

Could Populism Be Good for Constitutional Democracy?

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Abstract

Populism is Janus-faced. There is not a single form of populism but rather a variety of different forms, each with profoundly different political consequences. Despite the current hegemony of authoritarian populism, a much different sort of populism is also possible: democratic and antiestablishment populism, which combines elements of liberal and democratic convictions. When we examine the relationship between populism and constitutional democracy, populism should not be considered in isolation from its host ideology. Examples of democratic, liberal, socially inclusive forms of populism quite clearly show that authoritarianism and anti-pluralism are not necessarily the key elements of populism. However, the paucity of democratic populism also suggests that we have to look at factors other than ideology to understand why nativist and authoritarian populism currently dominates the political scene. Without understanding the political economy of the populist revolt, it is difficult to understand the true roots of populism and, consequently, to devise an appropriate democratic alternative to authoritarian populism. The ascendancy of right-wing nationalist populism today is a symptom of the failure of progressive politics.

INTRODUCTION

There is a tendency in current constitutional thinking to reduce populism to a single set of universal elements. These theories juxtapose populism with constitutionalism and argue that populism is by definition antithetical to constitutionalism (Galston 2018; Kaltwasser 2013, pp. 2–3; Mounk 2018; Müller 2016; Rummens 2017). Populism, according to this view, undermines the very substance of constitutional (liberal) democracy (Halmai 2018, Müller 2017). By attacking the core elements of constitutional democracy, such as independent courts, free media, civil rights, and fair electoral rules, populism by necessity degenerates into one or another form of nondemocratic and authoritarian order (Pappas 2019).

In this article, I argue that such an approach is not only historically inaccurate but also normatively flawed. There are historical examples of different forms of populism, like the New Deal in the United States, which did not degenerate into authoritarianism and which actually helped American democracy to survive the Great Depression of the 1930s. Looking at the current populist map, we can also find examples of such democratic populists, who seek to protect and defend democracy by making it more responsive, equitable, and inclusive (Norris & Inglehart 2019). Hence, it is wrong to argue that there is something intrinsic to populism, which makes it incompatible with constitutionalism. As Fishkin & Forbath argue, many populist movements in the United States contributed to the creation of the “antioligarchy” concept of constitutionalism, which sought to empower and protect the democratic nature of the American constitution (Fishkin & Forbath 2014, Fontana 2018, Tushnet 2019). In the same way, Ackerman (1991) has argued that the key founding moments of American constitutionalism are best defined as episodes of democratic populist constitutionalism. If the combination of populism and constitutionalism “sounds odd especially to an European ear” (Corso 2014, p. 444), populist constitutionalism has a strong resonance among many prominent American constitutional scholars (Ackerman 1991, Kramer 2004, Parker 1994, Tushnet 1999).

We must therefore distinguish between the two different faces of populism: the authoritarian and the emancipatory (Canovan 1999, Dix 1985). Whereas the former contradicts the key principles of modern democratic constitutionalism, the latter seeks to resuscitate the same principles from the grip of the unaccountable “moneyed elites” allegedly threatening to undermine the very nature of a democratic republic. For Arendt, “these episodes of collective self-assertion are invariably fleeting and stand in tension with the need for a more stable constitution of collective freedom, embodied in the rule of law, and representative institutions” (Miller 2018, p. 11), and thus represent “a constitutive feature of the modern democratic project” (Miller 2018, p. 11). To label them “populist” in a pejorative sense is to misunderstand this inherent instability of the democratic project (Miller 2018, p. 11). As Miller (2018, p. 11) argues, populist “outbursts are essential to the continued vitality, and viability, of modern democracy—even as (and precisely because) they challenge the status quo, destructive though that challenge may be.”

Populism is Janus-faced. There is not a single form of populism but rather a variety of different forms, each with profoundly different political consequences. Populism always coexists with a variety of different host ideologies, which significantly influence how populism affects democracy. As more recent empirical studies of effects of populism on constitutional democracy show, the picture is mixed: Populism has both negative and positive consequences for democracy (Hawkins & Kaltwasser 2017). Although it is clear that certain instances of authoritarian nationalist populism lead to democratic backsliding and breakdown, it is also true that democratic populism can foster democratization. As a result, “despite the fact that there are good reasons for worrying about the rise of populism, scholars are probably putting too much emphasis on the downsides and thus not considering potential positive effects of populist forces” (Hawkins & Kaltwasser 2017, p. 531). The

limits of the dominant approach, which defines populism in a singular “generic” form, lie precisely in neglecting to analyze the impact of host ideologies on the electoral appeal of various populist forces. Once we couple populist discourse with (host) ideology, we see a much more complicated pattern of interrelationship between populism and constitutional democracy: Populism comes in different versions, with quite different impacts on constitutionalism and the rule of law. Hence, despite the current hegemony of authoritarian populism, a much different sort of populism is also possible: democratic and antiestablishment populism, which combines elements of liberal and democratic convictions (Ackerman 2019, Blokker 2019, Bugaric 2019, Fontana 2018, Halmai 2019, Harcourt 2019, Tushnet 2019).

We live in an age of populist resentment against the liberal international order and its core constitutional form: liberal constitutional democracy (Ikenberry 2018, Luce 2017, Zielonka 2018). The populist surge is global. Political parties; movements; or leaders such as Trump, Kaczyński, Orbán, Erdoğan, Putin, Salvini, Morales, Maduro, Le Pen, and Wilders, to name just a few, claim to be the sole “true” representatives of their peoples against the corrupt elites (Judis 2016, Mudde & Kaltwasser 2017).

