire, 166 of whom (58 percent) participated.

As soon as the media coverage of the court decision and the following societal debates had drawn to a close, the full sample of 2,400 again received a participation request.¹³ Of all persons in the sample, 1,174 (49 percent) completed the third questionnaire. In total, 976 respondents participated in all three waves, which means that the attrition rate was

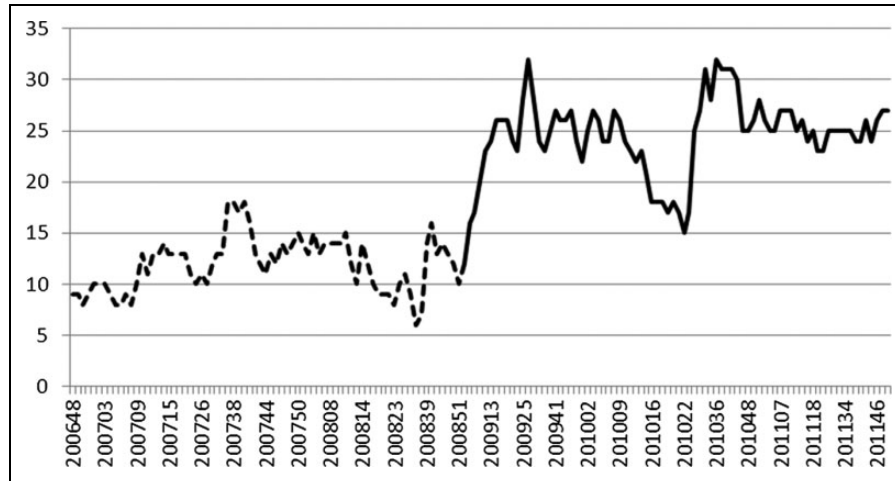


Figure 1. The PVV's electoral performance in opinion polls (in projected National Parliamentary seats), 2006–2011
Source: Politieke Barometer (www.ipsos-nederland.nl).

$(1,394-976)/1,394 = 30$ percent. When compared to the census data from the Dutch electorate, men (48.6 percent in the sample versus 49.4 percent in the population), young voters (28.0 percent versus 34.2 percent) and those with intermediate vocational education (30.9 percent versus 48.0 percent) are underrepresented among the respondents who completed all three waves.

We aim to explain electoral support for Wilders' party, the PVV.¹⁴ We measure the electoral support for the PVV in two ways. Our first dependent variable is the stated intention to vote for the party 'if elections were held today'. Our second dependent variable is the probability of voting for the PVV. This is measured for each voter concerning all relevant parties in her party system. We tapped this likelihood by asking each respondent to rate the probability of ever casting a vote for the PVV on a scale ranging from 1 ('I will never vote for this party') to 10 ('I will surely ever vote for this party'). As the resulting scores reveal a voter's likelihood of voting for all relevant parties in her party system, they provide more information about her considerations concerning the choice she faces at the ballot box than her vote intention (Eijk et al., 2006; Eijk and Franklin, 2009; Eijk and Niemoller, 1983), and are less vulnerable to the small N problems associated with the study of smaller parties such as the PVV. Both dependent variables are measured before (wave 2) and after (wave 3) the court decision. We use both dependent variables in our analyses.

Our key independent variable is knowledge of the Amsterdam Court of Appeal's decision. All effects are assumed to occur among respondents who had some knowledge of the decision, and *not* among respondents who did not know about it when they filled out the wave 3 questionnaire. We measured knowledge of the decision by way of a multiple choice question including a 'don't know' option.¹⁵ The 51 percent of respondents who correctly answered the question qualify as aware of the prosecution

