

THE PERILS OF POPULISM: WHAT POLITICIANS, CIVIC GROUPS, AND CITIZENS CAN DO

Essay by Jan-Werner Mueller*

It's "winner take nothing"; that is the great truth of our country or of any country. Life is to be lived, not controlled; and humanity is won by continuing to play in the face of certain defeat. Our fate is to become one, and yet many — This is not prophecy, but description.

Ralph Ellison, *Invisible Man*

We live in strange times. "Democracy" — the word, at least — commands almost universal assent: virtually no prominent figure on the global stage fundamentally disavows the notion. Even the Chinese leadership nowadays claims that they are in fact realising a more perfect form of democracy (in contrast with, let's say, the United States). Yet we also feel acutely that democracy is in doubt in ways that we have not experienced for perhaps half a century, if not longer. Empirically, there is some basis for the thought that we might be witnessing a global "democratic recession" — the (not undisputed) thesis that the overall number of actual democracies around the globe has been declining for a number of years (and that the quality of political systems that are still democratic has been deteriorating. More specifically, we seem to have been witnessing what is often referred to as the "global rise of populism" (which has partly resulted in the consolidation of regimes that claim to act for "the people" and yet deviate significantly from basic democratic norms and yet claim to be democracies).

This background paper offers an analysis of populism and warns against the simplistic equation of populism with protest. It also seeks to advance our comprehension of what it means to have populists in government. Lastly, it proposes a number of strategies to counter populism. I emphasise that many traditional strategies to defend (or establish) democracy have depended on the availability of a functioning public sphere. This assumption can no longer be taken for granted; in a world of shrinking media pluralism and highly fragmented public spheres, we need to think anew about civic engagement for democracy. In particular, we need to think how better to teach not just democratic principles in the abstract, but media and cultural literacy to enable citizens to navigate a world where populists incite and fight culture wars in the name of the people.

The Dangers of Populism

Contrary to what is often alleged today, not everyone who criticises elites is automatically a populist. After all, any civics textbook would instruct us to be vigilant with the powerful; keeping a close eye on elites can in fact plausibly be seen as a sign of good democratic engagement by citizens. Of course, when in opposition, populists criticise governments. But, crucially, they also do something else: they claim that they and they alone represent what populists often call “the real people” or “the silent majority.” As a consequence, they denounce all other contenders for power as fundamentally illegitimate. At stake is never just a disagreement about policy, or even values, for that matter — which is of course completely normal (and, ideally, productive) in a democracy; rather, populists immediately personalise and moralise political conflict: the others, they insist, are simply “corrupt” and “crooked.” These others allegedly do not work for “the people,” but only for themselves (i.e. the establishment), or multinational corporations, or the EU, or what have you. In this respect, Donald Trump’s rhetoric during the 2015–2016 presidential campaign was an extreme case — but it was not truly an exception. All populists in one way or another engage in the kind of talk we heard from Trump about Hillary Clinton.

Less obvious is that populists insinuate that all citizens who do not share their conception of “the people” (and hence, logically, do not support the populists) should have their status as belonging to the proper people put into doubt. Think of Nigel Farage claiming, during the night of the fateful referendum, that Brexit had been a “victory for real people;” he obviously implied that the 48 per cent who voted to stay in the EU might not be quite real — which is to say: not part of the real British people at all. Or think of Trump announcing at a campaign rally last year: “The most important thing is the unification of the people — because the other people don’t mean anything.” In other words, the populist decides who the real people are; and whoever does not want to be unified on the populist’s terms is completely and utterly excluded — even if, in the cases just mentioned, they happen to have a British or an American passport.

So, the crucial indicator of populism is not some vague “anti-establishment sentiment.” Criticisms of elites may or may not be justified, but it is not automatically something problematic for democracy. Rather, what matters is populists’ anti-pluralism. They always exclude at two levels: at the level of party politics they present themselves as the only legitimate representatives of the people — and hence all others are at least morally excluded; and, less obviously, at the level of the people themselves, those who do not share the populists’ symbolic construction of the “real people” are also shut out. Put differently: populism inevitably involves a claim to a moral monopoly of representing the supposedly real people — and also inevitably results in exclusionary identity politics.