Authoritarian populism is in vogue today. What is peculiar about the current populist surge is the dominance of authoritarian over democratic flavors of populism. The authoritarian populists not only attack policies that are based on core institutional pillars of this order but quite often also challenge the very foundations of liberal order as such.

How is it that nativist, authoritarian populism has become so powerful? We need to be able to explain authoritarian populism better than we do, via a political economy explanation; otherwise, we will not be able to respond. The populist backlash in essence represents a delayed Polanyian response to the destructive forces of the unfettered logic of free markets (Goldmann 2017, Kuttner 2018). As Polanyi (2001) demonstrated in his book *The Great Transformation*, when markets become “dis-embedded” from their societies and create severe social dislocations, people eventually revolt. In many countries, populist parties are the only ones to argue that there exists a real alternative. They protest against the “consensus at the center” among the center-right and center-left around the idea that there is no alternative to neoliberal globalization. Although not disputing that other causes of populism may also be important, such as increased immigration or the politicization of immigration issues, I argue that economic causes related to globalization and its profound destabilizing effects on jobs, inequality, dislocation, security, and social esteem are central to understanding the rise of populism in Europe and North America after 2008 (Rodrik & Sabel 2019).

Moreover, as Rodrik (2018b) argues, the economic anxiety and distributional struggles exacerbated by globalization “generate a base for populism, but do not necessarily determine its political orientation.” In other words, the “objective conditions” of the world economy do not automatically translate into populist platforms. It is the populist leaders and their organizational resources that, through their ideologies and policies, determine the narratives and directions of populist programs.

A nationalist, authoritarian populism, combined with either economic protectionism or almost left-wing-oriented social policy, promises to protect the ordinary people abandoned by the liberal elites. With the eruption of the migration crisis in 2015, such socially oriented xenophobic nationalism provided an ideal fit connecting the demand- and supply-side factors and driving increasing numbers of voters away from the political center to more right-wing extremes. As the mainstream center-left discredited itself with its unrelenting pursuit of neoliberal reforms, the populist parties could claim to fill the void left by other mainstream political parties. In the words of Mudde (2016, p. 25), “The populist surge is an illiberal democratic response to decades of undemocratic liberal policies.”

IS POPULISM (ALWAYS) ANTITHETICAL TO CONSTITUTIONALISM?

In its broadest sense, populism is an ideology or political movement that “considers society to be ultimately separated into two homogeneous and antagonistic groups, the pure people versus the corrupt elite, and which argues that politics should be an expression of the *volonté générale* (general will) of the people” (Mudde 2004, p. 543). Populism seeks to speak in the name of the common people. Its distinctive features are the prioritization of popular sovereignty, direct democracy, and a strong emphasis on anti-elitism. Beyond these shared common features, populism emerges in a variety of forms. Although populism is hostile to elites, it is also vague and moralistic and as such quite easily instrumentalized by almost any type of ideology, both left and right. Following Taggart’s (2000, p. 4) definition of populism, I argue that populism is chameleonlike, ever adapting to the colors of its environment. It has no core values and a very thin ideology. Hence, there exist several rather different varieties of populism: agrarian, socioeconomic, xenophobic, reactionary, authoritarian, and progressive (Canovan 1981; Gidron & Bonikowski 2013; Mudde & Kaltwasser 2013, pp. 495–98). To fully understand the logic of the different populisms, we have to approach them as socially and historically contingent categories. Besides the global factors mentioned earlier, we also have to study local conditions and factors, which help explain a variety of forms that populist movements assume. As Grzymala-Busse (2017) argues, rather than analyzing populism per se, we should recognize that it takes a variety of guises.

Curiously enough, despite the variety of forms that populism can assume, there is a tendency in current constitutional thinking to reduce populism to a single set of universal elements. These theories juxtapose populism with constitutionalism and argue that populism is by definition antithetical to constitutionalism (Halmai 2018). Populism, according to this view, undermines the very substance of constitutional (liberal) democracy.

According to Müller, populism has an “inner logic” that consists of two essential elements. The first key ingredient of populism is moralized anti-pluralism. According to Müller (2016, p. 20), populists are not only anti-elitist but also always anti-pluralist. Leaders like Orbán, Kaczyński, and Trump claim that “they, and they alone, represent the people.” In their worldview, there are no opponents, only traitors. The opposition leaders are delegitimized through being cast as caring not about ordinary Polish or Hungarian or American citizens but only about the interests of various liberal elites. Hence, on Müller’s reading, populism’s essential trait is a rejection of pluralism.

The second element, the noninstitutionalized notion of the people, means “that the populist asserts or assumes that there is a singular and morally privileged understanding or will that has not been manifest through the formal structures of democratic choice” (Huq 2018, p. 1123). The role of the populist leader is to do what the people want. The formal structures of liberal democracy have to be put aside if they are preventing the populist leader from fulfilling his role. Populist leaders distrust all the traditional institutions of liberal democracy that stand between them and the wishes of the people. As a result, many of the populist parties openly flout the rule of law and explicitly reject the values of liberal democracy. A corollary of this element is the strong personalization of power, reflected in the fact that strong leaders like Orbán and Kaczyński have managed to concentrate almost unlimited political power in their hands.

