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Rethinking populism and its threats and possibilities

Ponowne zastanowienie się nad populizmem – jego wyzwaniami i możliwościami

Abstract: Resurgent populism – with crime as a core theme – is depicted as a dangerous perversion of liberal democracy. But by avoiding a definition of populism, critics tend to simply conflate populism with contemporary right-wing authoritarianism. Academic analysis, including criminological, is not free of such tendencies. After a brief consideration of criminology's engagement with penal populism and the recent spread of a more far-reaching authoritarian political populism, the article argues for the need to more carefully conceptualise populism. Theoretical clarity is needed for assessing the character of contemporary populism; for grasping its drivers in, for example, neo-liberal globalization and what Crouch calls "post democracy"; and for discerning its possible future trajectories, progressive as well as regressive. It is also argued that simple denunciations of populism often reflect a complacent liberal mentality that contributes to political disaffection fuelling populist movements, and overlooks legitimate grievances, including the (often criminal) failings of liberal institutions. Rather than being a political aberration, populism, it is argued, should be seen as a "normal" dimension of democratic politics with implications for criminal policy (as well as politics at large).

Keywords: populism, liberalism, neo-liberalism, post-democracy

Abstrakt: Odradzający się populizm – który w dużej mierze odnosi się do przestępczości – przedstawiany jest jako niebezpieczne wypaczenie demokracji liberalnej. Jednak brak zdefiniowania terminu „populizm", prowadzi do tego, że jego krytycy nierzadko mają tendencję do mylenia go ze współczesnym prawicowym autorytaryzmem. Także analiza naukowa, w tym kryminologiczna, nie jest wolna od takich tendencji. Niniejszy artykuł, po krótkim omówieniu zaangażowania kryminologii w opisanie populizmu penalnego i rozprzestrzenienia się daleko idącego autorytarnego populizmu politycznego, przekonuje o potrzebie dokładniejszej konceptualizacji terminu „populizm". By ocenić

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charakter współczesnego populizmu potrzeba bowiem pewnej wiedzy teoretycznej. Jest ona także niezbędna do uchwycenia i zrozumienia m.in. neoliberalnej globalizacji czy tego, co Crouch nazywa „postdemokracją", jak również do zorientowania się co do jej przyszłych możliwych trajektorii – zarówno postępowych, jak i regresywnych. Potępienie populizmu, co zostało podkreślone w artykule, jest często przejawem zadowolonej z siebie liberalnej mentalności, która przyczynia się do politycznego niezadowolenia napędzającego ruchy populistyczne, pomijając przy tym uzasadnione skargi m.in. na błędy instytucji liberalnych (często mające charakter przestępczy). Populizm, zamiast być aberracją polityczną, powinien być postrzegany jako „normalny" wymiar demokratycznej polityki, mający implikacje dla polityki kryminalnej (jak również polityki w ogóle).

Słowa kluczowe: populizm, liberalizm, neoliberalizm, postdemokracja

Introduction

According to a growing number of scholars and commentators, the world has entered a deep democratic crisis, a crisis that threatens the "mature", "western" democracies in ways not seen since the 1930s. A stream of ominous titles, many appearing in the wake of the watershed events of 2016 (the Brexit vote and the election of Donald Trump), go as far as questioning whether democracy can survive (see della Porta 2013; Coggan 2014; Levitsky, Ziblatt 2017; Grayling 2018; Is democracy dying 2018; Runciman 2018). Others pronounce *The Death of Truth* (Kakutani 2018) and *The Death of Expertise* (Nichols 2019). For many of the authors, but by no means all, the crisis is not so much one of democracy as it is one of *liberal* democracy, a decoupling of democracy from liberal institutions (constitutionalism and the rule of law) and the enlightenment values of truth, reason and tolerance.

As they cast around for culprits – searching for who or what might lie behind the crisis – few commentators omit mention populism: "the populist *zeitgeist*" (Mudde 2004), *The Populist Explosion* (Judis 2016), the "populist moment" (Mounk 2018; also see de la Torres 2015, 2019; Müller 2016; The power of populism 2016; Goodhart 2017; Mudde, Kaltwasser 2017; Eatwell, Goodwin 2018; Luce 2018; McKnight 2018; Pappas 2019; Moffitt 2020). According to Sascha Mounk (2018: 3), "There can no longer be any doubt that we are going through a populist moment. The question now is whether this populist moment will turn into a populist age – and cast the very survival of liberal democracy in doubt."

The interest in populism is not new, but the scale certainly is. Earlier literature on populism tended to only associate it with the political traditions of certain regions and countries, like the USA, Russia and Latin America (Ionesco, Gellner 1969; Goodwyn 1976; Canovan 1981; Kazin 1998; Berlin 2008). Writing mostly in the interregnum between this older literature and the recent "explosion", criminologists and sociologists adopted the label "populist" to describe developments in the administration of criminal justice and social control in parts of the Anglo liberal democratic world. Penal populism or ("populist punitiveness"), they argued, was

driving increasingly harsh criminal justice policies and rhetoric (Bottoms 1995; Johnston 2000; Garland 2001; Roberts et al. 2003; Ryan 2003; Pratt 2006, 2008; Freiberg, Gelb 2008; also see Hall 1979, 1980, 1983). In the article that follows, I will first provide a brief account of penal populism before considering how it has morphed into a more far-reaching political populism. I will then turn to the neglected issue of conceptualising populism before discussing the key driving forces behind the rise of right-wing authoritarian populism. I conclude with some discussion of the prospects for a progressive populism.

