

# Populism and the political system: A critical systems theory approach to the study of populism

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## Abstract

This article outlines a critical systems theory approach to the study of populism by arguing that populism is an avenue of contestation which assumes a distinct role and function in the existing constitution of the political system. Most notably, it is characterised by the re-entry of a popular sovereignty dimension within regular political procedures. By taking up a critical systems theory perspective, it becomes possible to more precisely distinguish populism from other forms of politics, such as oppositional politics, social movement politics or procedural constitutional politics. Further, populism's oscillation between democratic and authoritarian dynamics can be elucidated as an inversion which operates from within its political form. Finally, it is argued that the critical systems theory approach provides a more nuanced understanding of populism's inherent problems and, consequently, moves beyond a blunt defence or rejection of populism as such.

## Keywords

populism, constitutionalism, systems theory

Studies on populism are becoming more widespread throughout all disciplines of the social sciences and humanities. Given the world-wide surge of populist movements, the related research literature is also on the increase. This ranges from inquiries into the characteristic features of populist movements to how populism relates to the achievements of the modern constitutional tradition.<sup>1</sup> Although it remains a controversial issue whether the populist gesture to incarnate the popular will is an expression of democratic politics or, to the contrary, displays authoritarian penchants, defining populism as revolving around the

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distinction between the ‘people’ and an ‘established power structure’ (Canovan, 1999: 3) seems unanimous.<sup>2</sup> The characteristic feature of populism consists of the claim to embody the will of the ‘people’ against the ‘elites’. Further, it can be said that populism accompanies democracy ‘like a shadow’ (Ibidem: 16). As insights into the evolution of modern democracy demonstrate, populism is a recurring concomitant of political orders.<sup>3</sup> However, it still remains necessary to make sense of this persistence: Why do people resort to populism although insights into history, theory and sequels recurrently stress its shortcomings? Why is the contestation of social power often articulated through populism and, in many cases, not by the established avenues of regular political opposition or by civil societal movements? Thus, two questions resurface: What does the specificity of populism consist of and how can it be distinguished from other forms of politics?

In this article, I aim to locate populism within the constitutional configuration of modern societies in order to specify its role and function. Therefore, the article draws on the insights of critical systems theory approaches. It is argued that populism can be defined as performing a *re-entry of popular sovereignty into the regular communicative circuits of the political system* (I.). Against this backdrop, it becomes possible to distinguish populism more precisely from other variants of politics, such as regular oppositional politics, social movement politics, or procedural constitutional politics (II.). In the following sections, this framework is used in order to analyse how populisms oscillate between ‘democratic’ characteristics (III.) and authoritarian inversions (IV.).

## I. Popular sovereignty and populism

In recent years, a whole strand of research has developed a critical systems theory approach for the study of politics, law, and constitutionalism. It draws on the insights of systems theory as elaborated by scholars such as the German sociologist Niklas Luhmann and the legal theorist Gunther Teubner and connects them with theoretical resources of the critical theory tradition, most notably with the works of Karl Marx and the first generation of the Frankfurt School (Fischer-Lescano, 2012; Möller and Siri, 2015, 2016; Schecter, 2019; Overwijk, 2020).<sup>4</sup> According to critical systems theory, a sound analysis of modern societies has to begin with the evolution of social systems. From this perspective, ‘systems’ are self-reliant circuits of communication which are functionally differentiated. They revolve around communicative self-reference and relegate all other communications to their respective social ‘environment’. In the words of Luhmann, social systems are characterised by their ‘ability to establish relations with themselves and to differentiate these relations from relations with their environment’ (Luhmann, 1995: 13). As autopoietic entities, they recursively reproduce themselves. Modern society is characterised by a plurality of social systems, such as law, politics, the economy and the arts, among others. They are specialised to perform certain functions, for example, to stabilise normative expectations (in the case of the legal system) or to take collectively binding decisions (in the case of the political system) (Luhmann, 2004: 106 ff.; Luhmann, 2002: 84). Further, their self-reference is

organised around binary codes, such as ‘power-superiority/power-inferiority’ within the political system or ‘legal/illegal’ within the legal system (Luhmann, 2002: 84; Luhmann, 2004: 173 ff.).

Now, critical systems theory emphasises that these self-referential circuits do not run smoothly. It argues that functional differentiation is driven by internal contradictions and paradoxes and exhibits problems of alienation, hegemony and dominance. Hence, one has to analyse how ‘conditions of exploitation and subalternity’ tend to ‘emerge in the context of specific functional systems’ (Fischer-Lescano, 2012: 7). Instead of assuming a horizontal process where systems differentiate themselves in a more or less egalitarian and undirected manner vis-à-vis each other – the economy, law, politics, the arts, sciences, etc.<sup>5</sup> – critical systems theory stresses that the specific constellation in modern societies is characterised by the hegemonic role of a capitalist economy which affects the scopes of evolution for other systems and plays a crucial role for the development of society. Modern society is capitalist society, but it evolves through systemic co-evolution: ‘In such a view, “capitalism” characterizes not only the functioning of the economic system, but a (historic) system formation, a very distinct situation of interdependence between the systems of politics, economy and law in the world’s societal ensemble of institutions’ (Ibidem).<sup>6</sup>

Thereby, critical systems theory draws on insights which were already vital to the legacy of German idealism and the writings of Karl Marx: In order to grasp the course of social evolution, it is necessary to elucidate the ‘laws of motion’ which societies undergo.<sup>7</sup> By drawing on contemporary research on social and human evolution, critical systems theory emphasises that society evolves through qualitative leaps, destructive set-backs, the collapse of productive into destructive forces, blocked or distorted interactions between systems, and possible de-differentiation and regression, as well as the possibility of revolutionary change and learning.<sup>8</sup> This approach provides ample, yet underexplored, resources for approaching the study of populism by locating it as a communicative mechanism within societal differentiation. As will be argued in the following, such an analysis is able to distinguish populism from other variants of politics, to make sense of how it oscillates between democratic and authoritarian dynamics, and to elucidate its risks and potentials when it comes to transforming society.