Portrayed in this way, populism becomes almost identical to authoritarianism and dictatorship. The hallmarks of populist style in power are colonization of the state, mass clientelism and mass corruption, and the systematic repression of civil society (Müller 2016, pp. 44–48). It is no surprise, then, that Müller (2016, p. 11) views populism essentially as “a permanent shadow of modern representative democracy, and a constant peril.” In light of the particular type of populism that has evolved in East Central Europe (ECE), most notably in Hungary and Poland, most of Müller’s claims seem accurate. The new authoritarian populism in ECE differs from other

populisms because it combines the elements of populism, ethno-nationalism, and authoritarianism. The authoritarian populists in Hungary and Poland have successfully institutionalized, through legal reforms, a new version of semi-authoritarian regime, which is halfway between “diminished democracy” and “competitive authoritarianism” (Collier & Levitsky 1997, Levitsky & Way 2010). Following a similar script, which consists of sustained attacks on rule-of-law institutions, civil rights and freedoms, the media, and electoral rules, both leaders in a relatively short period of time dismantled almost all the key cornerstones of democracy and the rule of law in Hungary and Poland (Ekiert 2017). However, although Müller’s definition accurately captures the “inner logic” of one particular type of populism, authoritarian populism, it leaves out many other possible types of populism, which do not necessarily share the same characteristics.

In his critique of Müller, Bonikowski (2017) argues that populist claims need not lead to authoritarian governance and that authoritarianism can rely on a variety of other legitimating discourses besides populism. Furthermore, Bonikowski (2017, p. 190) points out that “populism has also been employed by mainstream politicians who operate within the constraints of democratic institutions. And even when populist movements have radical origins, the resulting political outcomes can be benign with respect to democratic stability.” In this vein, Bonikowski mentions the People’s Party in the United States and the Brexit campaign in the United Kingdom. D’Eramo (2017, p. 129) and Steinmetz-Jenkins (2017, p. 188) criticize Müller’s definition of populism for excluding a figure like Bernie Sanders from the ranks of the populists. Tushnet (2018, p. 639) offers the most trenchant critique of such a “generic” approach to populism:

Most academic writing has focused on the right-wing versions. That writing generates critiques of what the authors describe as generic populism, critiques that the authors then apply to left-wing populism. It seems to me, though, that the critiques are mostly concerned with the “right-wing-ness” of the object of study, but present themselves in politically neutral terms—presumably because direct political criticism would seem unscholarly.

In a similar fashion, Frank (2018) criticizes Mounk (2018) and Galston (2018), who in their accounts of populism almost completely ignore other historical versions of populism. Frank lists several historical figures associated with progressive and democratic populism in the United States: Andrew Jackson, the Populist Party, and Franklin D. Roosevelt. Frank also reminds us of an alternative definition of populism, offered by historian Goodwyn; in the opening statement of his book, *The Populist Moment*, Goodwyn (1978) argues that “This book is about the flowering of the largest democratic mass movement in American history. It is also necessarily a book about democracy itself.” For Goodwyn, populism represented “a vision of democratic participation that was actually more advanced than what we settle for today. Far from being a threat to democracy, Populism was democracy’s zenith” (Frank 2018).

Building on this tradition of democratic populism, Rodrik (2018a) argues that economic populism, which puts the people’s interest before the interests of autonomous regulatory agencies, independent central banks, and global trade rules, can sometimes be justified:

In such cases, relaxing the constraints on economic policy and returning policymaking autonomy to elected governments may well be desirable. Exceptional times require the freedom to experiment in economic policy. Franklin D. Roosevelt’s New Deal provides an apt historical example. FDR’s reforms required that he remove the economic shackles imposed by conservative judges and financial interests at home and by the gold standard abroad.

In line with Rodrik’s position, Howse distinguishes the policies of good (economic) populism from bad (political) populism. The policies of good populism, according to Howse (2019), “will

be consistent with inclusion and pluralism -on the economic side, as Rodrik suggests, these would be New Deal-like initiatives that tax and regulate the wealthy, large businesses, but all the while allowing them to participate and continue to thrive in the polity.” Moreover, Howse identifies Bernie Sanders’s proposal to redistribute wealth without being confiscatory, to constrain the excesses of contemporary financial capitalism, to not nationalize the financial system, and to replace private with public capitalism as belonging to this version of good/economic populism. Moreover, Sanders

views the political arena as a battle of opposing classes (even more than Elizabeth Warren, he really does seem to hate the rich), but believes that their conflicts can be managed through elections and legislation. What Sanders calls a political revolution is closer to a campaign of far-reaching but plausible reforms. (Packer 2015)

In other words, rather than being a threat to constitutionalism, Sanders’s version of democratic populism seeks to work within the legal constraints of constitutional democracy.

Looking at the current populist map, we can also find examples of democratic populists who seek to protect and defend democracy by making it more responsive, equitable, and inclusive. Norris & Inglehart (2019, p. 12) argue that

populist parties, leaders and social movements with more liberal values are less common as a type but their support has also grown in recent years in several European states. These typically blend populist discourse railing against corruption, mainstream parties and politicians, capitalism combined with the endorsement of socially liberal attitudes, left-wing economic policies and participatory styles of engagement.

This category includes Spain’s Podemos party; Greece’s SYRIZA; the Left party in Germany; the Socialist party in Netherlands; and Bernie Sanders, Elizabeth Warren, and Alexandria Ocasio-Cortez in the United States. These examples of democratic, liberal, socially inclusive forms of populism quite clearly show that authoritarianism and anti-pluralism are not necessarily the key elements of populism. Despite the current hegemony of authoritarian populism, a far different sort of populism is possible: democratic and antiestablishment populism, which combines elements of liberal and democratic convictions. Nevertheless, the list of examples of democratic populism is not meant to suggest that this form of populism is an exclusive domain of the political left. Because the radical right usually combines populism with nativism and authoritarianism (Mudde 2007), we are simply empirically less likely to find this kind of populism (democratic) among the radical right-wing parties. As Bonikowski & Gidron (2016) show, populism has also been employed by mainstream politicians who operate within the constraints of democratic institutions. Moreover, the radical left populism is, like its radical right counterpart, not immune to anti-liberal and authoritarian tendencies (Adler 2019, Beppler-Spahl 2019, Müller 2019, Weyland 2013). In the next section, we turn to more recent empirical studies to see which factors and circumstances make different forms of populism more or less compatible with constitutionalism and the rule of law.

