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Populism and Civil Society: The Challenge to Constitutional Democracy. Andrew Arato and Jean L. Cohen, Oxford, Oxford University Press, 2022, xi+305pp.

Stefan Rummens
KU Leuven, stefan.rummens@kuleuven.be

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The recent book by Andrew Arato and Jean L. Cohen, *Populism and Civil Society* (2022), has a somewhat misleading title. It is, in a way, true that the book continues the earlier and highly seminal work of both authors on the political role of civil society (Cohen and Arato, 1992). In the present context, they explain, more specifically, how populist parties are always movement parties that try to subvert civil society from the inside out. At the same time, however, this new book does much more than that. It provides a comprehensive theoretical account of populism that goes far beyond an analysis of its connection with civil society. They discuss the proper conceptualization of populism, its probable causes, its different political shapes as a movement, a party, a government or a regime, its relation to constitutionalism, and the potential democratic remedies that could help curb its success. In view of its encompassing scope, its conceptual rigor and its original ideas, the book marks an important and potentially fruitful contribution to the ongoing debate on populism.

A comprehensive account

In the introduction, the authors build on the work of Ernesto Laclau (2005) to develop their own conceptualization of populism. They list several basic features and focus, more emphatically, on its *pars pro toto* logic – the populist party as the part that claims to represent the whole of the people – on the embodiment of this part in a single charismatic leader, and on the antagonistic friend-enemy relations that oppose the populist party to the elite as well as to other internal and external enemies. In order to clearly demarcate populism from both communism and fascism, they add two more features. Populism is, first of all, always in need of a complementary host ideology that gives content to its notion of the people – typically some form of socialism for left-wing populism and some form of ethno-nationalism for right-wing populism. And populism, secondly, always remains committed to some kind of electoral competition (elections,

referenda, plebiscites) in order to maintain a legitimizing plebiscitary link between the populist leadership and the people. Although the authors rely on the work of Laclau, this reliance ultimately serves the purpose of an immanent critique of his position. Whereas Laclau emphasizes the democratic potential of populism, Arato and Cohen focus on its inherent authoritarian logic, which implies that populism, although it operates within the horizon of the democratic imagery, is always prone to subvert democracy from the inside out.

Before developing these authoritarian implications, the first chapter of the book discusses the causes of the rise of populism, making a useful distinction between long-term, middle-term and short-term causes. Although the authors argue that economic, cultural and political elements are at work in all three of these phases, they focus mostly on the political causes. With regard to the long-term they refer to the inherent tension between popular sovereignty and constitutionalism, which characterizes all liberal democratic regimes, and which provides populist challengers with the opportunity of claiming to provide a 'more democratic' understanding of both. With regard to the middle- and short-term they focus on the failure of more traditional parties to adequately represent the people and, most specifically, on the 'bait-and-switch strategies' of some of these parties, which promise a lot during the campaign but, once in power, switch to neoliberal policies that fail to respond to the actual concerns of voters. Interestingly, Arato and Cohen do not believe, as some contributors to the debate do, that the mediatization of politics plays an essential role in explaining the success of populism. Although there exists an 'elective affinity' between these two phenomena, the real causes of populism lie elsewhere (Arato and Cohen 2022: 51).

In the second and third chapters, the authors emphasize that a proper analysis of populism should heed the distinction between the four different shapes in which it can appear: populism as a movement, as a

party, as part of government and as a regime. In the second chapter the focus is on movements and parties. Their main argument, developed through a series of case studies, is that populism tends to undermine the distinction between the two: populist movements have a 'telos of power' (Arato and Cohen 2022: 53) and always tend to morph into political parties and, the other way around, populist parties are always in need of a movement which can either arise bottom-up or be created in top-down fashion. As a result, populist parties generally take the shape of catch-all movement parties that put pressure on the party landscape by fostering factionalism, by promoting affective polarization, and by endorsing a permanent movementization that undermines the distinction between movement, party and state. In the process, three essential roles parties traditionally fulfill in democratic politics are compromised: the shaping and transmitting of demands in civil society, the recruitment and training of political candidates for public office and the actual art of governing.

