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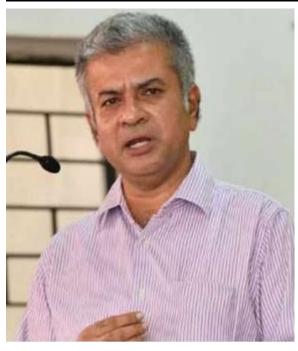
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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

COMPREHENSIVE ANALYSIS OF POPULISM IN THE AGE OF CONSTITUTIONAL DEMOCRACY

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Introduction

Populism is a political approach that has gained prominence in various countries around the world. At its core, populism seeks to present itself as the voice of the people, rallying against perceived corrupt elites and external adversaries. Populist movements often centre around charismatic leaders who claim to represent the will of the entire nation. However, populism's simplistic and polarising nature can lead to challenges for democratic institutions and the pluralistic foundations of modern constitutional thinking. Populism relies on the formation of imagined communities centred around a notion of a pure, unified nation. Populism's relationship with democracy is complex, with some scholars suggesting that it can enhance representativeness but also pose a threat to democratic principles. The actions of populist leaders when in power, their focus on charismatic figures, and their impact on democratic institutions are crucial factors in determining the effects of populism on democracy. In understanding the dynamics of political systems, it is important to examine the interplay between populism, authoritarianism, and constitutionalism which we shall be unveiling in this present paper at hand.

Defining Populism

Populism promotes a mystical and unified notion of the "nation" rallying against corrupt "elites" and external enemies. At its core, populism seeks to establish a popular leader who claims to represent the will of the entire nation. However, this approach is fundamentally illiberal as it disregards the diversity of identities and opinions within society and rejects the fundamental principles of modern constitutional thinking. Modern democracies require checks and balances to

prevent the unchecked will of the majority and to limit the powers of the executive. Depending on its orientation, populism may target different elites. Left-wing populism often highlights the antagonism between the wealthy upper class and the rest of society, promoting economic equality. In contrast, right-wing populism typically emphasises a triadic relationship between the liberal upper-economic class, those perceived as taking advantage of the system (e.g., immigrants and welfare recipients), and the hard-working middle class. In essence, populism's simplistic and polarising approach to complex societal issues may lead to a breakdown in democratic institutions and hinder the pluralistic foundations upon which modern constitutional thinking is built.

Populism comprises four core elements:

(a) the people,

(b) engaged in a morally charged

(c) struggle against

(d) the elites.

All populist movements claim to be the voice of "the people" who are perceived as virtuous or oppressed, while elites are depicted as corrupt or morally flawed. The dynamic between the two is seen as confrontational. Thus, populism can be defined as the people engaged in a moral battle against the elites. Additional aspects of populism are treated separately, but this minimal definition captures its fundamental essence.[1] Populism relies on the formation of imagined communities centred around a notion of a pure, unified nation, which serves as the foundation for a populist platform. Often, charismatic figures like Viktor Orbán, Nigel Farage, or Narendra Modi become the focal point of these movements, driving their beliefs and ideologies forward.

Populism can be categorised into three main veins:

(a) Populism of Religion,

(b) Populism of Race, and

(c) Populism of Class.

Each contributes to the divisions between the so-called "chosen ones" and their adversaries.

Populism of Religion involves a fear of foreign religions, such as Islam and Judaism, and seeks to reclaim perceived religious values at the roots of the nation. Populism of Race, on the other hand,

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[1] Jane Mansbridge and Stephen Macedo, Populism and Democratic Theory Annu. Rev. Law Soc. Sci. 2019. 15:59–77, For parallels, see Arato & Cohen (2017, p. 286); Bonikowski & Gidron (2016a,b); Inglehart & Norris (2016, p. 18); Mudde & Kaltwasser (2017, p. 5)

is based on fear and anger towards those who don't fit into the physical standards of the unified people. This category utilises the socially constructed concept of "race," often implying a hierarchy of people, to create divisions within society. Populism of Class finds its roots in economic inequality and institutional classism. Economic instability and pre-existing schisms due to financial disparities often pave the way for populist leaders to rise to power. The common thread among them is the creation of imagined communities, constructed to establish divisions between different groups, thus fuelling the populist ideology. As populism gains traction through these divisive narratives, it poses challenges to democratic values and social cohesion in many societies.[2]