decision. Respondents' immigrant integration position (H2) is tapped by asking them about the extent to which they think that foreigners and members of ethnic minorities should be allowed to live in The Netherlands while preserving their cultural customs and traditions (0), or completely adjust to Dutch culture (10). To make the results more readily interpretable, we split up the respondents in three categories: multiculturalists, moderate assimilationists and radical assimilationists.¹⁶ Control variables include level of education,¹⁷ general political knowledge,¹⁸ general political interest¹⁹ and reported vote for the PVV in the 2006 general election.²⁰ Education, knowledge and interest are conducive to learning about societal events (Price and Zaller, 1993; Zaller, 1992) such as the decision to prosecute Wilders. Similarly, voters who voted for the PVV, or consider a vote for the party, are predicted to be more likely to hear about the court decision of the party's leader. At the same time, lower educated, less knowledgeable and less interested voters are expected to be more likely to cast an anti-immigration vote (e.g. Mudde, 2007), and the same arguably holds for voters with a higher prior probability of voting for the PVV. This suggests that we should hold these factors constant when comparing the aware group to the unaware category. See Table 1 for the descriptive statistics of the variables used in the analysis.

Analysis

We assess our hypotheses in three ways. First, we perform a straightforward difference-in-differences analysis. Second, we use regression analysis. Third, we rerun the difference-in-differences analysis after having applied propensity score matching.

Difference-in-differences analysis (e.g. Angrist and Pischke, 2008) is done step by step. In a first step, support

Table 1. Descriptive statistics of the variables used in the analyses.

	N	Mean	SD	Minimum	Maximum
Vote intention PVV before [wave 2]	1,293	0.06	0.24	0	1
Vote intention PVV after [wave 3]	1,174	0.08	0.28	0	1
Probability of voting for the PVV before [wave 2]	1,221	2.48	2.59	1	10
Probability of voting for the PVV after [wave 3]	1,118	2.85	2.78	1	10
Awareness of the court's prosecution decision	1,174	0.51	0.50	0	1
Moderate assimilationist	1,156	0.49	0.50	0	1
Radical assimilationist	1,156	0.24	0.43	0	1
Level of education low	1,394	0.34	0.47	0	1
Level of education intermediate	1,394	0.39	0.49	0	1
Level of education high	1,394	0.27	0.45	0	1
General political knowledge	1,394	2.99	1.10	0	4
General political interest	1,394	3.90	1.56	1	7
Reported vote for PVV in 2006 general election	1,394	0.05	0.23	0	1

for the PVV among respondents who are aware of the court decision is compared before and after the decision. This gives us the effect among the treated. In a next step, this effect is compared with the trend among the untreated, i.e. the (before versus after) difference in support for the PVV among those who remained unaware of the decision. The resulting difference is the difference-in-differences, which gives us an indication of the effect of being aware of the court decision on support for the PVV. This is no more than an indication, because the result of our difference-in-differences analysis may be plagued by problems associated with selection bias: It is possible that the outcome among the aware systematically differs from the outcome among the unaware regardless of the court decision (e.g. Heckman et al., 1998). There are at least two ways to deal with problems due to selection bias, i.e. performing multiple regression analysis and using propensity score matching before difference-in-differences analysis (e.g. Oakes and Johnson, 2006). In this article, we apply both methods.

In order to perform the *regression analyses*, we first stack the data, creating a dataset with the time-point*-respondent combination as the unit of analysis. These observations are nested within respondents, as each respondent has either one or two values for the dependent variable, measured in wave 2 and wave 3. As it turns out, two observations pertaining to one respondent are more likely to be alike than two observations that pertain to two respondents. This violates the assumption of independent observations that underlies OLS regression analysis. We choose to take this particular structure of our data into account by performing multi-level regression analyses rather than OLS regression analyses (Hox, 2002; Snijders and Bosker, 1999; Steenbergen and Jones, 2002). We estimate two series of six models. Our first two models serve to test whether or not the court decision influenced vote intentions for the PVV in general (H1). Model 1 does not include the control variables while Model 2 does. These controls

are level of education, general political knowledge, general political interest and support for the PVV. After this, our second hypothesis is assessed in four ways: by estimating the effect of the decision among moderate and radical assimilationists, both without controls (Models 3 and 5, respectively) and with controls (Models 4 and 6). These six models are replicated with probability of voting for the PVV instead of vote intention for the PVV as the dependent variable (Models 7–12). In view of the distribution of the two dependent variables (multi-level / rare events; see King and Zeng, 2001),²¹ logistic regression analysis is used in Models 1–6 and (multi-level) linear regression analysis in Models 7–12.