Note that populists can do significant damage to a democratic political culture even if they never enter government. After all, populist parties that do not do so well at the polls have to face what appears like an obvious contradiction: how can it be the case that the populists are the people’s only morally legitimate representatives and yet fail to gain overwhelming majorities at the ballot box? Populists do not all inevitably opt for what might seem the easiest way out of this contradiction — but plenty of them do when they in effect suggest that one should think less of a silent majority and more of a silenced majority. By definition, if the majority could express itself, the

populists would always already be in power — but someone or something prevented the majority from making its voice heard. Put differently: populists more or less subtly suggest that they did not really lose an election at all, but that corrupt elites were manipulating the process from behind the scenes. Think again of Trump: when he left it open whether he would accept an election victory by Hillary Clinton, he effectively called into question the integrity of the US election system. Many of his supporters understood well enough what he really meant: according to one survey, 70 per cent of his followers thought that if Clinton became president, the election must have been “rigged.”

To be sure, anyone can criticise the US or any other election system — in fact, there’s clearly plenty to criticise. And, once again, such criticisms can be a sign of good democratic engagement. What is not compatible with democracy is the populists’ claim which comes down to saying: “Because we did not win, our system must be bad and corrupted.” In this manner, populists systematically undermine the trust of citizens in their institutions — and thereby damage a given political culture, even if they never get anywhere close to the actual levers of power.

Populism in Power, or: A New Kind of Authoritarianism

Contrary to what is often alleged, populists can govern. It is a naïve hope that populists are bound to fail when in power because their policy notions are too simplistic, or that they will automatically become more moderate when facing institutional constraints. It is also not true that, by definition, once they are in government, they must cease making populist claims, because they themselves are now officially the elite (and thus cannot attack themselves).

These expectations are misleading. No populist has ever had a problem finding further “elites” who are sabotaging the populists’ plans from behind the scenes — shadowy “globalists,” as the cliché goes, are a favourite these days. But a continuous anti-elite rhetoric is not the biggest worry about populists in power. What matters, above all, is that, when they have sufficiently large majorities and when countervailing forces are too weak, populists can govern specifically as populists, which is to say: as anti-pluralists. They do not accept the idea of a legitimate opposition; they weaken independent institutions such as constitutional courts; and they try to take hold of both the state apparatus and as much of the media as possible. Importantly, they try to do so with carefully crafted laws (and entirely new constitutions, when they can), and avoid anything like obvious human rights violations: there’s generally no violence in the streets; but there is plenty of more or less subtle forms of harassment of civil society (rather than simply locking lots of people up).¹ These regimes are also heavily invested in symbolically (and morally discrediting) any protest — after all, it cannot be that parts of the people turn against their only legitimate representatives; instead, it has to be “demonstrated” that what looks to the naïve outside observer like civil society rising up is actually orchestrated (and paid for) by sinister outside forces.

¹ See Kim Lane Scheppele, “Autocratic Legalism”, *University of Chicago Law Review*, forthcoming.

Strategies to Counter Populism

How should one confront populists in situations when they have not yet taken a country in an authoritarian direction? Arguably, after what by now amount to several decades of experience, it has become clearer what does not work — in particular two extremes of how to deal with populists. One is complete exclusion — not least the kind of moral exclusion which populists themselves practice (along the lines of: “We good democrats won’t even appear on TV together with populists” or “when populists ask a question in parliament, I walk out,” etc.). This is a mistake both on a strategic and, less obviously, on a normative level: it is bound to fail as a strategy, because it in fact confirms populists in what they have been telling their supporters all along: namely, that the corrupt elites never listen or are afraid to debate certain subjects (and not least, that these elites will all unite against the populists to preserve their undeserved privileges: “one against all, all against one”).

There is also a distinct problem from the point of view of democratic theory: especially when these parties are already represented in parliaments, excluding them from debate means effectively excluding all the citizens who voted for them. Not all voters of populist parties can automatically be assumed to be committed anti-pluralists who have not truly accepted the rules of the democratic game; some might have voted on very specific policy questions and do not care one bit for the exclusionary rhetoric of the populists. Of course, such a reading is more or less plausible depending on the context — I simply mean to flag that one should be careful with snap judgments of a supposedly monolithic “populist vote.”