1. Criminology and penal populism

Crime acquired increasing salience as a political issue across much of the western world in the 1970s and after. The trend was particularly pronounced in the English-speaking world, mainly in the USA, but also in Britain, Australia and New Zealand. Although a hotly contested election issue, campaigning around law and order was not confined to the election season but became part of the permanent political campaign and has mostly continued despite declining crime rates since the 1990s. Criminologists showed how conservative penal populist politics selectively nurtured and exploited popular fears and enmities around crime, which increasingly sidelined evidence and expertise concerning effective crime policy and legitimised an expansion of the surveillance, policing and penal capacities of the state, including the adoption of intensely symbolic policies like zero tolerance, three strikes laws and preventive detention, policies that were often aimed at the most visible and marginalized and not necessarily the most harmful offenders.

Criminologists and sociologists have therefore been tracing the rise of illiberalism in western criminal justice and social control institutions and the role of *penal populist* politics for an extended period, although this was previously largely associated with parties of the centre-right and centre-left. Many of these accounts also described the broad contours of economic and social change that had given crime its novel political currency. They showed how the adoption of punitive measures was fuelled by the weakened capacity of states to manage the economic, financial, social and political consequences of globalization and hence an inability to respond effectively to the "vertiginous" anxieties (Young 2007) they had unleashed. Bauman pinpointed the way in which complex, remote, uncontrollable sources of popular insecurity and uncertainty are readily collapsed into an obsession with the issue of personal safety. This in turn prompts the adoption of tough law and order measures as a palpable sign of political resolution towards the protection of public safety and as a salve for political impotence in the face of the deeply disruptive effects of globalization on everyday economic and social life (Bauman 1998: 117). As the political class ceased to represent a large portion

of its citizenry –unwilling or unable to address issues of economic and social insecurity – but still needing to engage voters and shore up legitimacy, the politics of fear and resentment assumed a growing importance and were also invoked to frame other issues, such as immigration, minority rights and welfare. The promise of security became an ever more pervasive feature of public policy and daily life.

Nevertheless, these developments did not attract much interest from scholars in other academic fields as affecting broader trends in mainstream politics or as steps towards a more far-reaching authoritarianism. On the other hand, while criminological and sociological accounts tackled the broad sociological drivers of penal populism, with only a few exceptions (Lacey 2008; Garland 2013), until recently they neglected analysis of the specific political institutions, processes, and rationalities that mediated large-scale social forces and specific legal and penal outcomes in particular settings. This led Zimring and Johnson (2006: 267) to observe that, "Criminologists and sociologists rarely make the political dimension of crime policy a principal concern, and political scientists almost never do […] criminologists avoid dealing with political issues, while political scientists have traditionally avoided crime and punishment as scholarly concerns."

In similar vein I have argued elsewhere that criminological analysis of populism largely avoided dealing with the political meaning and logic of populism (Hogg 2013), something it shared with much recent academic scholarship on populism. The popular tendentious view of populism sees it as simply an irrational turn in politics: the abandonment of Enlightenment values of reason, science, and expertise as the guiding tenets of public (and more specifically penal) policy (Pratt, Miao 2017). Little interest is shown in the history of populism or the wide variety of movements that have identified themselves, or been seen by others, as populist. For example, the self-defined populist movement in late nineteenth century America – a broad coalition of farmers, urban workers, Christian socialists, feminists, and others who formed the Peoples' Party in the early 1890s – protested the power of monopolies, extreme concentrations of wealth and government corruption. The populists promoted mass education through travelling lecturers, community libraries and vibrant rural newspapers. They pressed for labour reforms (recognition of trade unions, an 8-hour workday), financial reform, a graduated income tax, votes for women and a regulatory state (Goodwyn 1976; Postel 2009). Although short-lived as a third-party force, with its aspirations for radical social transformation unrealized, in the following years many of its reform goals were achieved when adopted by the major parties. It initiated a radical tradition that influenced progressivism in the early twentieth century and the New Deal in the thirties. Such experiences are rarely acknowledged in contemporary debates about populism, doubtless because they fail to accord with current pejorative constructions of populism. To prove the point, Jan-Werner Müller (2016: 85) is one theorist who *does* discuss the Peoples' Party, but only to conclude "that the one party in US history that explicitly called itself 'populist' was in fact not populist." Coupling populism as a concept, and more often simply conflating it, with other terms like

"penal", "punitive", "authoritarian", or "xenophobic", where the latter bear most of the conceptual (and normative) burden, begs the question of what precise meaning is to be given to populism. Here, theory is not a luxury to be dispensed with; it is essential. Before addressing that point in detail, I will briefly consider some key features of the more recent "explosion" in populist political movements.

2. From penal populism to political populism

For the most part, neither criminologists nor political scientists detected that penal populism might be "a prelude" to forms of populism that would invade the entire body politic and "mainstream society" (Pratt, Miao 2017: 3). For most criminologists it was an affliction specific to the domain of penal policy, with remedies close to hand: more knowledge and education for citizens and the news media and institutional measures that insulated criminal justice policy from ill-informed popular pressures. This proved to be a short-sighted view.

There is now no disputing that right-wing, authoritarian populist parties have been on the electoral march for some time and in many cases hold power, share power or exert considerable political influence across many parts of Europe (Mudde 2019). In 2018 the already two-time election winner, Viktor Orbán's right-wing, nationalist, anti-immigrant Fidesz Party in Hungary, enjoyed a thundering election victory, winning 67% of the parliamentary seats. Orbán is something of a poster boy for the new authoritarian politics in Europe and elsewhere. Both Donald Trump and his erstwhile campaign strategist, Steve Bannon, are admirers. So too is leading Fox News commentator Tucker Carlson, who in an August 2021 broadcast from Hungary praised Orbán as a defender of western Christian civilization (Sexton 2021). On the back of his election wins, Orbán mounted concerted assaults on the independence of Hungary's political, legal and media institutions and used his power to dispense economic and political favours to his cronies. After his 2018 electoral victory, Orbán repeated his claim that, "The age of liberal democracy is dead. It is no longer able to protect people's dignity, provide freedom, guarantee physical security or maintain Christian culture" (Walker 2019: 18). Others, like Poland's Law and Justice Party, have followed in these authoritarian footsteps with similar electoral successes. Elsewhere in Europe (Norway, Austria) far right populist parties share power with centre-right conservatives. In Italy *la Lega* shared power with the Five Star Movement until recently but is now allied with the neo-fascist Brothers of Italy and Silvio Berlusconi's Forza Italia, where they currently govern 15 of the 20 Italian regions (Giuffrida 2021). A far-right party, AfD, has entered the German Bundestag for the first time since WW2 and in France Marine Le Pen (the National Rally leader) reached the second round of the 2017 presidential election, and is set to repeat this achievement or go one better at the next election. "Po-