For the *propensity score matching* combined with difference-in-differences analysis (Caliendo and Kopeinig, 2008; Heckman et al., 1998), we first split the respondents into the three subgroups mentioned above: multiculturalists, moderate assimilationists and radical assimilationists. For each respondent, we estimate his or her propensity to receive treatment, i.e. the propensity to become aware of the court decision. We do so by using logistic regression analysis with awareness as the dependent variable and education, general political knowledge, general political interest and probability of voting for the PVV before the decision as independent variables. These independent variables are selected on the grounds that they are theoretically expected to affect both the treatment decision and the outcome (Caliendo and Kopeinig, 2008: 38). In a next step, we match aware and unaware respondents who happen to have similar propensity to receive treatment scores, and we estimate the difference-in-differences by comparing these respondents. We report the results of various matching procedures, as recommended in the relevant literature (Caliendo and Kopeinig, 2008: 45). We employ bootstrapping with 50 replications to obtain standard errors of our estimates, and report values of the AI estimator where bootstrapping might not be valid (Abadie and Imbens, 2006, 2008).

Table 2. Awareness decision to prosecute Wilders and proportion vote intention for the PVV (percentage of electorate).

Integration position	Awareness decision	Before decision	After decision	Difference before/after	Difference in differences
Multiculturalists	Aware (N=139)	1.4	1.4	0.0	-1.8
	Unaware (N=110)	0.9	2.7	+1.8	
Moderate assimilationists	Aware (N=256)	4.3	7.4	+3.1	+3.6
	Unaware (N=230)	3.5	3.0	-0.5	
Radical assimilationists	Aware (N=105)	26.7	29.5	+2.8	-3.6
	Unaware (N=126)	8.7	15.1	+6.4	

Table 3. Awareness decision to prosecute Wilders and mean probability of voting for the PVV (1–10 scale).

Integration position	Awareness decision	Before decision	After decision	Difference before/after	Difference in differences
Multiculturalists	Aware (N=133)	1.49	1.71	+0.22	+0.29
	Unaware (N=102)	1.84	1.77	-0.07	
Moderate assimilationists	Aware (N=250)	2.35	2.89	+0.54	+0.48
	Unaware (N=199)	2.32	2.38	+0.06	
Radical assimilationists	Aware (N=98)	4.43	5.04	+0.61	+0.13
	Unaware (N=103)	3.39	3.86	+0.47	

Results

We first turn to the results of the difference-in-differences analysis. Table 2 illustrates the proportion of voters intending to vote for the PVV before and after the decision by immigrant integration position and by awareness of the decision.

Table 2 suggests a positive effect among moderate assimilationists, which is in accordance with H2. Those moderate assimilationists who were aware of the prosecution decision stated more often a vote intention for the PVV after (7.4 percent) than before (4.3 percent) the decision. Meanwhile, those who did not hear about the decision did not intend to vote for the PVV in larger proportion after (3.0 percent) than before (3.5 percent). Thus, we see a clear shift to the PVV among the aware (+3.1 percentage points) in combination with no such increase among the unaware (-0.5). Based on straightforward difference-in-differences analysis we would estimate that the prosecution decision had a positive effect of $+3.1 - (-0.5) = +3.6$ percentage points on PVV vote intentions in this group. By contrast, the difference-in-differences estimators for multiculturalists (-1.8) and radical assimilationists (-3.6) would be negative.

As already mentioned, vote intentions may not give as much information as the underlying probabilities of voting do. Moreover, the small numbers of vote intentions for the PVV, particularly among multiculturalists, make it difficult to base strong conclusions on the information in Table 2. Let us therefore turn to voters' probability of voting for the PVV. See Table 3 for the mean²² probability of voting scores in the aforementioned subgroups of the electorate.