Theories of Populism

Populism is a complex and multifaceted political phenomenon that has gained prominence in various countries around the world. Scholars and researchers have put forth different theories to understand and explain populism's ideological underpinnings, its strategies for gaining power, and its relationship with democracy. Two prominent theories of populism are the Minimalist Theory and the Maximal Theory.[3]

Minimalist Theory of Populism

• The Minimalist Theory takes a descriptive and non-normative approach to understanding populism. It aims to analyse the core elements of populism without making judgments about its value or impact on democracy.

• Cas Mudde's[4] definition of populism in this theory as a "thin-centered ideology" emphasises the division of society into two antagonistic groups: the "honest many" (the people) and the "corrupt few" (the elite). This dualism is a historical theme with roots in the Republican tradition.

• Populist movements often prioritise the will of the people and may de-emphasise liberal values like civil and minority rights.

• This theory acknowledges historical context but remains focused on describing populist rhetoric and strategies without delving into normative debates.[5]

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[2] D Anderson, I Brown, D Crowley, K Frenay, A Mayberry… The Global Implications of Populism on Democracy, University of Washington, 2018. 23-24.
[3] Nadia Urbinati, Political Theory of Populism, 2019, Annual Review of Political Science, Vol. 22:111-127.
[4] Mudde C, Kaltwasser CR. 2013a. Populism and (liberal) democracy: a framework for analysis. See Mudde & Kaltwasser 2013b, pp. 205–22
[5] Mudde C. 2004. The populist zeitgeist. Gov. Opposition 39(3): 541–63

It is worth noting that the ideological contrast between the "people" and the "elite" has historical roots in the republican tradition dating back to ancient Rome. In this context, the polity was structured around a dualism between the people and the elite, reflecting a deep-seated popular mistrust of the ruling class. The Minimalist Theory acknowledges this historical background but aims to steer clear of normative interpretations, focusing on a descriptive analysis of populist rhetoric and strategies.[6]

Maximal Theory of Populism

- The Maximal Theory, developed by Ernesto Laclau, establishes a more explicit connection between populism and democracy, viewing populism as a process that constructs a collective subject through discourse.

- Populism, according to Laclau, is inherent to politics and democracy. It involves uniting diverse groups under a constructed identity - "the people." This identity is an "empty signifier" not tied to established societal structures.

- The theory emphasizes the transformative potential of populism. It sees the collective will of the people as a mobilizing force that can challenge existing hegemonies and claim power directly, bypassing traditional institutions.

- Populism's ability to transform political participation can be seen positively as it aims to address the exclusion of certain groups from politics. However, it also poses risks as it seeks sovereign power, potentially leading to exclusion, repression, or authoritarian tendencies.

- This theory underscores populism's discursive nature, highlighting how leaders use rhetoric to unify groups against the status quo. Its impact on democracy depends on how it balances inclusivity and exclusion.

The analysis of the above theories provides a balanced overview of populism. The Minimalist Theory focuses on describing populist features while avoiding normative judgments. In contrast, the Maximal Theory views populism as essential to democracy, capable of transforming political participation, but with potential risks to democratic norms. Both theories shed light on different aspects of populism, offering valuable insights into its complexities and implications for political systems.

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[6] McCormick JP. 2011. Machiavellian Democracy. Cambridge, UK: Cambridge Univ. Press

Populist Constitutionalism

Populists, like other ideologies critical of liberalism, raise several points of critique against liberal understandings of constitutionalism and the rule of law. One key criticism is directed at the depoliticisation inherent in liberal systems, which can alienate citizens from political institutions. Populists argue that an overemphasis on legal rationality, the neutrality of the state, and formal-legal procedurals weakens the sense of collective engagement and sentimentality in politics, thereby creating a disconnect between ordinary citizens and the institutions. In response to these criticisms, populist constitutionalism seeks to reduce this distance and directly connect the people to the institutions of power. Populists aim to re-enchant democracy by making it more meaningful to its citizens. They advocate for a direct representation of the people, aiming to overcome what they perceive as significant constraints to popular rule in liberal or legal constitutionalism.