pulist" strong men are also safely in charge in Russia, Turkey, India, Brazil and the Philippines. The reach of the rightward political shift was emphatically underlined when the chauvinist UKIP party (then led by Nigel Farage) joined with sections of the British Conservative Party in 2016 to support Brexit, and shortly after Donald Trump won the US presidential election. The electoral winds battering the political systems of some countries (Greece, France, Italy) have seen the eclipse of once dominant mainstream parties of both centre-right and centre-left. In others (the US, Britain) right-wing insurgents have dragged conservative parties dramatically to the right. Far less common, but worth noting, are parties and movements of the left that have been labelled populist, like Syriza in Greece and Podemos in Spain.

The dominant pattern is clear. It does not involve, as in the 1930s, the violent toppling of constitutional government by fascist parties, but rather as Cas Mudde has argued, a progressive, long-term process of "mainstreaming and normalization of the far right" (Mudde 2019: 1). Democracy is not overthrown, but is made to favour the expansion and legitimation of executive power over the protection of the rights and freedoms of citizens and residents, the trend that criminologists earlier discerned in conservative rhetoric and reform around criminal justice. Nor does the influence of the far right only depend on winning elections. Their growing support has pushed other parties of the centre-right (and centre-left) sharply to the right on key issues, as traditional voting blocs have fractured and established parties seek to combat the drift (or sometimes exodus) of voters to new or rising parties or independents. It is a process of incremental erosion of democratic norms (Levitsky, Ziblatt 2017).

Few, if any, established democracies have escaped the impact of this shift. Australia's relatively strong two-party democracy, underpinned by its system of compulsory voting, has seen voters drift in growing numbers to third parties and independents. The appearance of a xenophobic right-wing party in the form of Pauline Hanson's One Nation[1] (Marr 2017) not only captured voters from both the major parties, but pushed them to the right on "hot-button" issues like the treatment of refugees and asylum seekers. It has also emboldened other far right fringe groups to make themselves more visible in street protests, demonstrations and in on-line platforms. The self-declared fascist who live-streamed his mass murder of 51 Muslims at prayer in two Christchurch (New Zealand) mosques in 2019 grew up in a regional Australian town, his extremist views nourished from an early age by on-line participation in far-right chat rooms hosted in Australia and elsewhere (Sparrow 2019). However, as in other countries, Islamophobia,

[1] Pauline Hanson, a complete political outsider at the time, was disendorsed as a Liberal Party (i.e. conservative in the Australian context) candidate in what was thought to be an unwinnable seat in the 1996 federal election after publishing overtly racist comments directed at Indigenous Australians. She ran as an independent and won in a landslide. Her political fortunes have waxed and waned since, but she and a colleague currently share the balance of power in the Australian senate and Australia's preferential voting system gives her bargaining clout with other parties at election times.

anti-immigrant sentiment and white supremacy are not confined to a fascist fringe but have been indulged and fostered by leading conservative politicians and governments, typically conducted in code and often packaged in the language of national security, border control and fighting crime. Ambient racial tension has caused some to worry that in times of crisis and major electoral volatility this could quickly trigger a radical shift to the authoritarian right in Australia (Roggeveen 2019). Such concerns deepened after the 2020 US presidential election and the response of the incumbent president and his base in the Republican Party and the far right (if the two can any longer be spoken of as distinct). It is an object lesson in the explosive and unpredictable character of contemporary politics and a warning against any complacent belief that there are countries, so-called "mature" western liberal democracies, that are immune to such authoritarian populist trends.

3. Theorising populism

I accept that the label "populist" correctly describes the parties and movements at the heart of these political shifts, although those who so freely use the term rarely pause to define what it means. It is also significant that with few exceptions it is not used as self-description, but only to describe *others* and to do so pejoratively if not with visceral repugnance. In most everyday political discourse and commentary populists are presented as manipulative, demagogic, anti-intellectual, anti-reason; they pander to the masses with symbols and rhetoric that are empty of meaningful political content; they elevate common sense and emotion over knowledge and reason, offer simplistic solutions to complex problems, are anti-pluralist, authoritarian and hostile to minority rights, and impatient with constitutional checks and balances and the rule of law. This powerful lexicon of denunciation compounded into a single word, "populist", facilitates use of the term less as an analytical tool for understanding politics than as a rhetorical weapon in political combat. To be clear, I share the revulsion of others towards xenophobic, right-wing, authoritarian populism, but I believe there are costs to simply conflating populism with these ugly expressions of it.