IS POPULISM A THREAT TO OR CORRECTIVE FOR CONSTITUTIONAL DEMOCRACY?

Although the populist surge has become global, our knowledge about its political and legal implications remains anecdotal and contradictory. As Mudde & Kaltwasser (2017, p. 79) argue, the dominant and conventional position stipulates that populism constitutes “an intrinsic danger to democracy.” Nevertheless, there are also some dissenting voices, which argue that populism is “the

only true form of democracy” (Mudde & Kaltwasser 2017, p. 79). Despite the hegemony of the conventional position, Mudde & Kaltwasser (2017, p. 79) claim that populism can work as either a threat to or corrective for democracy. Moreover, they maintain that depending on its electoral power and the context in which it arises, populism can work in many different directions. Although Mudde & Kaltwasser’s position represents a significant sophistication of the conventional position, however, it still does not give us a conclusive, empirical assessment of legal and political implications of the populist rule.

For the first time, based on several separate research projects, we have systematic comparative evidence about what happens to democracy when populists come to power (Allred et al. 2015, Houle & Kenny 2018). Although conducted in different contexts, these studies point to striking similarities regarding how populists undermine democracy. The first study (Houle & Kenny 2018), using data on 19 Latin American states from 1982 to 2012, finds that populist governments erode institutional and legal constraints on executive power. The second study, analyzing the impact of populist rule on liberal democracy in Europe and the Americas in the twenty-first century, comes to very similar conclusions (Allred et al. 2015). They argue that four essential elements of liberal democracy come under populist attack. The first includes essential checks and balances on the executive branch, such as legislatures, courts, electoral agencies, central banks, and ombudsmen. Populists systematically evade and override these checks on executive power. Houle & Kenny (2018), for example, find that after four years of populist rule, courts have 34% less independence than they would have under a typical democratic government. The next target of populists is the free media. Populists do not like criticism from the media, which they see as elite subversion of the will of the people, and they frequently threaten or restrict media outlets. The third plank of liberal democracy that comes under populist attack is civil rights and liberties. The studies found that two terms of populist rule resulted in a 9% decrease in this sphere, measured by the standard index of civil liberties. The last element of liberal democracy to suffer under populist rule is the quality of elections. Populists both change and violate these rules for their own political advantage.

When compared with these general patterns of subversion of liberal democracy around the world, the Hungarian and Polish cases look very familiar. Populist governments in Budapest and Warsaw have largely been following the pattern described in the two studies.

The populists’ disdain for the rule of law has manifested itself most forcefully in the form of attacks against constitutional courts. During the first quarter-century after the collapse of communism, constitutional courts became the region’s primary defenders of the rule of law. Because of the distrust of ordinary judges, many of them tainted by their service in the communist regime, constitutional courts became the centerpiece of the protection of the rule of law. But, in a centralized model of judicial review, only constitutional courts had the power of judicial review of legislation. That made the constitutional courts an easy target for the populists determined to dismantle the “undemocratic” rule of elite, liberal judges.

In Hungary and Poland, the new populist governments managed with relative ease to render the courts toothless by packing them with loyalists and curtailing their independence. The populists understood very well that by displacing the constitutional court, the core of the rule of law, they removed the major obstacle to the fulfillment of their aspirations. In Hungary, the parliament passed several amendments to the constitution to dismantle the court. The once powerful and highly respected court for the moment disappeared from the political scene (Bankuti et al. 2012, p. 140). In Poland, Prime Minister Beata Szydło’s new administration packed the Constitutional Tribunal with sympathizers and raised the majority needed to pass tribunal judgments substantially: Rulings now have to be approved by a two-thirds majority, making it almost impossible to annul Law and Justice Party-backed legislation (Konieczny 2016, Sadurski 2019). Moreover, the

so-called Repair Act on the Constitutional Tribunal, as the new amending law has been ironically named, seems to be custom-made to paralyze the court. Cases will have to wait in a docket for at least six months before they can be decided. As a result of all of these changes, the Constitutional Tribunal “as a mechanism of constitutional review has ceased to exist: a reliable aide of the government and parliamentary majority was born” (Sadurski 2018, p. 35).

After neutralizing the constitutional courts, the populist governments continued their legal revolution with attacks on lower (regular) courts. By lowering the judicial retirement age, Orbán first removed most of the presidents of the courts and then replaced them with judges more to his liking. Similarly, the Polish government prepared three bills, recently adopted by the Sejm, which aim to control and capture the Supreme Court and the vast majority of other regular courts (Sadurski 2019).

At the same time as they mounted their attack on the judiciary, the populist governments in both countries engineered a radical transformation of the public media into a government mouthpiece. First, they changed the structure and personnel of key regulatory agencies, and second, they presided over an influx of party loyalists into public mass media outlets. Moreover, with all public media, the second-largest private TV channel, and several online and print outlets (including at least eight regional newspapers) in the hands of government allies, progovernment media is dominating the market (Freedom House 2017). On top of that, the most controversial part of this acquisition process was the shutdown of the newspaper *Népszabadság*, Hungary’s leading critical daily (Freedom House 2017). In Poland, the takeover of the media market reached “only” the first phase (colonization of the state media), whereas a more radical takeover of the entire media market has only begun (Freedom House 2017).