By challenging these perceived limitations of liberal constitutionalism, populists propose a vision of governance that promises greater direct involvement of ordinary citizens in decision-making processes. However, critics of populist constitutionalism warn that such an approach may undermine the checks and balances that are fundamental to safeguarding democratic principles and protecting minority rights. The tensions between populism and liberal constitutionalism remain a subject of ongoing debate and concern in contemporary politics.

In line with Nadia Urbinati's[7] observations, the concept of populist constitutionalism relies on the ideas of popular sovereignty and majority rule, which are foundational to modern constitutional democracy. At first glance, populist constitutionalism may seem democratic due to its apparent endorsement of popular rule. However, The argument is that populism must be characterised differently. While it does borrow from democratic principles,[8] it takes an extreme and one-sided approach, leading to violations of crucial aspects of democratic constitutionalism, including pluralism, inclusiveness, and meaningful civic participation in the constitutional process. This undermines the essence of a truly democratic system, as populism tends to prioritise the will of a narrow majority over the protection of minority rights and the fostering of an inclusive and participatory political environment.[9]

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[7] Nadia Urbinati, Populism and the Principle of Majority, inTHE OXFORD HANDBOOK ON POPULISM 571 (Cristóbal Rovira Kaltwasser et al. eds., 2017).
[8] ERNESTO LACLAU, ON POPULIST REASON (2005).
[9] Paul Blokker, Populism as a Constitutional Project, International Journal of Constitutional Law, Volume 17, Issue 2, April 2019, Pages 536–553.

Populist critiques of liberal constitutionalism can be broken down into four key components: Paul Blokker in his paper on "Populism as a Constitutional Project"[10], analysis and breaks down four main component of the critiques of Liberal Constitutionalism. :—

- Emphasis on the People and Popular Sovereignty: Populists place a significant normative value on the people and their sovereignty. They argue that liberal constitutional systems often fail to represent the true will of the people and that a direct relationship between the people and constitutional norms is necessary.

- Extreme Majoritarianism: Populists believe in governing on behalf of a cohesive majority. They consider the majority to be a fixed and durable entity and reject the liberal idea of mutable and temporary majorities in democratic politics.

- Instrumentalism: Populists take an instrumental approach to the law, using it as a tool to advance their collective project. They frequently engage in constitutional interventions to bring about rapid changes and assert their political power.

- Legal Resentment: Populists hold a critical and emotional attitude toward liberal constitutionalism. They view the law as inherently political and deny its neutrality. Populists also critique the law's emphasis on individualism, which they see as hindering unity and collective goals.

Overall, populists aim to prioritise the interests of the nation or the people over individual rights and liberal constraints, seeking to create a more direct connection between the people and political power.

The Juxtaposition of the Constitutional Populism

Populism can be seen as a dual phenomenon: first, as a rejection of liberal constitutionalism, and second, as a political force that competes over the interpretation, justification, and realisation of constitutional democracy.[11] To grasp the populist stance towards liberal constitutionalism, one must examine it in the context of two main constitutional imaginaries in modernity - the modernist

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[10] Ibid
[11] Supra note 3

imaginary and the democratic imaginary. The modernist constitutional imaginary, dominant since the late 18th century, emphasises rational mastery and control over the social world, seeking to preserve existing structures. In contrast, the democratic constitutional imaginary, less firmly institutionalised, emphasises self-constitution and self-government, advocating for innovation and change.[12]