In order to approach the study of populism, one should take a closer look at the constitution of the political system. As already stated – echoing the standard definition in political science – the political system revolves around the capacity to take collectively binding decisions which claim to constitute and bind society as a whole (King and Thornhill, 2003: 70). In his writings on the political system, Luhmann expanded this wide-spread view to the extent that the advent of democracy transformed the scene. By acknowledging legitimate opposition, the ‘top’ of the political system is ‘split’ (Luhmann, 1987: 132). From now on, it acquires the function of symbolising alternativity within society because the government is confronted with an opposition which can possibly vote out and replace the governing elite. Thus, the typical binary coding – power-superiority/power-inferiority – is reframed as ‘government/opposition’ (Luhmann, 2002: 97). Whoever wants to be observed by others as distinctly political must – from a certain point on – engage not only with aims, values, or programmes, but also with legislation and the

‘destitution’ of the system’s centre (‘government’) or the strive for public office within it. However, the political system does not operate in complete isolation from other systems. In order to stabilise its own self-reference and allow the interplay of government and opposition to be processed, it has historically carried out a privileged relationship with law. The legal system provides the necessary underpinning for enduring procedures; this is acknowledged in an overarching constitutionalism, which can be defined as a ‘structural coupling’ between both systems which ‘reacts to the differentiation of law and politics and their need for mutual connection’ (Luhmann, 1990: 180). The constitution, thus, sets the scene for the relative autonomy of both systems by distinguishing between the circuits of political power and a legal system which constitutes and, simultaneously, binds political procedures.

It would be a shortcut to reduce this arrangement to iterate the interplay of government and opposition within the confines of a stable constitutional order; modern constitutionalism carries out a second-order-dimension as well. The second-order-dimension can be understood as a layer of observation which problematises the regular first-order circuits of communication, puts them into question, or even revises them. This can also be identified in the political and the legal system. At least from time to time, the question that resurfaces concerns how the simple first-order procedures are constituted. In both systems, law and politics, simple communications are observed, confirmed and revised by reference to the higher-ranking code ‘constitutional/un-constitutional’ (Luhmann, 2004: 120). Then, whether they adequately express the constitutional essentials is discussed.

This amounts to a complex issue when the constitutional order is grounded on popular sovereignty and reflects itself as being authorised through the constituent power of the people. As stressed in the vast research literature on the so-called ‘constitutional paradox’ (Loughlin and Walker, 2007; Honig, 2007), it was always possible to make sense of popular sovereignty from either legal or political angles. On the one hand, it has always been considered a chiefly juridical doctrine in the context of constitutional law.<sup>9</sup> The legal order was retroactively legitimated and attributed to a founding act which was situated beyond the regular avenues of political conflict and, therefore, in need to be interpreted primarily by the legal reasoning of constitutional courts. Thus, the constitution remained unattainable for the political system and the legal system was able to claim supremacy vis-à-vis political decision-making. On the other hand, popular sovereignty has always been casted as a political device which legitimated constitutional law through a foundational will-formation (Kalyvas, 2005; Loughlin, 2014). From that political angle, the role of constituent power was reconstructed in the opposite direction: Claiming supremacy over the legal order, the constitution was casted as resulting from a distinct political process that can be re-activated in order to revise or even revolutionise the constitutional setup. Hence, popular sovereignty was oscillating between legal *ratio* and political *voluntas* as famously argued by the legal theorist Franz L. Neumann (Neumann, 1980: 45 ff.).<sup>10</sup> It could be conceived of as a legal device which binds the exercise of political power to law or as emanating from a political will which precedes the constitution.

This indeterminacy has always given rise to colliding normative reconstructions. Not the least in the history of political and social movements, popular sovereignty has been mobilised from originalist, societal, liberal, conservative or juridical standpoints.<sup>11</sup>

The starting point for critical systems theory in order to make sense of this multivalence is located in a functional analysis. By functional analysis, one has to understand the following: It does not aim at clarifying if popular sovereignty is essentially an either legal or political achievement. Rather, the indeterminacy is taken for granted and it is asked whether and how the undecidedness of popular sovereignty paves the way for problem-solving in the respective systemic contexts.<sup>12</sup> According to Luhmann, the functional analysis 'relates what is given, whether that be states or events, to perspectives on problems and seeks comprehensibly to enable a problem to be solved in one way or another' (Luhmann, 1995: 53). It relates 'problems' to mechanisms of 'problem-solving' (ibidem) and inquires how this relationship contributes to (or hinders, revises, disrupts etc.) the evolution of law and politics. From this perspective, the question if popular sovereignty is primarily a legal or political device is not only a matter of normative controversies in constitutional law and political philosophy. The constitutional paradox must be reconstructed as a 'real' paradox. To put it in the words of Gunther Teubner: 'Self-Reference, paradox and indeterminacy are real problems of social systems, not errors in the mental reconstruction of this social reality' (Teubner, 1990: 23). Hence, one needs to observe how the undecidedness plays out and is respecified in law and politics.

Note at this point also that – from a critical systems theory perspective – foundational devices on the second-order level (such as 'popular sovereignty' in the context of modern constitutionalism, 'love' in the context of intimate relations (Luhmann, 1998: 41 ff.) or 'god' in the context of religion (Luhmann, 2013: 105 ff.)) have the capacity to override or revise existing first-order procedures. As the research on the paradoxical grounds of social systems demonstrate, this is neither a 'good-per-se' nor a 'bad-per-se' endeavour. The self-confrontation of the system with its own foundations performs a variety of functions and leads to a variety of outcomes (Stäheli, 1998): Foundational communication is used in order to close the system's self-reference and even to rigidify its borders to the social environments (in systems theory parlance: to de-paradoxify the system). But it can also play out in the opposite direction in order to open up the system for re-negotiation (to re-paradoxify the system). Further, techniques of externalisation can be observed which aim at taming or circumventing such foundational communication in order to relieve the regular systemic self-reference from irritations. At first sight, these phenomena seem mutually exclusive or at least colliding because either the system's responsiveness is severely limited or, to the contrary, the system is opened up for transformation, reform or revolution. But again, it is exactly this multivalence which needs to be taken into account in order to grasp the (often incoherent, paradoxical, self-undermining and contradictory) courses of social evolution.

It would go beyond the scope of this article to outline a comprehensive theory of popular sovereignty which cuts through all its ramifications within and between different social systems. Most notably, it would be compelling to address how popular sovereignty is juridified in the legal system as an element of constitutional law which is interpreted and applied by courts. For the purpose of approaching the study of populism however, which is chiefly concerned with the allocation and contestation of political power, the distinct role of popular sovereignty in the political sphere must be addressed.<sup>13</sup> Three functions of popular sovereignty can be distinguished in this systemic context: It allows to foster the

functional differentiation of politics through the externalisation of foundational issues to the legal system (first function), it serves as a political grammar in order to empower existing institutions (second function) and/or to contest them from an oppositional standpoint (third function) in the name of the popular will.