From Table 3, it appears that there is a positive effect in each of the three subgroups. Just as in Table 2, there is a clear positive effect among moderate assimilationists. On average, moderate assimilationists who had learned about the decision to prosecute Wilders increased their probability of voting for his party by more than half a point (0.54) on the 1–10 scale, up to 2.89. At the same time, the unaware only shifted 0.06 on this scale, up to 2.38. This adds up to a difference-in-differences estimate of $+0.54 - (+0.06) = +0.48$. The estimations among multiculturalists (+0.29) and radical assimilationists (+0.13) are considerably smaller.

Taking Tables 2 and 3 together, we see that among multiculturalists, the decision's small positive effect in terms of probabilities of voting for the PVV does not translate into more vote intentions for the PVV. This is because, notwithstanding the small increase, the probabilities of voting PVV among multiculturalists remain fairly low (less than 2 on a 1–10 scale on average). Most multiculturalists still prefer other parties to the PVV. Among moderate assimilationists, by contrast, the predicted effect is visible in terms of both vote intentions and vote probabilities. Among radical assimilationists, there is a tiny net positive probability of voting effect. However, this effect is overshadowed by the overall probability of voting increase having more impact on vote intention among the unaware than among the aware. This may be because of a type of ceiling effect: The aware radical assimilationists were already supporting the PVV before the court decision in considerably larger numbers (26.7 percent) than their unaware counterparts (8.7 percent).

As the prior difference in PVV support between aware and unaware radical assimilationists might not be the only

Table 4. Explaining vote intention for the PVV, Dutch electorate, December 2008 to February 2009.

	Model 1 b (SE)	Model 2 b (SE)	Model 3 b (SE)	Model 4 b (SE)	Model 5 b (SE)	Model 6 b (SE)
Constant	-7.15*** (0.63)	-10.46*** (1.60)	-7.47*** (0.62)	-10.81*** (1.78)	-8.07*** (0.63)	-10.49*** (1.81)
After	0.80 (0.43)	0.76 (0.48)	1.40* (0.57)	1.59* (0.65)	0.21 (0.62)	0.00 (0.70)
Aware	1.31* (0.57)	0.91 (0.61)	1.97** (0.70)	1.34 (0.84)	0.37 (0.76)	0.29 (0.85)
After*Aware (H1)	-0.26 (0.53)	-0.02 (0.61)	-1.29 (0.70)	-1.30 (0.83)	0.90 (0.80)	1.30 (0.91)
Moderate assimilationist			-0.50 (0.89)	-0.36 (0.97)		
After*Moderate assimilationist			-1.72 (0.94)	-2.28* (1.08)		
Aware*Moderate assimilationist			-1.67 (1.14)	-0.88 (1.26)		
After*Aware*Moderate assimilationist (H2)			2.98* (1.19)	3.38* (1.38)		
Radical Assimilationist					2.18** (0.83)	1.03 (0.94)
After*Radical assimilationist					1.11 (0.86)	1.48 (0.99)
Aware*Radical assimilationist					2.45* (1.11)	1.29 (1.24)
After*Aware*Radical assimilationist (H2)					-1.96 (1.11)	-2.42 (1.30)
Controls	No	Yes	No	Yes	No	Yes
N observations	2,150	1,834	2,150	1,834	2,122	1,824
N respondents	1,174	917	1,174	917	1,156	912
Log-likelihood	-469.43	-263.98	-456.01	-258.09	-423.07	-252.96
AIC	948.86	547.96	930.03	544.18	864.14	533.93
BIC	977.23	603.10	981.09	621.38	915.08	611.05

*Statistical significance at the $p < 0.05$ level (two-tailed).

**Statistical significance at the $p < 0.01$ level (two-tailed).

***Statistical significance at the $p < 0.001$ level (two-tailed).

Control variables included in Models 2, 4 and 6: level of education, general political knowledge, general political interest and probability of voting for the PVV before the court decision (wave 2).

relevant difference between these groups, straightforward comparison might amount to comparing the incomparable. This may contaminate our difference-in-differences analysis results. Another problem with our difference-in-differences analysis is the increase in PVV support among unaware radical assimilationists in the period under investigation. This shift is visible concerning their vote intentions (from 8.7 up to 15.1 percent) and concerning their vote probabilities (from 3.39 to 3.86). This is problematic for our analysis, as the unaware are the control group that is assumed to remain stable in the absence of stimuli. What may have caused this PVV surge is a question that we will turn to in the conclusion to this article.