If we are to advance beyond populist name-calling it is essential to recognize that how populism is to be normatively judged (and responded to politically) depends critically on how it is to be defined and understood conceptually. Most political commentary, and a great deal of academic scholarship, eschews the necessary engagement with theories of populism. Definitions of populism (often implicit but sometimes explicit) are adopted which pre-determine its character, as anti-pluralist, demagogic, authoritarian, irrational, etc. and set it in opposition to what are taken to be the enlightenment ideals that defined liberal democratic political life before populists sought to sabotage it. This demonising of populism (aside

from emulating sins attributed to populists themselves), has at least two negative effects. First, treating populism as a cancer on the liberal democratic body politic diverts from the important task of critical analysis of deficits in the constitution and current trajectory of contemporary liberal democracies themselves: their various (and often ingrained) illiberal, undemocratic, and exclusionary traditions, features and tendencies, that might in turn help explain the rise of populism. Denunciations that simply set populism in opposition to liberal democracy and banish it from the realm of responsible and legitimate politics serve to distance its critics from their own exclusionary practices. Secondly, in a related vein, moralisation affords an impoverished basis upon which to politically engage with populism and its constituencies: it essentializes what is a complex, nuanced, protean phenomenon and thus over-simplifies what is required by way of political responses to it.

It is time that scholars interested in contemporary populism engaged with the concept as it is understood and debated in a growing body of political theory on the subject (for a brief, excellent introduction see Moffitt 2020). As Moffitt (2020: 4) points out, populism "is a core concept for understanding democratic politics across the globe." Taking theories of populism seriously might also enable criminologists (and others) to gain a better understanding specifically of why and how crime became a core theme within contemporary populist politics, how this relates to recent trends in liberal democratic states and is articulated with a range of other issues (like immigration and welfare), and the possibilities that might exist for a progressive politics (and even perhaps a progressive populist politics) of law and order.

The one constant across various definitions is that populism revolves around a core divide between "the people" and "the elites". Beyond that, efforts to conceptualise it vary both in theoretical terms and in the extent to which they are tied to particular historical and/or regional political traditions and experiences. Populism in Latin America has long been a focus of scholars who specialize in the study of politics in that region (see for example de la Torres, Arnson 2013). This influenced one influential concept of populism, in which it was understood as centring on a charismatic leadership figure (like Juan Peron or more recently Hugo Chavez) commanding a mass following, whose support is substantially unmediated by organised party structures or other institutional processes. This arose in countries (like Argentina in the 40s and 50s) where large sectors of the population, locked out of the existing political process by a privileged elite, were galvanized into a "people's" movement, who's will the Leader was understood to personify. Hostility towards, or exclusion from, institutional politics together with the weakness of party or other mediating organisations can, as is often pointed out, carry the seeds of both authoritarianism and movement instability. This empowers the charismatic leader who claims a sacred bond with "the people". There are examples other than those drawn from Latin America that fit the model quite well. Silvio Berlusconi's political rise in 1990s Italy might well be regarded as inaugurating the trend in "the West", which has been followed by others, like

Donald Trump and, far less consequentially, Pauline Hanson's One Nation party in Australia. What is often defined as the strategic approach to populism has also stressed the role of personalized leadership. This is unsurprising as it was largely pioneered by scholars of Latin American politics, but its adherents also incorporate a concern with the forms of political practice employed by populist leaders to secure and maintain power (Weyland 2017; Moffitt 2020: 17–21). In this latter respect it shares some features with the discursive-performative model of populism to be discussed below. Although the focus on charismatic leadership captures one important expression of populism, understanding of the phenomenon is not usefully limited to this aspect of it.

A second influential theory depicts populism as an ideology, but one of a peculiar kind. Recognizing that populism has no consistent left/right political or other ideological or social belonging, Mudde and Kaltwasser (2017: 6) argue that it is a "thin-centred ideology" only, which needs be considered together with other ideologies and ideas which give it specific shape and direction in particular settings. Beyond this, thinkers who share this approach tend to also argue that the core opposition upon which populism rests involves a Manichean conception of politics – politics as a moral struggle between the (virtuous) people and (corrupt) elites over irreconcilable differences (Müller 2016: 19–20). This, it is argued, leaves little or no room for the usual constraints, give-and-take and peaceful compromises of the political process. Political rivals are turned into enemies and populists in power are prone to dismantle constitutional checks and balances that stand in the way of executing the will of "the people". Populism therefore is a form of authoritarian identity politics: only the populist speaks in the name of "the people" but it is also the populist (usually but not necessarily a charismatic leader) who decides who comprises the *real* people. This approach sees populism as inherently exclusionary. It is, as Müller (insistently) and Mudde and Kaltwasser (a little more guardedly) argue, anti-pluralist and anti-political, denying the need or space for difference, dissent, or conflict within or amongst "the people". It is also anti-reason: "Rather than a rational process constructed via the public sphere, the populist notion of the general will is based on the notion of 'common sense'" (Mudde, Kaltwasser 2017: 18).

A third approach to populism, and the most fruitful in my view, is what Moffitt (2020) calls the discursive-performative approach. Moffitt discusses variations within this approach, but for my purposes here it is unnecessary to go into these. This approach has by far the widest potential application and, unlike the others, is normatively neutral. Although recognizing this, some of its most sophisticated theorists commend a particular progressive populism (Laclau 2007; Mouffe 2018). While sharing with the other approaches the focus on the people/elite divide, this is not seen in terms of fixed or pre-existing positions, groups or identities. On the contrary, for Laclau, Mouffe and others, it is in the very nature of political struggle and processes of political representation, including populist movements, that they *construct* political identities; with the additional understanding that this is always

a dynamic and contingent process. It is not then a question of *who* comprises "the people" but of *how* that identity is constructed in on-going political struggles. The work over many years of Laclau and Mouffe (1985) was a reaction against conceptions of politics (Marxist and others) in which political positions were read off from economic class location. If this was inadequate to account for the complexities of politics under industrial capitalism, it certainly fails to speak to the political realities that emerged with the emancipatory social movements of the 60s and 70s, with the restructuring of global capitalism beginning at the same time, and which has seen the emergence of the post-industrial information economy and the fragmentation of the old industrial working class. In the discursive-performative approach, populism is not an ideology, "thin-centred" or otherwise, but a mode of constructing politics and of constituting political identity. It is a way of discursively organising the content of politics, not the content itself. It is centrally concerned with questions of representation, style, presentation and performance, but this is to be understood in a deep-rooted rather than merely superficial sense. Consequently, as Moffitt and others stress, this conception of populism also does not see it in necessarily categorical or "binary" terms: populism as a fixed attribute of certain political actors which defines them in some complete way. As Francisco Panizza put it, "populism is never an encompassing totality that completely defines a leader, a party, or a regime" (Panizza 2013: 88). Populism is something political actors *do* (Moffitt 2020).