A *first function* of popular sovereignty is the externalisation of foundational problems from the political system to the legal system (Teubner, 2016). Thereby, the political system is able to conceal its constituent dimension. When foundational questions are raised and it is asked whether constituted procedures are still in line with a foundational 'we-the-people'-perspective, it becomes possible to relegate these questions to be legal issues of constitutional law which are necessarily decided by constitutional courts (and not by politicians). Thereby, the political system is able to circumvent fundamental questions and keep its constituted procedures going.<sup>14</sup> With this move, it relieves itself from potentially de-stabilising second-order issues. The undecidedness of the constitutional paradox is used as technique of externalisation which proves helpful in fostering the differentiation process.

A *second function* can be located in the self-empowerment of existing institutions in the name of the popular will. As Chris Thornhill has demonstrated in his investigations into constitutional history, popular sovereignty was used in many cases to provide for such self-empowerment. Administrative agencies or elite factions referred to popular sovereignty in order to stage themselves as 'normatively willed by the people' (Thornhill, 2012: 384). They expressed the popular will 'from above'. By this move, they were able to immunise themselves against fundamental critique or disapproval because they could undermine competing attempts to activate the people 'from below'. An extreme case of this tendency can be found in forms of politics which are discussed in the research literature as Bonapartism or Caesarism.<sup>15</sup> In these cases, executive institutions, such as the military, the police or the administration, claim to embody the people and restore the societal order (as it was paradigmatically expressed in Napoleon III's ascent to presidential power in the France of 1851).

However, a *third function* of popular sovereignty involves its oppositional dimension. Once the sovereign 'people' is at disposal, it serves as the starting point for popular contestation. The people are stylised as constituent and a re-negotiation of power relations is envisaged. In this vein, political and social movements refer to the people as society, the population, the nation, or individuals – or whoever constitutes the people of popular sovereignty – asking whether constituted powers, elites, or functionaries can still be considered connected to it. Hence, a specific type of politics becomes possible which addresses not only the relation of government and opposition, but also the foundational dimension of the polity: In such second-order politics, the matter is not whether or not a legislative act, a specific policy proposal, or a public official should be supported, rather it revises the whole order, asking whether the entire arrangement (e.g. how power is distributed, how procedures are constituted, how functionaries and officials are operating, etc.) is still in line with popular sovereignty at all.

Bearing these general characteristics of the political system in mind, it becomes possible to more precisely locate populism. It is a mechanism of contestation which revives the third function of popular sovereignty by activating the people from below.

However, it is important to note that it does so in a specific way, namely through a ‘re-entry’ (Luhmann, 1993). Popular sovereignty (second-order dimension) re-enters the regular first-order circuits of legislation and the distribution of public offices. *Thereby, populism blurs the line between regular and constitutional politics because it re-inserts the claim to embody the ‘people’ against the ‘elites’ within the regular procedures of the political system.* Hence, it not only challenges the periphery of the political system (public opinion formation) or the constitutional self-understanding but also affects its centre (legislation and public offices). Populism, thus, presents itself as an effective option to make societal protest a clearly political matter which threatens the existing officials with disempowerment or even replacement by new representatives. Accordingly, populism is a specific form of politics which inherently creeps into the constitution of the political system. The formative distinction of people/power-bloc assumes a peculiar role and function in the overall constitutional setup. Thereby, the reference to the people undergoes a negative twist. It is stylised as a standpoint which is opposed to the elites. Not in all, but in many cases, populism starts not from a constructive popular-will, but from the articulation of a diffuse un-will. At this point, one should be careful not to inflate this perspective on references to the ‘people’. Although these references are at disposal, not every political decision – though somewhat authorised by the popular sovereignty – is primarily driven by the claim to embody the people as a whole. Not least, we can observe long periods in political life where such populist invocations retreat. Technocratic management or conflicts between opposing popular parties often dominate the scenery (e.g. think of the post-war period in Europe where popular Christian-democratic and socialist/communist parties interacted without resorting to full-blown populism). In these cases, the arrangement was, again, successful in taming or integrating second-order issues.

## II. Populism and other variants of politics

This generalised scheme allows us to locate populism in the landscape of the existing constitutional basic structure – as a re-entry mechanism, which blurs the lines between regular politics and popular sovereignty. Taking this route, it becomes possible to circumvent overinclusiveness and to acknowledge the distinct function of populism. Most notably, one can distinguish populism from other avenues of the political system, such as oppositional politics (i), social movement politics (ii), and procedural constitutional politics (iii):

i. *Oppositional politics.* The first form which must be addressed is regular oppositional politics. This avenue puts pressure on the existing government by proposing policy alternatives and it prepares for the replacement of governmental officials. In contrast, populism does not operate solely on the level of policy proposals. Admittedly, populist movements call for changes in legislation etc., but the characteristic feature involves restoring the central role of the people and in re-negotiating fundamental power relations. Take the example of recent right-wing populism: It would be a misunderstanding to consider it a simple oppositional movement which opens up neglected issues for public deliberation (Dryzek, 2010: 82). It is through these ‘issues’ – banning head and face

coverings from public life, re-privatising health care, tax cuts for the wealthy, closing borders, etc. – that it proliferates a respective conception of the people whose sovereignty should be restored.

This insight is also vital for distinguishing left or centrist varieties of populism from regular centrist or social democratic politics. In contrast to centrist politics, centrist populism takes on a different form: It not only aims at conducting more moderate policies, but it also envisages the breakthrough of a reasonable popular common-sense against the quarrelling elites by invoking the people/elite distinction. A similar observation can be made in the field of left-populism (Stavrakakis and Katsambekis, 2014; Mouffe, 2018; Howse, 2019; Michelsen, 2019); not only does it plead in favour of social justice on the policy level (as classical social-democratic politics would do), but it also strives for the disempowerment of the power bloc by mobilising inclusive peoplehood. A further difference must be drawn in comparison with folk politics. In a democracy, almost all politicians strive to work for the majority, claim to speak in the name of their entire constituency, or stage themselves as popular or ‘folky’. However, such politics may not necessarily be motivated by the distinction between the people and the elites or perform the characteristic populist re-entry.

ii. *Social movement politics.* A more delicate issue is the relationship between populism and social movement politics. In the research literature, the connection between social movements and populism is emphasised. Some authors argue that social movements exhibit populist approaches (Grattan, 2016). One example, which is often referred to, is the so-called Occupy movement in 2011. Its slogan ‘We are the 99%’ seemed, at first sight, to raise a populist claim, as it aspires to embody a majoritarian popular will pitted against the financial elite. Although being skeptical about the long-term effect of the Occupy movement, Benjamin De Cleen has argued that the claim ‘to represent the “99 percent” against the “1 percent” does indeed have the potential to serve as a transnational populist claim to represent a transnational people-as-underdog (but this has largely remained a potential)’ (De Cleen, 2017: 355 f.). In a similar vein, Paolo Gerbaudo has enquired into the strong role of a basically populist mindset within Occupy and recent anti-austerity protest waves in Europe from 2011 to 2016. He observes a ‘populist turn’: From New York to Madrid and Athens, the protesters have drawn intensely on a ‘citizenist’ approach to popular sovereignty by spreading the ‘ideology of the indignant citizen, that pits the self-organized citizenry against economic and political oligarchies’ (Gerbaudo, 2017: 3).