This brings us to the results of our multi-level regression analysis, where we control for potential contaminating factors. See Table 4 for the results with regard to PVV vote intentions.

In Models 1 and 2 in Table 4, we find no empirical support for our first hypothesis. PVV vote intentions are not substantially more likely among the aware after the court decision. Among moderate assimilationists, by contrast, we see that these probabilities are higher (Model 3), even after controlling for education, knowledge, interest and probability of voting PVV before the court decision (Model 4). The effect reaches conventional levels of statistical significance ($p < 0.05$) in both models. This is in line with our hypothesis that the PVV vote increases more among assimilationists than among multiculturalists (H2). No substantial effect is found among radical assimilationists (Models 5 and 6), however, which is not in accordance with H2. The increase among aware moderate assimilationists amounts to a two-percentage point increase in PVV vote intentions (simulations based on Tomz et al., 2001, not shown). As about a quarter of our representative sample

Table 5. Explaining probability of voting for the PVV, Dutch electorate, December 2008 to February 2009.

	Model 7 b (SE)	Model 8 b (SE)	Model 9 b (SE)	Model 10 b (SE)	Model 11 b (SE)	Model 12 b (SE)
Constant	2.49*** (0.12)	2.08*** (0.33)	2.60*** (0.17)	2.23*** (0.35)	2.25*** (0.14)	2.13** (0.33)
After	0.15 (0.10)	0.17 (0.11)	0.24 (0.14)	0.25 (0.16)	0.04 (0.12)	0.04 (0.13)
Aware	0.07 (0.17)	0.11 (0.18)	0.17 (0.24)	0.21 (0.25)	-0.19 (0.19)	-0.14 (0.19)
After*Aware (H1)	0.31* (0.14)	0.31* (0.15)	0.17 (0.20)	0.17 (0.22)	0.39* (0.16)	0.41* (0.17)
Moderate assimilationist			-0.20 (0.25)	-0.21 (0.25)		
After*Moderate assimilationist			-0.17 (0.21)	-0.15 (0.22)		
Aware*Moderate assimilationist			-0.26 (0.34)	-0.23 (0.34)		
After*Aware*Moderate assimilationist (H2)			0.28 (0.28)	0.27 (0.30)		
Radical assimilationist					0.94** (0.27)	0.72** (0.27)
After*Radical assimilationist					0.48* (0.24)	0.51* (0.25)
Aware*Radical assimilationist					1.33** (0.38)	1.25** (0.39)
After*Aware*Radical assimilationist (H2)					-0.31 (0.33)	-0.37 (0.36)
Controls	No	Yes	No	Yes	No	Yes
N observations	2,035	1,823	2,021	1,811	2,021	1,811
N respondents	1,147	1,021	1,136	1,012	1,136	1,012
Log-likelihood	-4,619.34	-4,067.80	-4,538.60	-4,036.58	-4,525.34	-3,993.45
AIC	9,250.69	8,157.60	9,187.19	8,103.16	9,070.69	8,016.90
BIC	9,284.40	8,218.19	9,243.30	8,185.68	9,126.80	8,099.43

*Statistical significance at the $p < 0.05$ level (two-tailed).

**Statistical significance at the $p < 0.01$ level (two-tailed).

***Statistical significance at the $p < 0.001$ level (two-tailed).

Control variables included in Models 2, 4 and 6: level of education, general political knowledge, general political interest and reported vote for the PVV in the 2006 general elections.

belongs to this group, and no significant effect is found in the other groups, the estimated increase in PVV vote intentions among the population is around half a percentage point.

Turning to the probabilities of voting for the PVV, we see quite different results (see Table 5). In contrast to Table 4, Table 5 shows an across-the-board impact of the court decision. In accordance with H1, we see an increase in PVV vote probabilities, significant at the $p < 0.05$ level (Models 7 and 8). The effect among moderate assimilationists takes away part of this effect but falls short of statistical significance at the $p < 0.05$ level (Models 9 and 10). When replacing moderate assimilationists with radical assimilationists in Models 11 and 12, the H1 effect reappears, while still no impact of the court decision on PVV support among radicals can be traced.