Rather than attacking civil rights and liberties directly, both governments use an indirect legalistic approach, adopting problematic measures “concealed under the mask of law” (Varol 2015, p. 1673; Dobson 2012, Landau 2015) to advance their versions of “autocratic legalism” (Corrales 2015). Some of these laws undermine civil rights and liberties indirectly, some directly. A typical example of the first group is the so-called Lex CEU, which pretends to be a neutral piece of legislation but in fact disproportionately targets one specific academic institution (Central European University, or CEU) and has one goal and one goal only: to push the CEU out of the country (Halmai 2017). However, certain laws attack civil rights very directly. The most notorious examples are so-called lex Gross in Poland, which until amended under international pressure made it a crime to accuse “the Polish nation” of complicity in the Holocaust or any “Nazi crimes committed by the Third Reich,” punishable by three years in jail (Sadurski 2018, p. 52), and the so-called Stop Soros laws in Hungary, which, if enacted, would make the work of nongovernmental organizations that look after refugees difficult if not impossible (Zalan 2018).

Even if Hungary and Poland are not yet authoritarian regimes, the combined effects of the described attacks on the four pillars of liberal democracy show strong signs of a slide into authoritarianism. Moreover, both cases confirm that democracies today die slowly and incrementally: The most pervasive form of democratic decay today is constitutional retrogression that usually unfolds from “slow, incremental, and endogenous decay as opposed to the rapid external shock of a coup or an emergency declaration” (Ginsburg & Huq 2018), which are the most frequent forms of authoritarian reversion.

Despite the fact that the Law and Justice government almost perfectly mimics the script used by Orbán, Poland is not yet Hungary. First, Orbán has been successful in capturing all four essential ingredients of constitutional democracy. The Polish populists, however, have made extensive progress in capturing only some, but not all, rule-of-law institutions and the media, whereas most civil rights and liberties and the fairness of the electoral system still remain in place (Sadurski 2019). Moreover, Law and Justice has only a small parliamentary majority and not the

supermajority needed for a Hungarian-style constitutional rewrite. Furthermore, whereas Orbán has been in power for two consecutive four-year terms, Kaczynski's reign started only in 2015.

The case of Poland, where the opposition to the new populist government is stronger than in Hungary, and where the new government has not fully yet dismantled all the bulwarks of the rule of law, thus represents only an unfinished version of authoritarian populism (Ekiert 2017). As Foa & Ekiert (2017) show, Polish civil society has traditionally been the strongest in the region. Although heading in the direction of the Hungarian model, the Polish case can hardly be described as a nondemocratic regime. This is also reflected in a Freedom House (2018) report, in which Hungary now has the lowest ranking in the Central European region and is considered a "semi-consolidated" democracy. Poland's score reached its lowest point in the survey, but the country remains a "consolidated democracy."

If the Hungarian and Polish cases almost entirely confirm the findings of the two empirical studies, many other more recent populist cases reveal a much more complicated picture concerning the effects of populism on liberal democracy and the rule of law. Moffitt (2017, p. 112), for example, argues that

a number of contemporary cases of populist radical right parties from Northern Europe complicate this characterization of populism: rather than being directly opposed to liberalism, these parties selectively reconfigure traditionally liberal defences of discriminated against groups—such as homosexuals or women—in their own image, positing these groups as part of "the people" who must be protected, and presenting themselves as defenders of liberty, free speech and "Enlightenment values."

Although Moffitt (2017, pp. 118–19) agrees that such a move toward what he calls "liberal illiberalism" is often driven by the opportunistic populist agenda to put a more acceptable face on otherwise illiberal politics, he also emphasizes that it is "misguided to portray populism as the direct opposite of liberalism." Moreover, drawing a comparison with nationalist populism in ECE, Brubaker (2017) shows how ethno-nationalism in Northern and Western Europe has shifted from nationalism to "civilizationism." This shift has been driven by the notion of a civilizational threat from Islam and has given rise to Identitarian "Christianism," which internalizes liberalism, secularism, philosemitism, gender equality, gay rights, and free speech as "an identity marker of the Christian West vis-à-vis a putatively intrinsically illiberal Islam" (Brubaker 2017, p. 1208). In ECE, in contrast, ethno-nationalism remains fundamentally nationalist and deeply illiberal. As a result, the ECE version of nationalist populism externalizes liberalism, "construing it as a non-national and even antinational project that subordinates the interests of the nation to foreign capital, on the one hand, and to foreign models of multiculturalism, Roma rights, LGBT rights, and refugee protection, on the other hand" (Brubaker 2017, p. 1208). The Italian populist coalition between the League and the Five Star Movement is a good example of described complexity and ambiguity of populism in power. Although Matteo Salvini, the influential leader of the League and Italy's interior minister, has managed to pull Italy to the far right, his "liberal illiberalism" has hardly undermined the key pillars of Italian liberal democracy, at least so far. As Corso argues, the Italian case clearly defies the characterization of populism as inherently opposed to liberal constitutionalism (L. Corso, unpublished manuscript). As she shows, the Five Star Movement and, to a lesser extent, the League seem largely to support the rule of law. One of their key electoral promises from the coalition contract stresses the importance of a depoliticized judiciary and proposes to introduce a prohibition against magistrates who have run for political elections maintaining their office in court (L. Corso, unpublished manuscript). Austria, a second Western European country with a populist coalition in power, also offers an example of populist government that has not directly attacked the key pillars of liberal constitutionalism. There have been no attacks on the independent judiciary or legislative branch of government.