But, in this context, it is important to note that populism is not only a matter of a populist mindset. Though these movements espoused citizenist ideas, they were operating from the communicative periphery of the political system: They aimed at influencing public opinion formation and anticipating other forms of social self-organisation in the sense of a counter-society (Volk, 2018). They were not performing the necessary ‘re-entry’ by engaging with the parliamentary field or ‘destituting’ of public officials – at least not yet; in most countries where these anti-austerity protests succeeded distinct left-populist projects emerged in the aftermath (Stavrakakis and Katsambekis, 2014; Katsambekis and Kioupiolis, 2019). Admittedly, populist moments are often connected to social movement politics. In some cases, social movements set the scene for populist

forms of politics, while in other cases they evolve in the shadow of populism. In particular, populist parties or personalities are keen to present themselves as being part of broader movements which transcend the confines of existing political parties. But paradoxically, what makes them distinctively populist is their reliance on the inherited structure of the political system, that is, the claim to represent popular sovereignty within its regular circuits.

iii. *Procedural constitutional politics*. In contemporary research on democracy, the debate on constitutional politics assumes pride of place (Ackerman, 1989). It has become commonplace to highlight the importance of an extraordinary-politics which allows for the revision of existing constituted procedures, overcoming democratic deficits, and enlarging or restricting rights-claims.<sup>16</sup> The characteristic feature of such politics is that it chiefly operates on the second-order level. It is concerned with how to bring about the right constitutionalisation of politics and, thus, focuses on the necessary procedures for determining the overall framework of political decision-making. In this vein, popular assemblies and horizontal townhall meetings, random citizen's deliberation, extended parliamentary fora, or initiatives for constitutional renewal are proposed. Looking at these debates, Markus Patberg has recently aimed at reconstructing a distinct type of constitutional partisanship from below in the context of the European Union. According to Patberg such a constitutional partisanship takes its distance from the every-day business of the political system and is concerned with a 'constitutional agenda rather than certain policy objectives' (Patberg, 2020: 152). The chief ambition is to *first* bring about the procedural pre-conditions for democratically deliberating constitutional reform.<sup>17</sup> Though it may be tempting from the standpoint of democratic theory to think about movements which embody central tenets of normative political theory, it is hard to identify such purely constitutional political movements in history. In his recent study on charismatic leadership and constitutional revolutions, Bruce Ackerman has demonstrated the complexities of constitutional politics in situations of social transformation, how it grapples with populist characteristics (most notably charismatic leadership), and its entanglement in 'simple' political power struggles (Ackerman, 2019). A politics of constitutional renewal which confines itself to a procedural agenda is conceivable and intellectually stimulating even if successful real-world examples for such practices may be rare.<sup>18</sup> However, it is important to note that there remains a difference between a constitutional politics, which restricts itself to the second-order level, and populism. Populisms invoke popular sovereignty, and they are often associated with the quest for changes in the constitutional setup or the recalibration of rights-claims (be it their abolishment, their extension, the return to an originalist understanding of the constitution, or a prospective revolutionary ambition for a new constitution), but the difference resides in the restriction to the second-order-level which does not perform the populist *re-entry*.

As it turns out, a critical systems theory perspective allows us to more precisely distinguish populism from other non-populist forms of politics. Most importantly, populism is not only a matter of ideology, discourse or agent's self-descriptions, but it also involves how movements and parties interact with the overall constitutional setup and the political system. It is crucial that they perform the typical border-crossing between first- and second-order politics. From that perspective, it becomes possible to account for

populism's recurrence in history. It presents itself as an option for effectively contesting the concentration of power by immediately challenging the elites. Hence, contentious politics is likely to connect to this political form.

As insights into the history of political systems reveal, populism has always been torn between democratic and authoritarian characteristics (Kazin, 1995; Rosanvallon, 1998).<sup>19</sup> To account for this fluctuation, the critical systems theory approach can be used in order to analyse the immanent problems of populism as well as how it reacts to given systemic contexts. Most importantly, how the initial 'plebian' aspiration to activate the 'people from below' against the 'elites' must grapple with functional differentiation of modern society (III.) and how authoritarian inversions operate (IV.) can be explored.

### III. Populism as plebian politics

This article stresses that the 'people' in populism undergoes – at least at the outset – a negative twist when activated as a societal counter-force from below which threatens the elites of being 'destituted'. In the words of Ernesto Laclau, the 'people' presents itself as 'plebs that claims to be the only legitimate populus' (Laclau 2005: 81). In recent research on populism, some authors have even tried to conceive of populism as plebian politics. John P. McCormick and Camila Vergara have drawn extensively on the early modern thought of Niccolò Machiavelli and his investigations into the competing *umori* of ruling classes (who are driven by their 'hunger for domination') and the *plebs* (who desire not to be ruled) of the Roman republic.<sup>20</sup> Making use of these resources, they have argued that liberal democracies are still characterised by both a tendency towards political oligarchisation and an economic class divide between the 'wealthy citizens' and the normal people (McCormick 2011: 2; see also McCormick 2001; Vergara 2020).<sup>21</sup> Thus, it seems that an institutional setup is needed, which allows the normal people to control the elites: '(...) class-specific popular empowerment, and elite-constraining institutions' should be established 'that accomplish two tasks: they raise the class consciousness of common citizens and formally enable them to patrol more exalted citizens with a vigour that electoral politics in and of itself does not provide' (Ibidem: 16). From that perspective, populism must be seen as a device which allows for such social-democratic correction of the liberal order. In a similar vein, Vergara argues that,

populism as an electoral type of plebeian politics springs from the politicization of wealth inequality in reaction to systemic corruption and the immiseration of the masses, an attempt to balance the scales of social and political power between the ruling elite and the popular sectors. Populist ideology is therefore not revolutionary (aimed at suspending prevailing orders) but reformist, directed at increasing the welfare of the many within the current structure of power and preventing the further entrenchment of oligarchy (Vergara 2020: 238).