The results of the difference-in-differences analysis after propensity score matching are in line with the results presented above. Significant change in terms of vote intentions took place among moderate assimilationists, whereas

substantial change in terms of vote probabilities was found across the board (see Tables 6 and 7).

The results reported in Tables 6 and 7 provide empirical evidence for H2, albeit with the qualifier that all change pertained not to radical assimilationists, but to moderate assimilationists only. In that group, the positive impact of the court decision on PVV support is significant at the $p < 0.05$ level in most propensity score matching results (see Tables 6 and 7). The effect on PVV vote intentions is 4 to 5 percentage points among all moderate assimilationists (Table 6), which translates into an increase among the entire population of roughly 2 percentage points. With regard to probabilities of voting for the PVV, we can see, just as in the other analyses, an across-the-board increase consistent with H1. This bump varies, according to matching method, from +0.32 to +0.40, and is significant at the $p < 0.05$ level in the undivided sample (not shown). However, when divided up by subgroup, the impact is only significant

Table 6. Estimated effects (change in percent of electorate) of awareness on vote intention for the PVV by subgroup.

	Multiculturalists (N=238)	Moderate assimilationists (N=464)	Radical assimilationists (N=210)
Difference-in-differences without prior matching	-1.8	3.6	-3.6
ATE nearest neighbour matching (all)	0.0 (0.0)	4.7** (1.9)	-3.8 (7.9)
ATE nearest neighbour matching (on support)	0.0 (0.0)	4.8** (1.9)	-5.4 (6.4)
Kernel matching (on support)	-0.4 (2.4)	4.3** (1.6)	-4.7 (5.7)
Local linear matching (on support)	-0.4 (2.0)	4.3* (1.9)	-5.0 (5.1)
Radius (on support)	-1.4 (1.6)	4.2* (1.8)	-4.5 (6.1)

*Statistical significance at the $p < 0.05$ level (two-tailed).
 **Statistical significance at the $p < 0.01$ level (two-tailed).
 AI / bootstrap standard errors in parentheses.

Table 7. Estimated effects (change on 1–10 scale) of awareness on probability of voting for the PVV by subgroup.

	Multiculturalists (N=235)	Moderate assimilationists (N=449)	Radical assimilationists (N=201)
Difference-in-differences without prior matching	0.29	0.48	0.13
ATE nearest neighbour matching (all)	0.24 (0.23)	0.32 (0.26)	0.37 (0.47)
ATE nearest neighbour matching (on support)	0.26 (0.22)	0.32 (0.26)	0.38 (0.47)
Kernel matching (on support)	0.24 (0.28)	0.45** (0.17)	0.48 (0.42)
Local linear matching (on support)	0.18 (0.26)	0.40* (0.17)	0.38 (0.61)
Radius (on support)	0.32 (0.21)	0.46** (0.16)	0.20 (0.39)

*Statistical significance at the $p < 0.05$ level (two-tailed).
 **Statistical significance at the $p < 0.01$ level (two-tailed).
 AI / bootstrap standard errors in parentheses.

among moderate assimilationists and only in some of the analyses (see Table 7).

Conclusion

In this article, a first modest attempt has been made to assess the effects of hate speech prosecution of politicians on their electoral support. We have focused on the case of Dutch MP Geert Wilders, who was unexpectedly on the receiving end of a ruling by the Amsterdam Court of Appeal in 2009 that he should be prosecuted for incitement to racial hatred and discrimination and defamation on the basis of statements about Islam and Muslims. We surveyed a representative sample of the Dutch electorate before and after this unanticipated court ruling, which provided us with a natural experimental setting. Our results suggest that the court decision caused an across-the-board increase in probabilities of voting for the PVV.