The third chapter analyzes the authoritarian impact of populism in power. When populists are 'in government', but do not yet control all branches of power, several forms of 'democratic backsliding' already occur: the delegitimization of opponents as enemies, the reliance on constitutional hardball, the rejection of horizontal forms of accountability vis-à-vis the judiciary, the press or the administration, the erosion of the rule of law through discriminatory legalism, the distortion of the electoral process and the curtailment of civil society. When populists gain control of all three branches of government, a new threshold is reached. Basic features of liberal democracy, such as the existence of free and fair elections, the protection of basic civil liberties and the rule of law, are now simultaneously and severely compromised. The outcome is a populist hybrid regime, which combines elements of democracy and authoritarianism, but which does not qualify as a subspecies of either. The populist hybrid should not be called 'illiberal democracy' since it is not

merely illiberal but also no longer genuinely democratic. It should, at the same time, also not be called 'competitive authoritarianism' because the populist hybrid has a different origin and a different justification: it generally arises within an already existing democratic framework and relies much more strongly on the plebiscitarian link for its justification (Arato and Cohen 2022: 134).

The fourth chapter turns to the increasingly prominent topic of populism and constitutionalism. Since populists are generally as much concerned with constitutional as with plebiscitarian legitimacy and since populists often engage in all kinds of constitutional politics (constitutional replacement, constitutional amendment, packing of the constitutional court), the question arises whether there exists a genuine form of populist constitutionalism. Through a series of case studies, the authors argue that the answer is negative, and that populists are actually engaging in a form of abusive constitutionalism. This means that they use constitutional tools to weaken or even undermine normative constitutionalism from the inside out. The only active constitutional principle populists commit to, in the end, is to the superiority and dominance of the constituent power underlying the constituted powers, a constituent power which is embodied in the populist leader himself.

In the concluding chapter, Arato and Cohen turn to potential remedies. Although they criticize populism for the way its authoritarian logic undermines liberal democracy, they recognize that the rise of populism is a symptom that should be taken seriously. Liberal democracy as it exists today is an unfinished project that does not live up to its own promises. Therefore, a further democratization of liberal democracy is urgently needed. On the political level, and in line with their earlier work, the authors advocate a 'plurality of democracies', which combines 'different geographical (local, regional, national) forms of representative democracy, participatory forms in functional domains, such as industry,

administration, and education' and which relies on 'the interaction of social movements, political parties, and decisional publics.' (Arato and Cohen 2022: 188) On the economic level, there is the need for a reduction of the welfare deficit and a further democratization of the economic process itself. On the cultural level, they advocate a progressive politics that promotes the rights and opportunities of disadvantaged minorities but that also takes seriously the corresponding status anxieties in formerly privileged groups, now prone to resentment and susceptible to the calls of populist politicians.

The overall thrust of the argument developed in Arato and Cohen's book is highly persuasive. As argued elsewhere (Rummens 2017), I agree that the *pars pro toto* logic is one of the defining features of populism and that the claim of the populist leader to embody the whole of the people amounts to an attempted closure of the empty place of power at the heart of democracy (Lefort 1988). The logic of populism is, therefore, *pace* Laclau and his followers, inherently authoritarian rather than emancipatory. The typically populist delegitimization of everyone who criticizes the will of the people, as understood by the populist leader, undermines both the liberal and the democratic dimensions of the liberal democratic regime. At the same time, and this may be the most important contribution of Arato and Cohen's work, we should not forget that populism explicitly aims to operate within the democratic imagery. The authoritarianism therefore comes in degrees and a thorough analysis of populism, as presented in this book, rightly distinguishes between the different shapes in which populism can appear – the movement, the party, the government and the regime – and rightly engages in a careful analysis of the distinct features of these different shapes as well as the thresholds that mark the transition from the one to the other.