At first sight, this may explain why social-democratic, socialist and communist movements – though often critical of popular sovereignty on the ideological level – have always returned to populist strategies: In modern society the persisting class divides only

become an observable political matter when such movements engage with the existing political system and claim to represent the popular will.<sup>22</sup>

However, populism as plebian politics needs respecification under conditions of functional differentiation. Although the concentration of power remains a central feature of modern societies, one has to account for an adequate analysis of how this concentration is reproduced and how it evolves in the respective systemic contexts, such as the capitalist economy, the modern state or the sciences. Though Machiavelli's observations may be to some extent timely, the overall setup of modern societies does not consist of clearly demarcated class-segments (wealthy vs. normal people) which are either repressed or expressed within the political order. Social conflict is always already pre-formed by a variety of social systems and, consequently, entangled in inter-systemic translations, distortions and co-options. Most notably, one has to account for the selectivity of the political system when it comes to articulating distinct plebian politics. There is a long line of research which is concerned with the fact that the co-evolution of the political, the legal, and the economic system (including the dominance of its possessive individualism in cultural terms) is configured in a way that undermines or, at least, sets limits on an unfiltered expression of 'plebian' standpoints, even when social democratic parties, trade unions, counter-institutions or welfare ministries are formally acknowledged (Offe, 1974; Poulantzas, 2014; Jessop, 2007; Brand, 2013).<sup>23</sup>

Admittedly, Machiavelli emphasised the *umori* of different social classes and, for that reason, has always been considered as a materialist *avant la lettre* (Althusser 2011; Gramsci 1991). However, he was an infant of early modernity and committed to a cosmological worldview where society is ordered around constant proportions.<sup>24</sup> But, as analysed from the 19<sup>th</sup> century onwards, societies are evolving, leaping forward, regressing backwards, overcoming and negating themselves, or even breaking down; they are in constant motion. Most importantly, they are characterised by a combination of differentiated social systems and the dominance of the capitalist economy which incites class divides as well as processes of abstraction and dynamisation. In order to elucidate how this combination actually operates, one has to analyse a complex process of co-evolution which not only revolves around the 'people', but also around economic innovation, cultural change, and administrative and technocratic non-popular passive revolutions. From a critical systems theory perspective, an internal problem of populism as plebian politics remains: There lurks the danger that it 'gets high on its own supply' and, thereby, breeds an inadequate societal analysis. Although populist politics assumes a distinct function within the political system, it seems too hasty to elevate the recurring people/elite distinction from a political form to a world disclosing theory. While recent discussions on populism as plebian politics make an important point when they demonstrate how populist dynamics operate, they have pains to account for the recurrent failures of plebian politics: Why do populist attempts to overcome elite dominance often undermine themselves or collapse into a long 'Katzenjammer' (hangover), as already observed by Marx in his writings on the transition of France's democratic revolution to Bonapartism (1848–1852), the 18th Brumaire of Louis Bonaparte (Marx 1972a: 118)? Without going into the details of particular historical trajectories where this tragic self-undermining structure can be observed, it seems necessary to stress that populism as

plebian politics is characterised by an obvious ambivalence: On the one hand, it is an avenue of contestation which is used to confront the power bloc and re-insert demands ‘from below’ into the political system. On the other, there is the risk that populism loses sight of society’s laws of motion and engages in a self-referential cycle of popular mobilisation which may – ultimately – not necessarily touch upon the root problems.

#### IV. Populism as authoritarian politics

Another set of issues concerns the apparent penchant of populism to collapse into authoritarian politics. This, as well, is a hotly debated issue and it is a question which resurfaces in our contemporary world (Tushnet, 2015; Scheppele, 2018; Müller, 2019). There is no running away from the need for a more thorough investigation of why authoritarian populisms are recurrently emerging in modern societies and why it seems so difficult to react to them. The following section demonstrates how the critical systems theory approach follows a peculiar pathway in explaining authoritarian populisms. In the existing research literature, populism is often defined as an ideology (Mudde, 2004: 543); though ‘thin-centred’, it is stylised as a set of ideas which is consciously endorsed by political agents. Then, the debate mainly revolves around the question of whether populism is, as such, a basically democratic or a deeply authoritarian ideology. Most prominently, authors such as Jan-Werner Müller or Nadia Urbinati, have built their anti-populist stances on such assumptions (Müller, 2016; Urbinati, 2014). Urbinati, for example, has sought to demonstrate that populism must be qualified as a confrontation between ‘two views of democracy’: The democratic-liberal is committed to ‘political proceduralism’ while the ‘populist’ pushes its agenda ruthlessly in the name of a ‘hegemonic people’ (Urbinati, 2014: 8). Accordingly, populism undermines (and does not correct or intensify) democratic representation. By pretending to embody ‘we, the people’, populist movements gather around the idea of unmediated popular willing. The hostility towards representation and a procedural understanding of politics collapses into a leader-centred politics because a figure is needed which bundles and expresses the popular will apart from mediating institutions. According to Urbinati, populist movements necessarily rely on authoritarian leadership and, once in power, are likely to thwart democratic procedures and constitutional constraints. They ‘work incessantly to prove that their ruling leader is an incarnation of the voice of the people and should stand against and above all other representative claimants (...)’ (Urbinati, 2019: 9).

Very much in line with some aspects of Urbinati’s approach, critical systems theory conceives of populism as a way to immediately influence the political system through a ‘popular movement’ which aspires to destitute and, in some cases, replace the ‘ruling power’ (ibidem: 15). However, one would be cautious to conceive of this short-cut option as an ideology which is necessarily in all its ramifications bonapartistic. Rather, populism is considered as a political form which inherently creeps into the constitutional configuration of modern societies. The defining characteristic of its form involves the typical people/elite distinction.<sup>25</sup> Populism evokes the foundational dimension in politics and, thereby, sets the relation of ‘differentiation’ and ‘de-differentiation’ in motion. It must be regarded as a ‘hybrid’ which connects ‘the serious semantics’ of ‘successfully

differentiated systems', but 'does not directly correspond to functional differentiation' as 'it indicates the possibility of dedifferentiation' as well (Stäheli, 2003: 280; cf. also Lehmann, 2016). Thereby, it opens up Pandora's box and can give rise to authoritarian transformations. More specifically, the people/elite distinction can undergo a momentous inversion. Here, the 'people' no longer chiefly react to elite-dominance or aspire to mobilise an inclusive constituency from below, rather the 'people' is stylised as an identity-based entity whose supremacy is in constant danger of being diluted by the 'others' and, most importantly, by even more vulnerable social groups 'from below'. In these cases, contestation tends to change its target and enters a process of 'self-negation' (Kempf, 2020: 4): It is not directed at dissolving the concentration of social power 'above'. Instead, the overall target is the diffusion of social power when outsider groups have seemingly acquired the capacity to dilute the people's identity. In the light of these insights, authoritarian populism is populist because it cannot be reduced to a coherent set of ideas – be it a neo-fascist, exclusionary, or simply conservative ideology. Rather, it displays a high level of societal connectivity which allows for a vast leeway in its manoeuvring: By starting from claims of 'we, the people against the elites', it draws intensely on democracy and refers to the legacy of constitutionalism.