In this sense, populism as political logic might take its rightful place and be understood as part of the "normal" repertoire of political practice, rather than being consigned to the realm of political pathology. Laclau (2007: 17–18) made the point that in complex, modern, large-scale societies, any form of political participation, of access of the masses to the political process and connection between political leaders and the people necessarily involves elements of symbolism, simplification and indeed mystification. In this respect, many of those features attributed to populism as aberrations – its polysemic character, anti-intellectualism, simplification, the importance accorded to symbols, rhetoric, language – are instructive for understanding the positive processes of formation of political meaning and identities. They are intrinsic features of politics, not pathological intrusions, or fleeting attributes destined to be transcended in the passage to some higher, more mature, more rational political plain. This places populism as political logic (rather than a self-described political party or movement) at the centre rather than on the margins of modern politics, particularly in relation to nationalist politics in the modern world. To secure political power and their political, economic, and social goals, parties and movements of both left and right, and from both above and below, contend for national-popular leadership, to effectively speak on behalf of "the people".

Nor is the process of constructing political identity ("the people" or any other identity) simply a matter of logic or rationality. It involves, as implied above, political labour centred as much on the non-rational domain of life – on symbols, on

unconscious fears, on emotional identifications, on the affects – as on appeals to rational interest. Critics deprecate populist appeals to common sense, but democratic politics in all societies cannot dodge the task of translating complex policy agendas into readily digestible common-sense terms for citizen-voters whose busy lives and many responsibilities mean they can never be expected to study and comprehend all the relevant policy detail across the wide range of topics that affect them. Moreover, it is not simply a case of invoking common sense but also of shaping and transforming it in the process of constituting political identity.

As such, political identifications of "the people" are also inherently unstable and often (tentatively) held together by empty signifiers, symbols that succeed in uniting a chain of different democratic demands and/or grievances only in a sense by masking or suppressing them in their particularities (Laclau 2005). The crystallizing demand for "freedom" or "justice" may unite diverse constituencies precisely because in its diffuseness it permits them to pour their own content into the struggle if it is waged against some "other" elite, power bloc or system that can be blamed for denying freedom or inflicting injustice. Similarly, and closer to the concerns of criminologists, the promise of "zero tolerance" may resonate precisely because the lack of concrete meaning does not inhibit, and probably greatly enlarges, its emotional purchase with a wide variety of popularly felt grievances. Therefore, many of the negative qualities attributed to populism (authoritarian, anti-pluralist) are neither inherent in, nor specific, to populism and others (the importance of the affects, symbolism and language, common sense) may be regarded as intrinsic features of all modern politics.

The discursive-performative approach to populism also helps to make sense of the important role of cultural values and traditions over and against material interests in shaping political preferences and identities. It redresses the rationalist and economistic biases of liberal and radical theories and conceptions of politics, demonstrating that what is often at stake in political struggles is not the calculation of material interest but questions of belonging, community, identity and ontological security. Crime, moral transgression, and punishment are particularly pertinent to these questions. The idea that, until the advent of the populist disruptors, the politics of crime and punishment (and politics at large) were governed by reason and science is belied by a long tradition of sociological inquiry influenced by Durkheim and others, concerned with the symbolic and status politics of law, crime and punishment (Gusfield 1963; Cohen 1973).

Anthropologist and cultural theorist Mary Douglas' entire corpus of work (1970, 1992) was directed against the idea that an epistemological gulf separates the modern from the pre-modern mentality in relation to misfortune and human suffering. According to this orthodoxy pre-moderns confronted misfortune by assigning it to supernatural forces (witchcraft, the wrath of the gods, etc) whereas moderns trace effects to their material causes according to the dictates of science and rational knowledge. The former moralises and politicizes danger to affirm social solidarity whereas the latter tackle the *real* causes of things, as objectively

identified, or ascertained (Douglas 1992: 6–7). Against this, Douglas argued that "in all places at all times the universe is moralized and politicized. Disasters that befoul the air and soil and poison the water are generally turned to political account", and she added, "someone already unpopular is going to be blamed for it" (Douglas 1992: 5). The language of evil and criminal wrongdoing and the symbols and rituals of punishment have a deep historical and psychological resonance here, and provide a powerful framework for understanding, interpreting and isolating blame in relation to prevailing insecurities. It should come as no surprise that in troubled times leaders wield these rhetorical symbols, and ordinary people respond to them. In a secular age the nation state is the most potent embodiment of collective identity (the closest thing to a god or totem) and the most powerful instrument of protection against the violation of its most fundamental norms. The symbolic affirmation of its authority in and through the deployment of punitive rituals is a reminder of both the enduring role and importance of sovereign power in social organization and of its close relation to punishment (Garland 1996).