The three more critical comments which follow are, therefore, not a head-on critique of the position developed in the book but rather an

attempt to move the debate forward along similar lines. The three remarks all concern conceptual issues broadly understood and attempt to further fine-tune our understanding of populism as well as the distinction between populism and its alternatives. The first remark concerns the commitment of populism to electoral politics, the second returns to the differences between populism and totalitarianism and the third reconsiders the distinction between populism and more democratically legitimate attempts to reform our political system.

Abusive electoralism

In order to mark a clear distinction between populism on the one hand and fascism and communism on the other, Arato and Cohen emphasize that populism remains committed to competitive elections as roads to power and that 'populisms are always majoritarian' (Arato and Cohen 2022: 10). Here, they side with authors like Federico Finchelstein (2017) and Nadia Urbinati (2019), who argue, in similar ways, that the distinguishing trait of populism is that – unlike its totalitarian alternatives – it remains located within the horizon of the democratic imagery. Populism derives its legitimacy from a plebiscitarian link with the people established through elections or referenda.

Although it is obviously true that a lot of electoral politics is going on in populism, the question remains whether this reflects a genuine commitment to electoralism or majoritarianism. In this regard, it is noteworthy that Donald Trump's problematic relation to electoral outcomes did not arise after his loss in the 2020 presidential run against Joe Biden. Already in 2016, in his campaign against Hilary Clinton, he refused to confirm, prior to the actual elections, that he would be willing to accept the outcome if he was to lose. Since he won in 2016, the myth of the 'big lie'

was only concocted in 2020 but it is not far-fetched to assume that similar attempts to undermine the legitimacy of the electoral process could have been made already much earlier on in his populist career.

This example illustrates that populists' commitment to electoralism seems instrumental rather than genuine. Elections are fine only to the extent that their outcomes serve the populists' purposes. In this sense, the focus on electoral politics is perhaps not telling us much about the underlying differences between populism and totalitarianism. It could equally well be explained by the fact that, after the calamities of the second world war, the democratic imagery has become so hegemonic that it imposes, much more than in the pre-war context, an external constraint that no political actor can ignore. In this regard, it is telling that even some of the most authoritarian regimes in existence, like China or North Korea, feel the need to organize elections on a regular basis. Even though these are, obviously, sham elections, the veneer of democratic legitimacy they confer cannot be dispensed with entirely.

In their chapter on constitutionalism, Arato and Cohen argue that populism's commitment to constitutional politics amounts to a form of *abusive constitutionalism*, which uses constitutional means to undermine the normative principles of constitutionalism from the inside out. I would like to suggest that, in an analogous way, we could argue that populism's commitment to elections and to majoritarianism amounts to not much more than a form of *abusive electoralism*, which serves the purpose of undermining the democratic process from the inside out. Arato and Cohen convincingly show that the only genuine constitutional principle that can be ascribed to populists is their commitment to the unlimited nature of the constituent power of the people lying behind the constitution and embodied in the single figure of the charismatic leader. It seems similarly true that the only genuine electoral – or rather plebiscitarian – principle populism endorses is a commitment to the singular and supreme will of

the people underlying the electoral process, as, once again, embodied in the singular will of the populist leader. As a result, when the outcome of the elections fails to align with the will of the leader, this can only mean, from the point of view of the populists, that the elections have been a fraud and that their results should, therefore, be overturned.

Throughout their book, Arato and Cohen give ample evidence of the instrumental ways in which populists use and abuse electoral proceedings. I surmise, therefore, that they will probably agree with the gist of the comment presented here. My remark, indeed, does not so much concern the content of their position, but mainly aims to emphasize that we should be careful in our conceptual framing of populism. Arato and Cohen themselves are critical of the identification of populism with 'illiberal democracy' because that label mistakenly gives too much democratic credentials to the populist position. They rightly argue that populism is not merely 'illiberal' but also 'undemocratic' in many ways. I submit that we should be similarly careful when we ascribe a commitment to electoralism or majoritarianism to populism. Since popular sovereignty and constitutionalism are the two most basic principles of modern-day democratic regimes, it is important to emphasize that the populist belief that the will of the people is embodied in a single leader implies that populism's commitment to both constitutionalism *and* electoralism becomes inherently abusive.