In addition, we have found that this increase in vote probabilities translated into a 1–5 percentage points surge in PVV vote intentions among moderate assimilationists – those who would like to see ethnic minorities adapt to Dutch culture and society. Among those who are more radically assimilationist and also among those who feel that minorities should be allowed to preserve their own customs and traditions, the court decision slightly increased PVV vote probabilities without resulting in more PVV vote intentions. This is because many radicals already supported the party, and because many multiculturalists have other parties that they still prefer to the PVV. More generally, the shift in vote probabilities largely occurred among those

who would not normally vote for the PVV and would still not vote for it after the prosecution.

These findings imply that the decision to prosecute Wilders helped him in the electoral arena, both in the short run and in the long run. In the short run, the PVV saw its support increase with an estimated 0.5 to 2.5 percentage points overall, as the 4-seat bump in the public opinion poll (which equals about 2.5 percentage points) also suggests. In the long run, the PVV’s more favourable standing in the polls may have attracted new support based on instrumental considerations regarding party size (e.g. Eijk and Franklin, 1996; Tillie, 1995) or on bandwagon effects (e.g. Hardmeier and Roth, 2003). This may have led to the better polling results, which, in turn, may have invited new support – resulting in the party spiralling up in a virtuous circle. This appears to have happened to the PVV in the three months immediately following the court decision, when it more than doubled its seat numbers in the polls. In the long run, the gains did not fade away; they persisted. This may be linked to the first-mentioned effect of the court ruling: the across-the-board increase in probabilities of voting for the PVV. As an illustration of this impact, the share of respondents that ‘will never vote for the PVV’ decreased among the aware in all three subgroups. This drop, most pronounced among aware moderate assimilationists (from 66.4 percent to 56.4 percent), substantially enlarged the pool from which the PVV recruits its voters.

Our finding that the shift was largest among moderate assimilationists suggests that the court decision’s effect was related to immigration policy (H2 supported). The evidence for H2 lends support to the idea that voters, including

PVV voters, care about substantive concerns such as immigration policy. After all, among those who switched to the PVV after hearing about the prosecution there were disproportionately many who agree with the party in terms of immigrant integration. This adds to the body of knowledge on the vote for anti-immigration parties (Brug and Fenema, 2003; Brug et al., 2000, 2005; Ivarsflaten, 2008). Yet, there are indications that the decision also affected some multiculturalists. This suggests that other factors, such as attitudes towards free speech, played a role as well (cf. Groen and Kranenberg, 2009a, b; Soest, 2009). In any case, hate speech prosecution clearly can influence anti-immigration party support. Future research should assess the extent to which other anti-immigration parties were electorally affected by such prosecution, and investigate the causal mechanisms underlying these electoral effects. In addition to voter, party, country and media characteristics, legal responses to anti-immigration parties may be a substantial factor explaining anti-immigration party performance in Western democracies.

To what extent can we generalize our findings to other cases? We have to be careful on this point, because our study only involved a decision to take a politician to court – and not, for example, a trial. Furthermore, this case has particularities that may prove crucial for the effects found. For example, Wilders had already established himself as a powerful politician by the time it was decided that he was to stand trial. He had already obtained much legitimacy and visibility and received more media attention than most other Dutch politicians (Schaper and Ruigrok, 2011). In addition, his party already held nine seats in the national parliament. It is perfectly possible that the impact of prosecution is very different for politicians on the fringe, such as Günter Deckert²³ in Germany and Joop Glimmerveen²⁴ in The Netherlands, as the effects of prosecution may depend on the politician targeted and the situation s/he is in (Barkan, 2006; Friedman, 1970; Kirchheimer, 1961). Other relevant factors may include the nature of the politician's statements, of the charge and of the outcome of the trial, and the popularity of the accused before his incrimination (cf. Friedman, 1970). Future research on this topic should take into account the role of the media as well. The electoral gains the PVV made may partly have been due to increased media attention to the party and the issues it 'owns'. An indication for this is that the PVV's support also soared among the unaware.²⁵

On a final note, the impact that the court decision had on the PVV's electoral fortunes may have been consequential. The 2010 general election resulted in just enough seats for the PVV to support a right-wing minority government. If no such decision had been taken, the party might have won fewer seats in 2010. In that case, Wilders would neither have been kingmaker nor main government supporter after that election. Thus, ironically, those who appealed to the Amsterdam Court of Appeal against the decision not to

prosecute Wilders seem to have set in motion a chain of events that has paved his way to power.