Both the Italian and Austrian populist governments have been in power for only a year or so. Therefore, we should be careful before giving a definitive assessment of their policies and institutional outcomes. In Italy, the League has become the single most popular party, its support has risen to new record heights, and nobody knows how these new circumstances are going to affect its attitudes toward constitutionalism and the rule of law in the future. Second, in both countries, more radical, right-wing populists [the League and the Freedom Party (FPÖ)] are forced to share their power with their slightly more moderate populist coalition partners. At least in Italy, where Salvini has become the most popular politician in the country, a scenario of one-party populist government cannot be entirely excluded in the future. Third, even though the populists have not weakened the core institutions of liberal democracy, they fiercely attack many of the unwritten norms that provide the institutional glue making the legal institutions work. In a recent comparative study of democratic backsliding, Levitsky & Ziblatt (2018, p. 7) argue that institutional safeguards like constitutional checks and balances are less effective in protecting democracy than we think. More important than institutional safeguards are the “unwritten democratic norms” (Levitsky & Ziblatt 2018, p. 8) that reinforce democratic institutions. As essential informal norms they identify mutual toleration and forbearance (partisan self-restraint and fair play). Mutual toleration essentially means that competing political parties accept one another as legitimate rivals. In both Italy and Austria, the populists question the legitimacy of the opposition parties, attack them on the domestic and European level, and show quite little self-restraint and fair play when they attack their political enemies.

Another study, analyzing data from 30 European countries between 1990 and 2012, suggests that when examining the relationship between populism and democracy, populism should not be considered in isolation from its host ideology. The study tests distinct effects of left- and right-wing populism on democratic quality (Huber & Schimpf 2017). Its major findings are that right-wing populism has a stronger negative effect on minority rights than left-wing populism and that there is no conclusive evidence that both types of populism have the same effect on “mutual constraints” (checks and balances). Mudde & Kaltwasser (2018, p. 1671) argue that “rather than simply assuming that populism is good or bad for democracy, empirical research based on the ideational approach allows to analyze the conditions under which populist forces can have a positive or a negative impact on real existing democracies as well as during different phases of (de)democratization.” What is the empirical record for democratic or left-liberal versions of populism? As Norris & Inglehart argue, this version of populism is less common, but its support has also grown in recent years in Europe and also in the United States. This type typically blends populist discourse, railing against corruption, mainstream parties and politicians, and capitalism, with the endorsement of socially liberal attitudes, left-wing economic policies, and participatory styles of engagement (Norris & Inglehart 2019).

Among the current proponents of this type of populism, only the Greek left-populist party SYRIZA was elected to power in 2015. As Judis (2016, p. 119) observes, SYRIZA, as a populist party promising to fight the European Union-imposed austerity regime, “appears to have failed.” The defeat of SYRIZA by the German-led austerity coalition has had repercussions for other left-wing populist groups, particularly Podemos in Spain. Although SYRIZA has often been accused of “trying to undermine the independence of courts and free media” (Müller 2019), there is no solid empirical evidence to confirm this argument. There is only anecdotal evidence of a few attempts by SYRIZA to criticize unfavorable judgments of the courts and to influence the media, but SYRIZA has never tried to systematically undermine the key rule-of-law institutions, as populists do in Hungary, Poland, or Venezuela. As one empirical analysis of SYRIZA’s political rhetoric shows, it represents the case of “inclusionary populisms, reclaiming ‘the people’ from extreme right-wing associations and reactivating its potential not as an enemy but rather as an ally

of democracy in times of economic and political crisis” (Stavrakakis & Katsambekis 2014). Another study argues that Podemos in Spain represents “a clear radical left-libertarian universalistic profile advocating minority rights, gender equality and civic liberties, pledging also to fight discriminations (Podemos 2015, 2016)” (Ivaldi et al. 2017, p. 364). And finally, American democratic populists like Bernie Sanders, Elizabeth Warren, and Alexandria Ocasio-Cortez are promising to bring about the most inspiring debate on social democratic policies and politics in decades (Mudde 2019). These examples of democratic, liberal, socially inclusive forms of populism quite clearly show that authoritarianism and anti-pluralism are not necessarily the key elements of populism. However, the paucity of democratic left-wing populism also suggests that we have to look at factors other than ideology to understand why nativist and authoritarian populism currently dominates the political scene. To do that, I turn in the next section to political economy analysis of the populist surge in Europe. The reason for limiting my analysis to Europe is very simple: It is the area that I know the best. Having said that, I would like to emphasize that some of the most recent political economy analyses of populism show that trends that explain the rise of populism in Europe are equally present in other parts of the world as well (Broz et al. 2019, Milner 2019).

THE DOMINANCE OF RIGHT-WING AUTHORITARIAN POPULISM

What is peculiar about the current populist surge is the dominance of authoritarian over democratic populism (Ashenkas & Aisch 2016, Lewis et al. 2018). How is it that nativist, authoritarian populism has become so powerful? Without understanding the political economy of the populist revolt, it is difficult to understand the true roots of populism and, consequently, to devise an appropriate democratic alternative to populism. Yet, surprisingly few studies of the current populist explosion venture in this direction (Tooze 2018). Most accounts try to explain populism as the result of impersonal forces, of globalisation and technological change, of cultural change, or even worse, as merely a failure of representative politics, without properly addressing the structural roots of populism embedded in the political economy of modern capitalism. By contrast, Moyn & Priestland (2017) criticize approaches that focus only on the perceived threat of populism to liberal fundamentals and argue for a stronger emphasis on “the deeply rooted forces that have been fueling right-wing populist politics, notably economic inequalities and status resentments.” In what follows, I offer a brief political economy analysis of the populist backlash in Europe.