Totalitarianism and its transcendent ideology

If the populist commitment to electoralism is not really sincere but perhaps merely a response to the democratic context in which populism generally emerges as well as to the worldwide hegemony of the democratic imagery, then electoralism also becomes less persuasive as the decisive feature separating populism from totalitarianism. The question therefore arises whether other criteria are perhaps more apt to draw this distinction. Arato

and Cohen (2022:10) briefly refer to the use of violence as one possibility. This suggestion is again in line with the analysis of Federico Finchelstein (2017), who convincingly argues that fascism – and the same undoubtedly holds for communism – has a long history of organizing private militias and using violence to intimidate or even liquidate political opponents as well as to create a general climate of terror amongst citizens. Here, populism indeed has a much cleaner track record. Surely some exceptions could be pointed out, such as the presence of extremist right-wing militias in the fringes of the Trumpist movement or the repeated violent elimination of opponents of the Putin regime in Russia – even long before the invasion of Ukraine, but perhaps rare examples such as these should be qualified as fascist elements or tendencies present in these populist movements and regimes rather than as counterexamples to the generally non-violent nature of populism.

Although the use of violence seems a useful criterion for distinguishing between populism and totalitarianism at the empirical level, it is not yet satisfactory from a philosophical perspective. In line with the work of Claude Lefort (1986, 1988), it is important to understand the difference between different regimes at the level of the symbolic structure of power that characterizes them. Here, we are faced with a problem. Although many authors, myself (Rummens 2017) and Arato and Cohen (2022) included, have argued that populism should be understood as an attempted closure of the empty place of power at the heart of liberal democracy, it is important to remember that Lefort himself identified this closure of the empty place by an imaginary picture of the *People-as-One* as a defining feature of totalitarianism. Lefort has never discussed or analyzed populism as such. So, if both populism and totalitarianism amount to such a closure of the empty place, what then is the difference between them?

Here, the second main criterion – next to electoralism – that Arato and Cohen (2022: 12) rely on to mark this difference can perhaps help us to resolve the matter. They refer to the fact that, unlike fascism and communism, which already constitute thick ideologies in themselves, populism is much thinner and, therefore, has to rely on additional host ideologies to give content to the will of the people. As already explained, left wing populism thereby generally relies on some form of socialism, whereas right wing populism usually relies on some form of ethno-nationalism. Although these host ideologies in many ways strengthen the affinities between populism on the one hand and communism and fascism on the other, the ideological impact of the host ideologies on populism remains limited. As Arato and Cohen emphasize, populism generally remains ideologically flexible (2022: 149) and the host ideology operates more as a kind of ‘mentality’ rather than as a ‘cognitively closed ideology’ that rigidly determines the populist’s ideological position (2022: 147). In my view, this lack of ideological rigidity effectively marks a sharp contrast with totalitarianism. Totalitarianism takes its own ideology very seriously and its propaganda – although also centered on the figure of the leader – is always much more explicitly couched in grandiloquent ideological rhetoric.

In order to make sense of this difference, it is worthwhile to point to an important but rarely heeded difference between the analyses of totalitarianism by Claude Lefort (1986, 1988) on the one hand and Hannah Arendt (1968) on the other. According to Lefort (1986: 12-13), totalitarianism as a regime is characterized by pure immanence and refers to nothing outside of itself. Arendt (1968: 460-479), in contrast, emphasizes that totalitarian movements understand themselves as part of a much larger historical project in which they are called upon to support the unfolding of the unavoidable Laws of History. In the case of Nazism, these are the Darwinian laws of evolution, according to which only

superior races ought to survive, and, in the case of Stalinism, these are the Marxian laws of dialectical materialism, according to which the proletariat is destined to establish the communist society. These ideological references to the Laws of History mark an essential moment of transcendence within totalitarianism in the sense that totalitarian movements are, ultimately, not about the self-rule of a particular people but rather about a universal historical mission of a supposedly universal category of people (the Aryan race or the proletariat). This transcendent reference not only explains the ideological rigor of totalitarianism but also helps to explain why it can easily consider the use of violence as a legitimate means for realizing its historical ends.