Philip Pettit (2002) has pointed out that modern criminal justice has always been susceptible to an "outrage dynamic" in which emotion, vivid storytelling, conspiracy theories and expressive politics tend to eclipse facts, evidence, and instrumental reason. This is also suggestive of how crime could become a pivotal issue for right-wing populist politics. Most critical accounts of the rise of right-wing populist politics in the US point out that the key to success depended on a conscious "culture war" strategy, on appeals to cultural grievance and the ability to "change the subject" (Lind 1997: 137), from economic discontents and concerns to cultural resentments: race, immigration, family values, abortion, gay marriage, public education, the role of the courts and of course crime. This influenced politics and political strategy elsewhere, including in Australia and Britain. The idea was that the moral order, and core American values, were being turned inside out. Hard working citizens who looked out for their families and obeyed the law were left behind and saw their values disrespected as successive governments spent their hard-earned taxes on special programmes for undeserving minorities and criminals. Crime works well in culture wars because it can knit together a variety of social and cultural grievances and anxieties beyond any concern about crime. In a world where overt expressions of prejudice (racial and otherwise) are no longer permissible, crime can serve a powerful "dog-whistling" function. Objections to immigration, asylum seekers, welfare policy, gender equity and a host of other issues are frequently cloaked in the language of crime control. It supplies a powerful metaphor: that of innocents doubly victimized, first by threats to their security and then by misplaced elite and government priorities in which tax and spend policies support the unfit and undeserving at the expense of the responsible, law-abiding citizens.

4. Populism, neo-liberal globalization and "post democracy"

Mouffe stresses that nothing in the character of populism, as it is understood from the discursive-performative standpoint, depends upon the dismantling or weakening of liberal democratic political institutions. On the contrary, the progressive populism she commends recognizes the historically contingent relationship of liberalism and democracy, the exclusionary dimensions of existing liberal democracies and the threats to both liberalism and democracy that currently emanate from what Crouch calls "post-democracy" and the right-wing responses it has engendered (Crouch, 2004, 2011, 2019, 2020; Mouffe 2018: 13–16; also see Mair 2013).

Liberal thought has been very successful at whitewashing liberal practice, conferring a timeless and universal gloss on liberalism that is belied by its own history, including its recent history. Liberal thinkers and liberal states have a long history of ambivalence not only towards democratic rights but often also to the principles of liberal constitutionalism they claim as their fundamental creed – the rule of law, equality before the law, political pluralism, human rights and so on. Reflecting the attitude of many nineteenth century liberals to democracy, Walter Bagehot argued in *The English Constitution* (1867; 1993: 278) that it "means the supremacy of ignorance over instruction and of numbers over knowledge." The idea that some were not fit for democratic participation or to enjoy other citizenship rights remained an article of faith well beyond Bagehot's time. Until the 1960s, the American liberal democratic compact rested on an acceptance of a system in the Jim Crow South based on single party rule, racial exclusion, and violence. For many decades it proved impossible to get a federal anti-lynching law through the US Senate. Much of US right-wing politics since the 50s and 60s has been rooted in thinly veiled efforts to exploit racial resentments and roll back the advances of the civil rights years, often through gerrymandering, voter suppression and other measures. William F. Buckley, the Goldwater movement in the 1960s, George Wallace, Richard Nixon's "southern strategy" and the racial dog whistling of the Reagan and Bush administrations all played a part in these efforts, culminating in the openly racist, nativist populism of the Trump administration. Nationalist cultural conservatism and economic neo-liberalism are often assumed to be separate, even opposed, strands of latter-day conservative thought and practice in the US. Nancy MacLean's excavation (2017) of the early history of neo-liberalism in the US shows, on the contrary, that they were complementary. She demonstrates the extent to which a crucial strand of neo-liberalism, public choice theory, was a response to the civil rights movement and desegregation in the South. As with the Goldwater movement, William Buckley and other right-wing conservatives who opposed civil rights, resistance was couched in the racially neutral language of economic liberty, states' rights, and opposition to federal government over-reach.

Essential to the success of this political strategy since the 1960s was the emergence of coded language tying race to other issues, in the early days to communist infiltration, but subsequently to crime, welfare, taxation, public spending and the excessive power of federal government. Crime became a crucial proxy for the expression and political manipulation of racial grievances. America's gigantic penal estate (accounting for 25% of the global prison population while possessing only 5% of the global human population) and the racial disproportion that pervades it are no mere coincidence (Stuntz 2011; Alexander 2012). Populist rhetoric spurred a wide range of draconian penal strategies and measures, including the "war on drugs", "three strikes" laws and "zero tolerance" policing. Adoption of various instances of what Pratt (2020) calls a "security sanction" were central to the emergence of a novel form of preventive justice aimed at the "immobilization" of new categories of risk and social enemy, including the pedophile, the illegal immigrant, the gang member and (especially after 9/11) the terrorist (also see Zedner 2009). Derogating from what were once thought to be fundamental principles of criminal law (the right to liberty, presumption of innocence, and proportionality and finality in sentencing), these trends, and the demonizing rhetoric that supported them, signaled a marked shift towards illiberalism in the administration of criminal justice. Penality also became ever more tightly yoked to racialized social control through anti-immigrant scare-mongering and new border regimes (Davis, Shear 2019).

Neither the politics nor the history of illiberal penal policies and practices are confined to the US, even though they appear in prominent form there (for Australia see Cunneen et al. 2013; McNamara, Quilter 2016). In colonial settler states like Australia Indigenous peoples were until the 1960s segregated under racially discriminatory laws and the country's immigration laws excluded non-whites. Today, indigenous Australians stand as both the world's oldest surviving culture and its most incarcerated (Anthony 2017). Conservative politicians and governments continue to practise the politics of white resentment, even if they cloak it in the rhetoric of law-and-order and national security. In assessing the extent and impact of the liberal reforms of the 60s and 70s in settler states like Australia and the US it is also necessary to look beyond changes in formal laws and official policies to the continuing force exerted by modes of informal belonging and exclusion (Hage 1998) that surface in structures of language and affect and in enforcement priorities and practices. Indeed, we appear to have entered a new age of white fear where democratic demands for recognition and substantive equality and genuine acceptance of diversity that threaten white prerogatives are often experienced as existential threats to white identity itself. Catch-cries of "the great replacement" and white victimhood — of "white genocide" even — appear as the core of a new race politics. Donald Trump's border policies, together with Brexit and the growing popularity of far right, anti-immigrant parties in Europe – all reflect a political phenomenon sweeping across large parts of the rich world demanding ever tougher measures to exclude certain groups, defined by their race, ethnicity, and religion. Old themes and phantasms have been disinterred and woven into a more overt

and aggressive white ethno-nationalist populism. In addition to the formal and informal exclusions that historically characterize liberal states, other economic, social, and political changes have struck at the core of democratic politics and further opened the way for right-wing populist movements.