The European Union is facing an unprecedented political crisis. This club of liberal and democratic countries has been confronted by a nationalist and populist backlash that threatens the core principles at its very heart (Dinan et al. 2017, Kirchick 2017). Capitalizing on the European sovereign debt crisis, the backlash against refugees streaming in from the Middle East, public angst over the growing terror threat, and Brexit, previously fringe populist political parties are growing with alarming speed. Part of the blame for the populist upsurge falls on both center-right and center-left party leaders who have failed to respond effectively to the European debt crisis. This fact is often obscured by the current focus on the migrant crisis as the single most important contributor to the populist surge. As Schmidt (2016, see also Habermas 2018) correctly argues, it is “neo-liberalism gone too far” that is the major contributor to the anger fueling the rise of populism in Europe. Other rival theories also attempt to explain the current rise of populism, pointing to a variety of structural factors, ranging from the effects of globalization and global trade on income distribution (Rodrik 2018b); to a decline in the subjective social status of white men (Gidron & Hall 2017); and, last but not least, to culture—where populism is a reaction against progressive cultural change (Norris & Inglehart 2019).

Although the roots of populism are complex, austerity and neoliberal structural reforms are undoubtedly among the most important underlying factors. The ruling parties’ obsession with fiscal

austerity and with supply-side policies of privatization, deregulation, and liberalization effectively triggered a “lost decade” of economic stagnation, rising unemployment, increasing poverty, and dwindling EU solidarity that paved the way for the poisonous ultranationalism now on the rise (Beckfield 2019, Eichengreen 2018). All of this has driven trust in the European Union to an all-time low and fueled pathologies not seen since the 1930s, placing the European integration project on truly precarious ground. The new populist zeitgeist is best described by Zielonka (2018, p. 2), who argues that “under attack is not just the EU but also other symbols of the current order: liberal democracy and neo-liberal economics, migration and a multicultural society, historical ‘truths’ and political correctness, moderate political parties and mainstream media, cultural tolerance and religious neutrality.” Moreover, although populism comes in many versions, what almost all populists in Europe share is the rejection of “people and institutions that have governed Europe in the last three decades” (Zielonka 2018, p. 3).

In many countries, populist parties are the only ones to argue that there exists a real alternative. They protest against the “consensus at the center”—between the center-right and center-left—around the idea that there is no alternative to neoliberal globalization. In the eyes of populists, the European project is the embodiment of a ruthless process of globalization responsible for intolerable levels of inequality, declining trust in democracy, a rising danger of terrorism, and increasing fear of loss of one’s “national” and “cultural” identity. Many major populist parties in Western Europe today are both anti-Eurozone and anti-European. On the left, only populists in Greece and Spain support both the euro and the European project. On the right, only two major populist parties (Germany’s right-wing Alternative für Deutschland and Italy’s Five Star Movement) are not outright anti-European, but both are against the euro (Ashkenas & Aisch 2016). The populists in the east have gone even further in their confrontation with the European Union. They frontally assault core EU values; contest the legitimacy of EU institutions and policies; and, at home, dismantle constitutional democracy.

The stronger showing of the right-wing populists in Europe is largely attributable to the decline of a social democratic or center left (Sandel 2018). Support for parties that once commanded more than 40% of votes has dropped precipitously. The French Socialist Party, for instance, dropped to 6% in the last parliamentary elections. The Greek PASOK (Panhellenic Socialist Movement) fell from 44% to only 6%, and the Dutch Labor Party (PvDA) fell from 27% to 6% (Benedetto et al. 2019). As Berman (2018) argues,

Many traditional social democratic voters now vote populist; social democracy’s embrace of a “kinder, gentler” neoliberalism opened a policy “space” populists filled with welfare-state chauvinism; and social democracy’s fading electoral fortunes have rendered majority left government and, in many European countries, any stable majority government impossible, making it more difficult to solve problems, increasing dissatisfaction with democracy and support for populism further.

Despite important differences between the new populist forces in Europe, they have “more in common than we think. They are all pro-welfare (for some people, at least), antiglobalization, and most interestingly, pro-state, and although they say it *sotto voce* on the right, antifinance” (Blyth 2016). As Mouffe (2016; 2018, pp. 16–18) argues, populists are not necessarily against the European project as such but rather against “the *neo-liberal* incarnation of the European project.”

Vindication of “the social” by the populist forces means not only a defense of social rights but also a demand for greater autonomy of Member States on cultural (identity) and economic issues. The populists do not seek to completely dismantle the European Union. They do, however, demand that their national sovereignty be restored and oppose any further attempts toward an ever closer union. Much like in the 1930s, the protagonists of “the social” appear in different political

forms, ranging from the extreme right to the extreme left on the political spectrum. Although populist forces often pose legitimate political questions about the current state of democracy in Europe, their solutions tend to be controversial (Kaltwasser 2014). Their visions of emancipating “the social” often bear an uncanny resemblance to illiberal and authoritarian ideals from the 1930s.

WHY ONLY ALTERNATIVE ECONOMIC AND SOCIAL POLICIES CAN STOP THE RISE OF POPULISM IN EUROPE

To defuse the steady rise of authoritarian anti-constitutional populism in Europe, European democrats will have to articulate a coherent alternative to the failed neoliberal economic policies of the last decade. Merely legalistic responses to the problem will not be successful without these deeper approaches. What counts this time are sensible economic, social, and environmental policies promising to improve the daily lives of European citizens. The European Union needs to regain credibility by delivering simple and palpable benefits, such as good salaries, decent pensions, high-quality social services, and high environmental standards.