Following this structural approach, which analyses authoritarian populisms as an inversion within its political form, it becomes possible to make sense of the paradoxical alliances of democratic impetus and authoritarian politics as they, again, resurface in our contemporary world (Blokker, 2019). Currently, this alliance can be observed in originalist approaches to the US Constitution as expressed by the Tea Party movement (Foley, 2012), culturalist understandings of a pre-political 'historical' constitution as they dominate constitutional reform in the Viségrad-Countries in Eastern Europe (Kovács, 2017; Kim, 2020; cf. also the case of judicial review in Israel: Harel and Kolt, 2020), or rights-based 'illiberal liberalism' as advocated by Scandinavian right-wing parties (Moffitt, 2017). What is common among these developments is the incoherent oscillation between a plebian critique of elite-dominance and an identity-based conception of peoplehood. Echoing the legacy of Carl Schmitt, it is assumed that the people is constituted by a substantive homogeneity which precedes the political process.<sup>26</sup>

Two examples may illustrate how this inversion of political form operates in contemporary populist movements. The first stems from right-wing populism in France and concerns how it mixes up republican rhetoric and authoritarian politics. The work of the French right-wing intellectual Alain De Benoist explicitly revolves around the aforementioned inversion (De Benoist, 2017). From the 1980s onwards, De Benoist constantly pushed the French Right to a strategic *aggiornamento* in the direction of a *nouvelle droite*. His approach to the populist moment in contemporary societies starts with an intense engagement with issues of democracy and social justice. He bemoans democratic and social deficits in the process of globalisation. More specifically, he resurrects republican vocabularies (though connecting at the end to Schmitt's critique of parliamentary representation) and develops a critique of capitalism (being hostile towards 'money' as mediating form) (Ibidem: 226). However, ultimately, he invokes the central role of 'cultural insecurity' (*insécurité culturelle*) as the main driving force of populist politics. He defines it as follows:

Cultural insecurity starts [...] when you feel alien at home, when you start perceiving – whether rightly so or not – your neighbours as a threat because of their ethno-cultural origin or their religion. [...] The ‘classes populaires’ are those who, for now, suffer from the consequences of austerity policies and mass immigration (Ibidem: 28).

According to De Benoist, the distinction between the *classes populaires* (which once indicated the French left’s constituencies) and the ‘new medio- and financial oligarchy’ amounts to the main contradiction in contemporary society (Ibidem: 48). Although he draws extensively on republican-democratic literature, he connects all these critiques of society, which bemoan de-democratisation and growing social injustices, to an identity-based conception of the French People: ‘The political community as demos [...] institutes itself on the grounds of an ‘already there’, it is in this aspect that it has to be distinguished from ‘civic nationalism’ and ‘republican citizenism’ which rely on universal and abstract principles, foremost juridical equality, or the dream of a cosmopolitan citizenship which not only separates citizenship and nationality, but frees itself from the demos and the ethnos’ (Ibidem: 121). At first sight, De Benoist offers a differentiated account which seems to mix the ethnic dimension, political-democratic dimension, and the class-specific-plebian dimension of the people on a par but, ultimately, the whole process is determined by an inherited substantive conception of Frenchness which is already there (*déjà-là*). This ends up as an inversion of the ‘plebian-democratic’ traits of the people. Fundamentally, the standpoint of the people is no longer directed against hierarchies or class-divides, but is directed against the other ‘plebs’, that is, those (in many cases even more) subjugated groups which undermine the *déjà-là* French cultural way of living. Thus, De Benoist excludes large parts of the contemporary *classes populaires* from the ‘people’. He is careful not to collapse his argument too quickly into authoritarian concomitants. However, while trying to stage a standpoint beyond left and right (‘Droite-gauche’ – C’est fini!), he inverts the priorities: The people/elite distinction and the arising problems of popular power and social injustices are driven by the more fundamental contradiction between the French people and the ‘others’. This twist plays a central role for the success of contemporary right-wing populism: Instead of declaiming authoritarian ideologies, it engages with societal unrest and discomfort and re-orientates it towards an identity-based notion of popular sovereignty.

A second even more explicit inversion within the populist form can be illustrated in a speech by Björn Höcke, a leader of the German *Alternative für Deutschland*’s neo-fascist wing. He also observes the need to reverse societal hierarchies. In his speech at the recurring PEGIDA-Demonstration (‘Patriotic Europeans against the Islamisation of the Occident’) in the city of Dresden on 17 February 2020, he shouted: ‘This country is upside down. The bottom is at the top. We have to turn this country from its head onto its feet again. We have to put the bottom back down where it belongs.’<sup>27</sup> From his perspective, the ‘bottom’ (including dangerous segments of society, non-German natives, the ‘Antifa’, etc.) has crept upwards and dominates the German people; they built an alliance with a ‘closed transnational political elite which targets cultures and peoples (‘Völker’) with their own-world-ideology’.<sup>28</sup> The subsequent task is to reverse the hierarchy by ‘put [ting] the bottom back down where it belongs’. The political strategy is not directed at those

‘above’, but at those who constitute the ‘bottom’ of society (though they have managed to ascend with the help of existing elites). Admittedly, Höcke’s four sentences are short and uttered in the context of a demonstration, but they directly perform the inversion of the people/elite distinction. The tempting right-wing populism approach comes along with the simple message: Do something against those above by kicking those below and ‘put [ting] the bottom back down where it belongs’.

Now, from a critical systems theory perspective, both of these examples do not only exhibit ideologies or contingent constructions. Rather, De Benoist and Höcke are connecting to populism as a political form by inverting plebian and authoritarian politics. They attempt to stick to the reversal of social hierarchies by – at the same time – recasting the ‘elites’ as a conspiracy of ‘cosmopolitan’ segments from ‘above’ and non-national migrants ‘from below’. What seems characteristic of this kind of politics, and is often overlooked in warnings against populist ideologies, is its range of movement. It shifts from democracy to identity and remains attached to a high level of connectivity: It mobilises constitutional patriotism or the rights of the citizenry and engages in the avenues of normal politics by constituting an oppositional ‘alternative’. It also seeks contact with other political camps and reframes their discursive fields, whether it concerns social democracy (in the case of social security for ‘our own people’, cf. [Jörke and Nachtwey, 2017](#)), liberal values (when it comes to defending inherited property rights or hate speech, cf. [Moffitt, 2017](#)), or even parts of the feminist movement (in the fight against ‘Islam’ and ‘scarfs’, cf. [Biskamp, 2017](#)). Nevertheless, in the shadow of popular sovereignty talk, the new right’s movement wing proceeds: It establishes citizen armies for self-defence, it kicks ‘the bottom back down’ (Höcke), and it summons apocalyptic breakdowns and subsequent purification. Thereby, it establishes a background scenario which accompanies social life and exerts pressures on the boundaries of what can be said and done.