These movements are not first and foremost a threat to democracy, but a reaction to post-democracy. Colin Crouch (2004, 2020) uses the concept of post--democracy to describe a long-term tendency within "mature" democratic states whereby formal institutions, processes (elections, parliaments, etc.) and their trappings remain substantially intact, but democratic politics has been progressively drained of the energy and vigor that stems from mass citizen participation and engagement. Rather, effective decision-making and rule are increasingly concentrated in the hands of closed political and economic elites and non-democratic institutions. This represents a crisis of political representation, reflected in declining levels of trust, growing popular political disaffection, low voter turn-out in elections and falling political party membership. There are many contributing factors, but Crouch focusses on two major causes of post-democracy.

First, economic, or neo-liberal globalization has had the effect of displacing important decisions affecting the well-being of citizens from their locus within the nation state where they are subject to the democratic process to global markets and giant transnational corporations (especially in the financial sector and IT). Alan Greenspan (former chair of the US Federal Reserve) told a German newspaper in 2007 that it didn't much matter who won the forthcoming US presidential election because, he observed approvingly, "thanks to globalization, policy decisions in the US have been largely replaced by global market forces. National security aside, it hardly makes any difference who will be the next president. The world is governed by market forces" (quoted in Tooze 2019: 574). Within a year the global financial system faced collapse, inflicting untold hardship on people around the world. Democratic governments came to the rescue, but in ways that propped up those responsible for the calamity – the most powerful financial institutions and bankers in the world. None were held to account (Ferguson 2012; Hogg 2013). Their obscene remuneration packages were barely impacted. The losses – jobs, homes, life savings, retrenchment of public services under austerity measures – were largely borne by working and middle classes. As Crouch pointed out of the "conundrum" at "the heart" of neoliberalism: "actually existing, as opposed to ideologically pure, neo-liberalism is nothing like as devoted to free markets as is claimed. It is, rather, devoted to the dominance in public life by the giant corporation." The fundamental reality, he argued, is that corporations are not just influential economic actors but "major insider participants in the political process" (Crouch 2011: viii, ix).

A second major cause of post-democracy according to Crouch has been the erosion of the social foundations of political identity (especially economic class and religion) in the "mature" democracies. This has resulted from the transformation of the structures of work and community in the transition from industrial to post-industrial society and a waning in the role of religion. Work in the post-

-industrial economy is for growing numbers more insecure and poorly paid with flow-on impacts on work-based status and solidarities, the stability of marriage and family and community cohesion. The widening gaps – both economic and social – between the rich and the rest have seen the more stable industrial order of working and middle classes, and their consequent opportunities for social mobility. give way to what Standing calls a new "precariat" class (Standing 2011). Most countries have also seen a decline in religious observance. In consequence, there has been a dramatic weakening of the forms of social identity and the institutions (trade unions, churches) that once linked citizens to political parties, grounded stable political loyalties and constituted countervailing powers to the influence exerted by elites over the political process. Thus, the crisis of representation has been brought about from both above and below: from an increasingly integrated global economy and the influence of money (campaign finance, lobbying) that have increased the power of corporate elites in politics; and from the "void" created by the slow disintegration of the class, religious and other institutions of civil society which connected mass publics to mass political parties (Mair 2013). These trends have been further turbo-charged by a disaggregated media landscape. The internet, cable, and social media platforms have seen citizens increasingly enclosed inside their own information bubbles, devoid of any encounters with fact-based political news media, whose economic base and role have themselves been undermined by the new media and communications technologies.

The various forces behind post-democratic trends and developments are mutually reinforcing in numerous ways. This means that the potential for renewing democratic politics depends increasingly on movements and forces from outside the traditional parties, institutions, and processes. Rarely welcomed as guests at the political table, they must gate-crash their way into the political conversation. Crouch (2019) refers to feminism and environmentalism as examples of insurgent movements that are disrupting the political mainstream and energising democratic politics with novel demands and ideas. At the time of writing, women in both Britain and Australia are engaged in mass agitation around the right to live and work safe from gendered violence. Black Lives Matter has since 2020 also energised the struggle against racism and seen it morph into a global movement. However, by far the most consequential of these post-democratic insurgencies at the present time are the ethno-nationalist populist parties and movements, who have shown themselves adept at organising the disaffected, exploiting insecurities and the fear of immigrants it has induced and sharply tilting the political balance to the authoritarian right (Mudde 2019). Just as old modes of political representation have weakened, the new media landscape has enabled new insurgent political forces, those already mentioned and others like #MeToo and QAnon. New styles of populist political leadership, conspiracy theories and political cults flourish in the current fractured media and political environment, as Donald Trump's presidency so palpably demonstrated. On the other hand, the new environment is not something that can be wished out of existence.