Then there is the other extreme: instead of excluding or at least ignoring them, one starts to run after populists. But no matter how fast one runs, one will of course never quite catch them. Here as well, the problem is not just on the strategic or instrumental level; there are also normative issues: after all, copying populists can be based on a mistaken view of democratic representation: it is simply assumed that the populists have at last revealed many citizens’ true political preferences, instead of realising that representation is a dynamic process, where people’s perceptions of their interests (even their identities) are formed through the kinds of representation that politicians, but also journalist, friends, family, etc. offer them.

There is no alternative to engaging with populists. But talking with populists is not the same as talking like populists. One does not have to adopt their descriptions of political, economic, or social challenges in order to be credible in a debate with them. At the same time, it is important to recognise that a whole range of policy positions that many liberals find highly problematic are nevertheless permissible in a democracy — and that one has to argue against them with the best arguments and evidence available, not with the polemical charge of “populism.” However, when populists reveal themselves as specifically populist — which is to say: when they try to deny the legitimacy of their opponents or the membership of certain citizens, or when they fundamentally question the rules of the democratic game — it is crucial that other politicians draw the line. For instance, if some populist asserts that Angela Merkel is pursuing a secret plan to replace the German Volk with Syrians, it is imperative that other parties to the debate signal that the territory of normal, legitimate democratic conflict has now been left behind decisively. Of course, the populist

is unlikely to recoil in response and apologise for propounding conspiracy theories suggesting democracy as Germans know it is only a façade; but the hope inspired by democratic theory — and it may well turn out to be a pious hope — is that citizens watching such a debate might well be put off by the populists. Perhaps they will conclude that they do indeed share some of the policy positions of a populist party — but still rather not be in the same boat with conspiracy theorists.

And the role of what is often patronisingly referred to as “ordinary citizens”? Think back to the first occasion when the “wave” did not sweep away “the establishment:” the Austrian presidential elections in December 2016. The campaign of the winning candidate mobilised many citizens by making it clear that they did not have fully to agree with a Green party program; all they had to agree with was the proposition that the far-right populist candidate posed a genuine threat to Austrian democracy. More important still, the campaign encouraged citizens to leave behind their accustomed circles and milieus, and instead enter conversations with people they would not normally meet — and, above all, it encouraged them not to deploy accusations of “racism” and “fascism” after the first five minutes of such conversations. Again, this might be a pious hope on the part of democratic theorists; much social science research claims that it is not enough to meet people very much not like us in order to foster tolerance and a respect for pluralism.² But anything that can pierce the populist fantasy of a fully united, homogeneous people might be of help. Contrary to what liberals like to believe sometimes, not everything populists say is necessarily demagogic or mendacious — but, ultimately, their self-presentations is based on one big lie: that there is a singular people of which they are the only representatives. To counter them, one needs to understand, and undermine, that core claim.

What are the Specific Challenges for Citizens (and Civil Society, and Activists, and Educators ...) Today — for Discussion?

Let me add a few words on what the specific challenges of our era mean for individual citizens and, in line with the topic of the conference, their political and cultural competence. First, arguably we all need more capacity for seeing and appropriately judging the destruction of specific elements of democratic regimes. The constitutional lawyers Tom Ginsburg and Aziz Huq have recently identified three parts of what they call “constitutional regression:” increasing difficulties to hold competitive elections; restrictions on rights of speech and assembly (rights which are not merely “liberal,” but constitutive of democracy as such); and damage to the rule of law.³ It is important for citizens to notice and appreciate these developments, which are often not announced and justified with grand ideological programs, but implemented by smart lawyers without much fanfare. Clearly, individual citizens are not often in a good position to judge these sorts of manipulations — but civil society, with specialised watchdogs, can be. And a robust civil society in turn can bene-

² But see also: Danielle S. Allen, *Talking to Strangers* (Chicago: University of Chicago Press, 2004).

³ Aziz Z. Huq and Tom Ginsburg, “How to Lose a Constitutional Democracy”, at: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2901776 [last accessed 30 September 2017].

fit from more of a civic education that takes into account that authoritarians have also been learning from the experience of the twentieth century — and refined their techniques in response.