From a critical systems theory perspective, authoritarian populism is characterised by the fact that it maintains the interplay of ‘differentiated’ communicative connectivity of social systems and ‘de-differentiating’ resistance ([Stäheli, 2003: 280](#)). It can be distinguished from merely conservative as well as fascist politics. Similar to the distinction of social-democratic politics and left-wing populism, conservative politics is different from authoritarian populism because it does not rely on populist form. It pursues its policies within the confines of the constitutionalised order without performing the characteristic populist re-entry. Further, a distinction to fascism must be drawn: Although fascist movements often draw on populism in their ascent to power, their characteristic fascist feature involves the complete de-coupling from differentiated constitutional and legal forms, in the praise of violence as liberation and a totalising transformation of the state into a Behemoth-like ‘Maßnahmestaat’ ([Fraenkel, 2012; Neumann, 1984](#)).<sup>29</sup> Admittedly, authoritarian populism can enter a dynamisation which discharges into fascist tendencies.

## Conclusion

This article outlined a critical systems theory approach to the study of populism, starting with a systematic location of populism as a distinct form of politics within the

constitutional setup of modern societies: Populism performs a re-entry of popular sovereignty within the regular circuits of the political system, most notably legislation and the struggle for public offices. Hence, it must be seen as a channel of contestation which is already available when it comes to making dissatisfaction and protest a clearly political matter. Moreover, populism is likely to occur since it tries to exert an immediate influence: The threat to existing elites of being disempowered is directly represented in the system's centre and affects the distribution of offices, the scope for legislation, and the symbolic order. Thereby, it presents itself as an effective avenue which puts pressure on the constitution of power relations (instead of, e.g. engaging in labourious civil societal political projects at the system's periphery). Thus, it is possible to circumvent over-inclusiveness and more precisely distinguish populism from other forms of politics, such as regular oppositional politics, social movement politics, or procedural constitutional politics.

Taking this route, one is able to account for populism's recurrence: Since it is a form of politics which takes part in the co-evolution of society and political system, it becomes possible to explain why it recurs, why it succeeds (or fails) in particular historical moments, and why it seems that social movement activities or regular oppositional politics are not fully able to replace it. As outlined in this article, populism's recurrent appearance stems from the fact that it performs a peculiar function in the evolution of the political system. Moreover, populism cannot be reduced to either left-wing or social democratic, centrist or right-wing, or conservative politics. Although different varieties of populism are observable, they differ from regular politics by connecting to a specific populist form and function – values and principles are not what makes a politics populist, the performance of the afforded re-entry is. Further, this approach to analysing populism proves fruitful because it is able to account for populism's ambivalence as well. On the one hand, populism can be conceived of as starting from a 'plebian politics' which reacts to the ossification of a given power bloc. On the other hand, its political form remains vulnerable to authoritarian dynamics which invert its defining distinctions from within. In these cases, the 'people' no longer reacts to the power bloc, but instead the 'people' amounts to a given, reified entity which is in constant danger of being diluted by the 'others'.

With this in mind, it becomes possible to identify populism's inherent problems. This article discussed two of these. The *first problem* creeps within populism as plebian politics. As argued, the reduction of social complexity to the people/power-bloc distinction is a necessary mechanism in politics and, obviously, needed in political struggle. However, there lurks a self-reinforcing 'getting high on its own supply' tendency. Populisms often collapse into a self-referential furore which is not able to react adequately to the avenues of social change. In these cases, populism advances from a political form to a world disclosing approach. Once it is elevated to this prime approach to making sense of the world, it is likely to become entangled in a self-undermining, tragic fate: As the slogan always remains 'Mobilise/Activate/Represent the people!', a closer inspection of the concrete societal circumstances is not undertaken. Therefore, populisms run the risk of not being able to do justice to the multi-faceted avenues of how societies evolve. In many cases, it may prove inadequate and self-undermining to recurrently mobilise popular

sovereignty in order to change society since social evolution is driven by other forms of social change as well – be it economic innovation, scientific research, sudden disruption, aesthetic experience or technocratic management. Even power struggles are often not decided on the basis of enduring popular mobilisations, but by sudden strategy changes, indirect strategies or technocratic take-overs. Hence, populism as plebian politics is in a certain danger of reacting to the courses of social evolution in a rather unintelligent manner. The *second problem* is the vulnerability to authoritarian inversions. As demonstrated, authoritarian populism operates from within its political form and systematically inverts plebian politics.

These problems could be the starting point for an immanent critique. One would not argue that populism is the ‘royal road to the political as such’ (Laclau, 2005: 67) or, to the contrary, a misleading ideology (Müller, 2016). As argued, it is neither ‘bad’ nor the generalised key to political transformation, but one avenue of contestation in the political system. Hence, the results of the analysis here demonstrate neither a full-blown defence nor rejection. Rather, it must be asked whether a reflexive populism, which transcends the tragic self-undermining and, from the outset, blocks authoritarian inversions, is both conceivable and timely.

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### **Notes**

1. Cf. for an overview, see Kaltwasser et al. 2017.
2. This is also reflected in ‘ideational approaches’ (cf. Mudde, 2004: 543) as well as in the works of Ernesto Laclau and the so-called Essex School: Laclau, 2005: 81 ff.; Stavrakakis, 2004.
3. For studies on the recurrence of populism in the history of democracy, see Rosanvallon, 2020; Möller, 2020; Hermet, 2001; Dupuy, 2002; Finchelstein, 2017; Kazin, 1995.
4. Cf. the special Issue of the Journal ‘Thesis 11’ 1/2017; for an application to the history of constitutional (r) evolution, see Brunkhorst, 2014; Teubner, 2019; for discussions on Luhmann’s inherent radicalism: Moeller, 2011; La Cour/Philippopoulos-Mihalopoulos, 2013.