If Arendt is right, we could, *pace* Lefort, conclude that the idea of the *People-as-One*, as the closure of the empty place of power, is more convincing as an analysis of populism than as an analysis of totalitarianism. Indeed, populism comes close to a form of pure immanence in which the plebiscitarian link between the leader and the people constitutes a to-and-fro that is incapable of referring to anything beyond this dual mirroring process. Although totalitarianism also relies on the plebiscitarian link between the leader and the people, the leader is, now, not merely the embodiment of the will of the people. He is, at the same time, or even primarily, the privileged embodiment and voice of the Laws of History the people is destined to help unfold. At the symbolic level of power, there is a form of transcendence here, which marks a decisive difference with populism, and which makes totalitarianism less constrained in the choice of its means and, therefore, much more dangerous and much more violent.

Although an analysis of the Putin regime is beyond present purposes, it is, in this context, noteworthy that Putin has announced and tried to justify his invasion of Ukraine on the basis of a grand narrative about the historical destiny of the Russian people. Whether Putin ever was

a populist leader is unclear – at least some doubt seems justified both on the basis of the top-down way in which he was parachuted into power and his use of KGB-style violence from his early days onward – but, apparently, committing his people to an aggressive war against another nation has required him to resort to a story that seems to go beyond the will of the people *hic et nunc* and, thus, beyond the horizon of the populist imagery.

Reform vs populism?

The two previous comments concerned the nature of populism and the ways in which it differs from totalitarianism. In this final comment, I turn to the other side of the political spectrum. Arato and Cohen (2022: 7, 186-187) rightly argue that it is important to distinguish what is *populist* from what is merely *popular*. While we should be wary of the authoritarian tendencies present in populist movements, we should also be careful not to dismiss or delegitimize too quickly ‘popular’ movements attempting to reform the political system in perfectly acceptable ways.

In this context, it is not entirely clear to me that the seven features the authors use to define populism (Arato and Cohen 2022: 13) succeed in convincingly drawing that crucial distinction. It is noteworthy, for instance, that the second chapter of the book discusses a series of political movements which are simply assumed to be populist. The extent to which these movements effectively meet the criteria for qualifying as populist is never explicitly discussed and could be questioned. In order to illustrate my concern, I propose to have a very brief look at four particular movements: the Spanish *Podemos*, the Italian *Five Star Movement (M5S)*, the American *Tea Party* and, finally, *Occupy*. The first three of these are discussed in the second chapter (Arato and Cohen 2022: 77-85), the last one is conspicuously absent from the book.

Of the seven defining features of populism, three are singled out by the authors as the most central ones: the *pars pro toto* logic, the embodiment of the will of the people in the figure of the charismatic leader, and the friend/enemy antagonisms (Arato and Cohen 2022: 6). If we look at the criterion of embodiment first, it is noteworthy that the embodiment of the movement is rather weak in the cases of *Podemos* and *M5S* – although Pablo Iglesias and Beppe Grillo, respectively, have played the part to a certain extent – and actually fully absent in the cases of the *Tea Party* and *Occupy*.

The *pars pro toto* logic, secondly, is most outspoken in the case of *Occupy* in view of their rhetoric about the 99% versus the 1%. The other cases, however, are much more questionable. As Theda Skocpol and Vanessa Williamson (2012) have argued, the *Tea Party*, at least before it was captured, only much later, by Donald Trump, did not really present itself as the only legitimate representative of the people but was ‘merely’ advocating long-standing conservative claims in new vociferous ways. In the case of *Podemos* and *M5S*, it is true that they aimed to radically reform the democratic process, but it is less clear that that ambition was closely tied to an attempted delegitimization of other parties and politicians. The fact that both of them actually joined coalition governments and behaved rather constructively in that role, seems to suggest that the *pars pro toto* dynamic is not very outspoken and ultimately not decisive on the level of the political actions and commitments of these parties.