Since the beginning of the Eurozone crisis in 2009, governments across Europe have single-mindedly embraced fiscal austerity. This has meant double-digit government spending cuts and the elevation of the austerity paradigm spearheaded by German Chancellor Angela Merkel to an essentially “unbreakable law.” The problem is that this myopic austerity focus rests on a misdiagnosis of the euro crisis, has backfired economically, and has triggered grave social and economic repercussions in indebted countries. Nevertheless, austerity remains the virtually unchallenged official EU economic doctrine. What Europe needs more than anything is a new anti-austerity coalition focused on growth and social justice. I would argue, following the analysis of failed economic policies, that only a reorientation toward job-creating, growth-promoting, and environmentally friendly alternative economic policies, combined with economic innovations that include much-needed investments in infrastructure, education, and social programs, can restore Europe to stability and reverse its dangerous nationalist surge.

Thus, Schmidt (2017) argues that “the EU needs to give back to the member-states the flexibility they have had in the past to devise policies that work for them.” To this end, a more bottom-up and flexible reinterpretation of the rules of Eurozone governance is required: “[T]he Eurozone already has an amazing architecture of economic coordination, reaching into all the Eurozone ministries of finance and country economic experts. Why not use that coordination to ensure that countries themselves determine what works for their very specific economic growth models and varieties of capitalism?” (Schmidt 2017). On this argument, the existing framework of the European Semester, redesigned in this way, could help Member States to get back on the path of sustainable growth. The fiscal councils could be supplemented by new competitiveness councils to act more as new agents of industrial policy rather than structural adjustment hawks; in Schmidt’s (2017) words,

Such a bottom-up approach is likely not only to promote better economic performance but also much more democratic legitimacy at the national level. This is because it would put responsibility for the country’s economics back in national government’s hands at the same time that it would encourage more legitimising deliberation at the EU level.

But to be redesigned in the suggested way, the European Semester would require simultaneous changes of Stability and Growth Pact rules as well. As Dawson (2018) argues, the European Semester “was envisaged as a measure to buttress and strengthen the Eurozone economy in particular and to recognize the need for heightened EU supervision of domestic budgets.” As a result, it is deeply embedded in the balanced budget fundamentalism of the SGP (Dawson 2018).

However, none of these suggested reforms will work if the troubled countries remain overburdened by excessive debt and if they are left bereft of significant investment funds provided by banks or the state. For all this, the European Stability Mechanism is simply not enough. The European Union needs to reinvent new forms of solidarity. As Schmidt suggests, new instruments such as Eurobonds, Europe-wide unemployment insurance, EU investment resources, and an EU self-generated budget are needed.

The creation of a new anti-austerity coalition will not be an easy task. As Frieden & Walter (2017, p. 371) show, the outcome of the crisis has been quite unusual “because the costs of the crisis resolution have been borne almost exclusively by the debtor countries and taxpayers in the Eurozone.” The rift between the debtor and creditor states that emerged as a consequence of this outcome implicates “powerful national interests and equally powerful particularistic special interests” (Frieden & Walter 2017, p. 386). It is one thing to say that the survival of the Eurozone is in the interest of both groups of countries but quite another to persuade German, Dutch, Austrian, and other mostly Northern European surplus countries to agree to a more debtor-friendly version of adjustment policies.

What the European Union needs is not only more financial resources but also new ideas about how to create more inclusive, diverse, and pluralistic European societies and economies. Here I agree with Aglietta (2012, p. 15), who argues,

Integration in the absence of a Europe-wide development strategy succeeded only in concentrating industrial activity in the regions where it was already strong, while the periphery lost ground. To counter this slide into long-term stagnation will require a development project capable of relaunching innovation across the whole range of economic activities, driven by investment largely anchored at regional and local level, with a strong environmental component.

If countless billions were found to prop up large European financial institutions, it is not implausible to think a small fraction of that sum could be devoted to such a development project. The future of the European Union will be determined by the ability of European political forces and civil society to articulate and push forward alternative scenarios for such inclusive and socially oriented policies.

CONCLUSION

What committed democrats of different political camps need to articulate is a coherent alternative to the failed neoliberal economic policies of the last three decades. Unfortunately, the politically weakened European mainstream parties—the traditional standard bearers of the post–World War II “embedded liberalism” consensus—are now on the defense. Instead of offering novel progressive solutions, the mainstream seems extremely vulnerable to the populist challenge coming from both the extreme right and the extreme left. Instead of surrendering to the populists’ false promises of quick fixes, the democrats must reinvent themselves. They must respond to the social anxieties that are helping fuel nationalist populism and offer a vision of a better future. Populist leaders are promising better pensions, health care, and more jobs, an agenda that is winning over the abandoned working-class communities that were once a stronghold of the European social democratic and other progressive parties. Leaders of socially oriented, proliberal parties can reverse the nationalist trend by returning the European Union to its initial role as the promoter of European solidarity and equality. Job training and green growth are just some of the possible public investments in this direction. As Greece’s humiliating defeat by the German-led austerity coalition illustrates, this will take a concerted, Europe-wide initiative. Such a vision can draw from a rich tradition of democratic populism and its version of antiestablishment constitutionalism. If

European democrats of various political colors do not start offering a more compelling agenda, Europe is on a dangerous political path.

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