5. In his theory of social evolution, Luhmann stressed the indeterminate character of history which seems to evolve without any telos (Luhmann, 2005). However, it is difficult from that perspective to account for societal selection processes, constraints, and ‘directions of fit’ within social evolution.
6. In a similar vein: Schimank, 2009; Bachur, 2013, cf. also Thornhill’s observation: ‘This means, most notably, that both Marx and Luhmann suggested that modern (Luhmann) or capitalist (for Marx) society can only be understood if it is appreciated as a reality that forms and reproduces itself in accordance with an entirely functional logic, which cannot be distilled from any pre-, extra-, or a-social norms or emphases’ (Thornhill, 2013: 272).
7. Marx writes in the preface to Capital: ‘And even when a society has got upon the right track for the discovery of the natural laws of its movement – and it is the ultimate aim of this work, to lay bare the economic law of motion of modern society – it can neither clear by bold leaps, nor remove by legal enactments, the obstacles offered by the successive phases of its normal development. But it can shorten and lessen the birth-pangs’ (Marx, 1864/1972: 15).
8. The philosopher Georg Klaus, a forerunner of critical systems theory, reformulated Marxist thought through cybernetics in the 1960s: According to him, learning processes result from enduring experiments in inter-systemic relations of fitness and feed-back-loops vis-à-vis the social environment (Klaus, 1966: 136 ff.). See also Brunkhorst who draws on learning processes but assumes a central role of communicative rationality: Brunkhorst, 2014: 33 ff.
9. The most radical approach in that regard is Hans Kelsen’s attempt to entirely juridify (and partly overcome) the concept of sovereignty, see for a comprehensive reconstruction: Cohen, 2012: 29 ff.
10. For an aggiornamento with regard to international law cf. Koskenniemi, 2005.
11. For an investigation into such processes in the case of the US: Ackerman, 1989. See also populist approaches to constitutionalism which oppose juridical expertocracy: Tushnet, 2000: 177 ff.
12. In ‘Law as a Social System’, Luhmann writes: ‘The constitution, which constitutes and defines the state, has a correspondingly different meaning in both systems. For the legal system, it is a supreme statute, a basic law. For the political system it is an instrument of politics (...). Moreover, in spite of their seemingly contradictory semantics, both versions are compatible because of the operative closure of different systems’ (Luhmann, 2004: 410).
13. In the following, I concentrate on the political system in order to make sense of populism. Whether there are distinct types of judicial populism connected to the legal system is another issue. At least two cases must be distinguished: (a) Courts embrace populist types of reasoning on the level of judicial doctrine and justification within the legal system. (b) Judicial agents such as courts engage immediately in the political system and its power-code by claiming to embody the popular will as a whole within political communication and, thereby, switch from the legal to the political system.
14. This oscillation can take the inverse direction (from law to politics) as well (Luhmann, 2004: 407 ff.): If it comes to foundational issues in the legal system and it is questioned whether existing routines are still just or adequate, a similar mechanism can be observed. It becomes an option to externalise the problems to the political system and call for political will-formation.

15. Cf. for the case of Bonapartism in 19th-century France: [Thornhill, 2011](#): 219 ff.; see for the classic approach to Bonapartism: [Marx, 1972a](#); [Brunkhorst, 2007](#); for the vivid discussions on Caesarism in the 19th century: [Groh, 1972](#).
16. From a radical democracy perspective cf. [Kalyvas, 2008](#); from a deliberative democracy perspective: [Patberg, 2020](#).
17. This politics is, for Patberg, tentatively represented in the Democracy in Europe 2025 (DiEM 25) movement in Europe. But cf. a different reconstruction of DiEM 25 not as procedural constitutional politics but as transnational populism: [De Cleen et al., 2019](#).
18. Historically, such enduring practices which renounced engagement with the political system and the immediate struggle concerning the realisation of first-order objectives are hard to find. In the more or less horizontalist tradition (anarchism, left-communism, libertarian grassroots democracy, (post-)operatism, etc.), we find some practices which were able to organise politics around the idea of explicitly not engaging with the existing political system. Given that such practices were often repressed or collapsed quickly into either subcultural, reformist, populist, or revolutionary projects, it seems hard to imagine an enduring politics which is chiefly concerned with 'how' the political system is constituted.
19. For example, Michael Kazin has demonstrated how the legacy of populism in the US has been the starting point for an inclusive mobilisation of labour and peasant's movements as well as for pious circles and the religious right ([Kazin, 1995](#)). Similar observations have been made in the case of France's oscillation between democratic revolutions and the strengthening of executive rule 'in the name of the people' ([Rosanvallon, 1998](#)).
20. For the competing *umori*, see [Machiavelli, 1998](#): 39; [Machiavelli, 1996](#): 16.
21. Other reconstructions emphasise that Machiavelli's *umori* exceed social classes and must be seen as distinct moments within the polity ([Lefort, 1986](#)).
22. For a famous (and controversially debated) study which reveals the populist traits in the labour movement of the 19th century, see [Calhoun, 1982](#). The fact that under conditions of the modern political system 'class struggle' must – from a certain point on – enter the terrain of 'popular struggle' has always been vital in the socialist tradition. See the writings of Eduard Bernstein (advocating an 'alliance of popular elements', cf. [Bernstein 1905](#): 670), Rosa Luxemburg (envisaging a broader 'real popular movement' of the masses which transcends the confines of the industrial working class, [Luxemburg 1967](#): 195) and Antonio Gramsci (analysing the popular as a central mechanism of hegemony). The question resurfaced in the 1970s in the writings of Nicos Poulantzas on euro-communist strategies ([Poulantzas, 2014](#)) and in the theory of populism of the early work of Ernesto Laclau, who stressed that the 'sphere of class struggle' can only be articulated within the 'sphere of popular-democratic struggle' ([Laclau, 1981](#): 94).
23. The initial source of a sound reasoning on how class-conflict is reframed, distorted, and balanced in the confines of the political system and modern society can be identified in early Austro-Marxism of the 1920s cf. [Bauer, 1970](#).
24. Think of Claudio Monteverdi's opera 'The in coronation of Poppea' where – in the opening scene – different *umori* appear on the stage and are embodied by distinct singers, but cf. Vatter's plea that Machiavelli had a more dynamic take on history and politics which makes even him an anti-populist: [Vatter, 2012](#).
25. See on social forms in general: [Baecker 2017](#): 30; as 'organised forms' in the constitutional sphere: [Marx, 1972b](#): 232.

26. Cf. Schmitt's insistence on substantive homogeneity as a prerequisite of peoplehood: [Schmitt, 1993](#), 247; see how contemporary constitutional theory observes new forms of 'autocratic legalism' which uses constitutional institutions in order establish more autocratic types of political rule: [Scheppelle, 2018](#).
27. Björn Höcke, Alternative für Deutschland, Speech at PEGIDA-demonstration in Dresden, 17/2/2020, <https://www.youtube.com/watch?v=Qm-83CdMkrs>, Min 21:00 ff.
28. Ibidem, Min 38:00 ff.
29. For the differences of populism and fascism see also [Finchelstein, 2017](#): 73 ff.

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