With regard to the friend/enemy antagonisms, finally, it is true that all four movements under consideration have at times engaged in strong anti-establishment rhetoric, but, as before, it could be argued that that antagonistic discourse remained operative mostly at the rhetorical level but did not really amount to a full delegitimization of established parties and structures at a more ideological or practical level.

Obviously, these short remarks cannot decisively settle whether these four movements should be considered populist or not. But they show that the criteria put forward by Arato and Cohen leave more room for debate than they originally intended and that, therefore, some additional conceptual fine-tuning seems in order. A more elaborate analysis of the distinction between populist and popular movements cannot be provided here, but I would nevertheless like to conclude with some tentative remarks on this critical issue.

In earlier work (Rummens 2017), I have suggested that we should make a distinction between ‘real’ populism (as a *pars pro toto* claim to power that delegitimizes all opponents) and a much more superficial *populist style* that is increasingly used even by mainstream politicians in their quest for voters in a highly mediatized party landscape. An example of the latter is provided by John McCain, who, in the 2008 presidential campaign against Barack Obama, presented himself, not very credibly, as the ‘maverick’ who was going to fight the Washington establishment. Although the style of his campaign was populist in many respects, McCain, of course, always remained committed to the basic principles of liberal democracy, as testified, for instance, by his concession speech, in which he gracefully congratulated his victorious opponent.

In a similar way, we should perhaps make a related distinction between ‘real’ populism (again, as a *pars pro toto* claim to power that delegitimizes all opponents) and much less problematic forms of *populist reformism*. The latter would thereby refer to movements which use a populist style to advocate for a relatively radical (not necessarily progressive) reform of the basic political and socio-economic institutions of society but which, thereby, remain committed to the framework of liberal democracy broadly understood. It could probably be argued that all four movements discussed here, *Podemos*, *M5S*, *Occupy*, and – to a lesser extent – the *Tea Party*, qualify as examples of such populist reformism.

The possibility of using a populist rhetoric to advocate for a (radical) reform within the framework of liberal democracy seems envisaged by Arato and Cohen when they suggest that some populist movements have liberal democracy itself as their host ideology. They refer, explicitly, to the position of Chantal Mouffe (Arato and Cohen 2022: 12) and to *Podemos* (Arato and Cohen 2022: 78) and indicate that this specific host ideology will inevitably lead populists into serious internal contradictions. This is an interesting suggestion, which merits a more extensive elaboration than it has as yet received in the book. It is indeed true that the populist, vertical antagonism between ‘us’ the people and ‘they’ the establishment is in serious tension with the horizontal oppositions between legitimate opponents that characterize liberal democracy. The question is, however, what happens in cases where the vertical antagonism operates merely as a rhetorical device used for the purposes of political mobilization but does not really translate into actions and attitudes that go against the rules of the (liberal) democratic game or that amount to a delegitimization of (horizontal) opponents? Is such a mobilization strategy a coherent possibility? Is it potentially fruitful? And is it, all things considered, a real threat to democracy? These are interesting and important questions without a straightforward answer.

What Arato and Cohen, in the end, fail to thematize is the possibility of a genuine gap between the discourse of a movement – a discourse that could be in line with the features of populism they identify on the basis of Laclau’s work – and the political actions and attitudes of that movement. I think that the possibility of such a gap is real and that there are many prominent cases in which the two come apart, i.e., where we are faced with instances of a *populist style* or a *populist reformism* engaged in by movements that use a populist discourse for the purpose of mobilization, but that do not really proceed on the basis of the authoritarian logic implied by this discourse in their political actions.

If that distinction between discourse and action makes sense – and I believe that it does – we could sharpen our conceptualization of populism by marking this distinction more explicitly. One possible way of doing this would be to refrain from applying the label of populism to movements and parties that, in spite of their populist rhetoric, remain committed to the basic principles of liberal democracy in what they do, and reserve the label only for those far more dangerous movements and parties that not only talk the talk of populism but also walk the walk of its authoritarian logic.

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