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Notes

1. Brussels Court of Appeal, 18 April 2006.
2. Amsterdam Court of Appeal, 21 January 2009.
3. E.g. Criminal Appeal Court, 20 October 1986.
4. E.g. Berlin-Tiergarten Court, 24 April 2009.
5. E.g. Arnhem Court of Appeal, 29 December 1997.
6. Dutch Supreme Court, 18 May 1999.
7. Dutch newscast *NOS Journaal*, 30 June 2008.
8. Dutch weekly *Elsevier*, 15 August 2007.
9. Amsterdam Court of Appeal, 21 January 2009.
10. Amsterdam Court, 23 June 2011.
11. A media content analysis based on Lexis-Nexis data 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.
12. As was revealed by a TV documentary about the Wilders' trial, see <http://www.human.nl/ep-43326-het-proces-wilders>.
13. The specific fieldwork days were: 29 November to 4 December 2008 (wave 1), 13–17 December 2008 (wave 2), and 13–19 February 2009 (wave 3).
14. We do not ask for a vote for Wilders, as Dutch electors are used to voting for parties rather than candidates (e.g. Andeweg and Irwin, 2009). In practice, a vote for Wilders equals a vote for the PVV, as Wilders is the party's founder and all-time leader. Indeed, he is the party's only member, and holds all power within the party (e.g. *NRC Handelsblad*, 21 April 2007). As a result, about 95 percent of the votes that the PVV received in the 2010 elections to the national parliament were cast for Wilders as opposed to any other PVV candidate (see www.verkiezingsuitslagen.nl) – notwithstanding one PVV candidate's decision to campaign on his own (e.g. *Trouw*, 14 May 2010).
15. The question was: 'What did the Amsterdam Court of Appeal rule in the Geert Wilders' case? Five multiple choice optional answers to this question were listed, as well as a don't know option. The correct answer was 'The Amsterdam Court of Appeal ordered the prosecution of Mr Geert Wilders for incitement to racial hatred and discrimination and for defamation'.
16. Multiculturalists are respondents scoring 6 or lower on the 0–10 ethnic minorities integration scale, moderate assimilationists score between 6 and 10; radical assimilationists are positioned at 10. This question was asked in wave 3 of the survey.
17. Level of education followed, regardless of whether completed or not. Three categories were used: low (LO, LBO, MAVO), intermediate (MBO, HAVO, VWO) and high (HBO, WO-kandidaats, WO-doctoraal).

18. The 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' current job?' Five multiple choice options were given and a don't know option in addition. The correct answers were 'CDA', 'CDA', 'Gerdi Verbeet' and 'Minister of Finance'.
19. Respondents could indicate their answer to the question 'How little or how much interest do you have in political issues?' on a scale running from 'Very little' (1) to 'Very much' (7).
20. This is individual-level information. Most of our respondents had already been in the database used by TNS-NIPO at the time of the 2006 general election, and had been asked right after that election what they had voted.
21. In view of the distribution of the vote intention dependent variable, rare events logistic regression would be more appropriate than ordinary logistic regression. However, our conclusions do not substantially change when using (one-level) rare events logistic regression, which suggests that our findings are not strongly affected by the particular distribution of the vote intention dependent variable (results available upon request).
22. In view of the skewedness of the probability of voting for the PVV both before (1.67) and after (1.33) the court decision, the median may be more informative than the mean of these distributions. Taking the median instead does not substantially change our findings, however (results available upon request).
23. E.g. Mannheim State Court, 13 November 1992.
24. E.g. Amsterdam Court of Appeal, 11 September 2003.
25. Certainly, the PVV surge was not due to the demise of the PVV's competitor TROTS, which had already gone down in the polls from 24 seats in June 2008 to 5 seats in December 2008. The PVV's rise in the polls may, however, partly have been 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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