Second: Democracies are delicate mixtures of conflict and cooperation. They make it possible that disagreement is not seen as moral disrespect or an indication that one side aims at the complete political (let alone physical) destruction of the other. They are a form of institutionalised uncertainty: no one can say with certainty that only they represent the people; no political or policy outcome can be predicted with certainty, since democracy is always a dynamic process; and the terms of democracy themselves can be re-negotiated democratically, which means there is also no final certainty about the form of our democracy.⁴ A social contract involves a commitment to these underlying ideas — and, on a much more practical level, self-restraint when it comes to occasions when the winner might take all. In many countries today, winners do take all and present their conduct as actually being in line with democracy; in effect, they are saying: “majority can do anything.”

To be sure, elections legitimate decisions — but obviously not every detail of policy. The rhetoric of “Brexit is Brexit” essentially seeks to shut down any post-election debate on what representatives elected by a majority might do — and ignores the fact that minorities in a democracy can always continue a conversation about the wisdom of a particular political direction (a government term is not like an on/off switch, where the losing side is switched off for four or five years).⁵ In turn, an opposition should not de-legitimize an election winner (thus following the populist strategy I criticised further above) — but this does not mean that it cannot voice specific criticisms; in fact, that is its very job, after all. A culturally sensitive form of civic education can help develop an ethos where both conflict and cooperation are understood as necessary — and where the dispositions to cultivate both are developed and sustained.

The lesson here is also, more specifically, that citizens have to try to resist the attempts by populists to enlist them in culture wars, where the other side becomes de-legitimized as not belonging/ “unreal” in the sense discussed above, or even as traitors to the nation. Many of these attempts have become very sophisticated — they are not obviously racist, for instance, but suggest relatively subtle distinctions of who belongs and who does not.⁶

Moreover, populists have actually used protest to prolong and deepen the culture wars on which all populists thrive: they point to a minority of protesters that is allegedly not part of the real people — in fact, the protestors are actively betraying the homeland, according to the populists — and reassure their own supporters that they are the real, righteous people. The lesson here is of course not that citizens should refrain from going out on the streets to protest; it is only that one has to be aware of how swift and sophisticated populists are when it comes to incorporating protest into their own narratives in order to justify their exclusionary identity politics. Media and cultural litera-

⁴ On this, see the works of Claude Lefort and Adam Przeworski in particular.

⁵ I am grateful to Andrew Lovett for a discussion on this point.

⁶ Note for instance the video by the youth organisation of the FN that in effect ends up juxtaposing a healthy French feminism to the politics of Femen activists: https://www.youtube.com/watch?v=nO6_fj9XTuQ [last accessed 1 October 2017].

cy are crucial to resist these more sophisticated strategies — especially visual strategies — adopted by populists.⁷

Third: as said earlier, today's problematic regimes are, for the most part, not outright repressive in the way many dictatorships were during the twentieth century. This can make opposing them much more difficult; there are not always obvious human-rights violations to which one can point. But it also clearly suggests a strategy of which there's surprisingly little talk today: civil disobedience. The latter is always peaceful, public, based on specific criticisms, and, importantly, retains some faith in actual constitutions and legal frameworks (Martin Luther King, Jr. famously spoke of the "highest respect for the law"). Of course, in some contexts, constitutions have become virtually meaningless paper — but in most that's not true. So, the assumption of some justice remaining — and some shared political principles to which one can appeal — might be warranted. The real problem with civil disobedience strategies today is that publicity cannot be taken for granted. Citizens might be allowed to break the law as a public protest for which the disobedient accepts punishment — but hardly anyone ever hears about it, because media pluralism has been radically reduced, or public spheres have become highly fragmented.⁸ Ideally, increased cultural and media literacy can both help citizens to develop the art of democratic protest — and, more specifically, suggest new ways in which information about it can be spread.

*Note: the opinions expressed in the background papers are the responsibility of the author and do not necessarily reflect the official policy of the Council of Europe.

⁷ I am indebted to Erika A. Kiss for discussions on this point.

⁸ This fragmentation is also happening in many democracies, of course. For some possible ways to counter its effects, see Cass R. Sunstein, *#republic: Divided Democracy in the Age of Social Media* (Princeton: Princeton UP, 2017).