5. Is progressive populism an oxymoron?

Blanket denunciations of populism should not obscure the fact that in the reality-based world elites *do* exist and there *are* conspiracies – the Catholic Church's world-wide cover-up of child sexual abuse, the systematic lying and denialism of the fossil-fuel industries concerning climate change (following the playbook of the tobacco industry), the Murdoch media hacking scandal. The examples are legion, but they are mere symptoms of a growing structural divide between powerful economic-political elites (a new oligarchy) and an increasingly alienated and politically powerless citizenry. Under oligarchy, elites face very different legal regimes to the rest of the population; there is no clearer example than the crimes of the substantially de-regulated global financial sector. Anyone thinking this would change after the global financial meltdown of 2008-09 would be mistaken. A recent royal commission looking into Australia's financial institutions found systemic wrongdoing across the industry, leading the commissioner to observe: "Entities appear to have treated the law as applying only when and if they chose to obey it" (Royal Commission 2018: 280). Supine regulators largely indulged this attitude, allowing corporations to act with impunity.

There is little appetite among liberals or from elsewhere in the political mainstream to tackle corporate might and the abuse of market power. Those liberals who do see the need for serious reform to confront growing inequalities of wealth, power, and respect (e.g., Garton Ash 2021) typically couch their aims as resolutely anti-populist. They often offer radical policy proposals yet fail to consider how disaffected citizens might be united behind a progressive reform programme; that is the question of how politics can be organized to this end, given the post-democratic realities. Are the economic and political elites going to willingly surrender their positions of privilege? The record suggests that rather than countenance reform, they are more likely, even if they must hold their noses, to fall in behind right-wing populists, as the Republican Party and the big corporations did with Trump. Afterall, his anti-elite rhetoric did not stop him from enacting massive corporate tax cuts and implementing deregulatory measures to their benefit. How then is oligarchic economic and political power to be challenged, if not by a mobilization of "the people", a movement that "punches up" rather than (as with right-wing populism) "punching down". Populism needs to be reclaimed from the authoritarian right for progressive politics. There might even be room here for a progressive penal populism (Hogg 2013; Quilter 2013) that seeks to unite democratic claims such as the feminist and anti-racist campaigns against misogynist and racist violence, the demands to take environmental crimes seriously, and which re-directs attention from the usual suspects (the poor and minorities) to the vast and destructive catalogue of crimes, harms and swindles perpetrated by the powerful. Does populism carry risks? Of course. All politics carries risks; so too do cynicism and apathy.

6. What impact will the pandemic have on populism?

Global crises – think of the two world wars – produce transformative long-term effects on societies, but the likely impact of the Coronavirus pandemic can only be a matter for speculation. For the moment it can be said that the pandemic has laid bare many existing inequalities and vulnerabilities – such as those relating to insecure work, the neo-liberal erosion of state capacity, and the right-wing populist denigration of scientific expertise. Many governments have had to overcome their aversion to debt and deficit budgeting and have spent extravagantly on social safety nets and protecting their populations. The choice between healthy people and a healthy economy has been shown to be a false one. President Biden has pursued an ambitious reform agenda, including early enactment of a $1.9 trillion covid-19 relief bill and plans for a massive infrastructure programme, a clean energy revolution, labour market regulation, increases to the minimum wage and raising the taxes of corporations and the wealthy (Economist 2021: 27–29). The pandemic also exposed the divisive and incompetent leadership of some leaders in the pandemic, like Trump and Jair Bolsonaro, who were dismissive of scientific expertise. Viktor Orbán, on the other hand, seized the opportunity to grant himself five-year emergency powers for use against his critics. And although Trump may, as many claimed, have lost the 2020 election due to his failure to take the pandemic seriously, his dominance (and that of Trumpism) of the Republican Party seems assured, and this even after multiple failed attempts to overturn the election result. Emboldened by Trump, Republican states are also waging a concerted backlash, enacting voter suppression and other deeply anti-democratic statutes as well as hard-line anti-abortion and pro-gun laws (Pilkington 2021). Attitudes to public health measures, like mask wearing, vaccination and lockdowns, have fuelled conspiracy theories, morphed into markers of political identity and been weaponised in the culture wars. Thus, along with some positive signs, many pre-existing divides appear to be widening rather than closing. As the social and economic pains inflicted by the pandemic persist, the "gloomy" forecast made by Fukuyama (2020) in mid-2020 is unlikely to warrant revision.

Concluding comments

Populist political movements and interventions play on essential democratic myths – popular sovereignty and rule by "the people". Populism is "a shadow cast by democracy itself" (Canovan 1999: 2). Of course, democratic institutions never live up to their myths, but perhaps the shadow of populism has become longer as politics more closely resembles rule by oligarchy and shows itself to be ineffective in the face of far-reaching economic, social, and technological change and its har-

mful and disconcerting impacts on so many. In a not dissimilar vein to Laclau and Mouffe, Margaret Canovan emphasised the essential role of popular investments (ritual, faith, redemptive belief, and utopian imagining) in the promise of democracy to institute a better world. The myths of democracy – "government of the people, by the people, for the people" – were and are necessary, sustaining myths. More than just an institutional arrangement for the peaceful transfer of power and management of conflict, democracy is a repository of popular aspirations for a better world. The grand hopes, utopian imagining and emotional fervour it often inspires (cf. Barack Obama's 2009 Presidential inauguration) are essential motivating forces behind the mobilization of democratic publics. Canovan has pointed out that the populist promise that political power might be made transparent to the popular will "[…] is not entirely illusory: it really is the case that people who can manage to believe in the possibility of collective action and to unite behind it can exercise more power than if they give up and concentrate on their private affairs […] Unrealistic visions may be a condition of real achievements as well as being a recipe for disappointment" (Canovan 1999: 13).

Populism needs to be taken more seriously as a regular, inescapable dimension of politics, one with no essential ideological or social belonging and one, at least in the discursive-performative conception, that must be considered together with other dimensions of politics. In assuming it to be inherently irrational and reactionary, critics of right-wing populism and contemporary penal populism surrender significant political ground to opponents.

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