Populist constitutionalism presents crucial critiques of legal constitutionalism, aligning itself with a radical, democratic understanding.[13] However, it also poses challenges to democracy, particularly regarding the idea of the constitution as a means to represent popular sovereignty.[14] These contrasting constitutional imaginaries play pivotal roles in shaping the meaning and legitimacy of modern constitutional orders.[15] Both preservation and innovation are essential for the viability and legitimacy of democratic modern constitutional systems. Populism's role lies in challenging established structures while advocating for more direct popular participation in the constitutional process.[16]

The modernist imaginary of constitutionalism can be characterised as an Enlightenment belief that political institutions gain legitimacy by incorporating constitutional laws based on abstract notions of justice and personal dignity. These constitutional laws are designed to impose legal and normative constraints on the exercise of public and private power.[17] The central goal of the modernist imaginary is to establish order and stability in society, curbing human tendencies towards violence and irrationality. Rather than advocating for radical changes in the existing societal order, the modernist imaginary supports a gradual limitation of political power through legal mechanisms, creating a system that restricts sovereign authority.[18] This perspective views constitutional development as an evolutionary process, continually seeking to constitutionalise the polity and prioritising the rule of law, legalisation, and orderly power limitation.[19] Instead, its

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[12] Supra note 5

[13] Paul Blokker, The Imaginary Constitution of Constitutions, 3(1) SOCIAL IMAGINARIES 167 (2017); HAUKE BRUNKHORST, CRITICAL THEORY OF LEGAL REVOLUTIONS: EVOLUTIONARY PERSPECTIVES (2014

[14] Cf. Johann P. Arnason, The Theory of Modernity and the Problematic of Democracy, 26(1) THESIS ELEVEN 20, 39 (1990).

[15] For the notion of social imaginary significations, see CORNELIUS CASTORIADIS, THE IMAGINARY INSTITUTION OF SOCIETY (1987).

[16] Christoph Möllers, Pouvoir Constituant—Constitution—Constitutionalisation, in PRINCIPLES OF EUROPEAN CONSTITUTIONAL LAW (Jürgen Bast & Armin von Bogdandy eds., 2010)

[17] CHRIS THORNHILL, A SOCIOLOGY OF CONSTITUTIONS: CONSTITUTIONS AND STATE LEGITIMACY IN HISTORICAL-SOCIOLOGICAL PERSPECTIVE (2011).

[18] supra note 11, at 174

[19] supra note 11, at 176

focus lies in preserving, stabilising, and cautiously managing the prevailing social order through a closed, independently operating legal system.[20]

The democratic imaginary of constitutionalism is reflected in the works of various scholars, including Hannah Arendt, Sheldon Wolin, Cornelius Castoriadis, and Hauke Brunkhorst, as well as in the thinking of historical figures like Thomas Jefferson.[21] In the democratic constitutional imaginary, constitutions are seen as dynamic and creative tools that advance human liberty. The focus is on establishing a new societal order based on emancipatory principles such as equality, freedom, and self-rule. In this perspective, the constitutional order requires justification for the exercise of public power, connecting public power with intra-societal legitimacy.

Populism critiques legal constitutionalism, much like democratic constitutionalism, but it proposes an alternative called "counter-constitution"[22] or "constitutional counter-revolution."[23] This distinction becomes evident in real-world examples of populist constitutionalism, as seen in countries like Poland and Hungary. While both populism and democratic constitutionalism challenge the existing order due to its perceived inequalities and injustices, populism seeks to restore an idealised version of a historical order. It carries a messianic, redemptive dimension, aspiring to create a purified and uncorrupted polity in the future, often symbolised by concepts like the 'Fourth Republic' in the case of Poland.

Populism views liberal democracy and the rule of law as a disruption and deviation from a preferred historical order. It rejects the legal-constitutional system, arguing that it fosters inequalities between different groups, such as the privileged and the marginalised, cosmopolitans and locals, or foreigners and nationals. Moreover, populists believe that the legal-constitutional order erodes the nation's historical identity. In contrast to democratic constitutionalism, which seeks inclusivity and universalism, populism aims to replace the hierarchical legal-constitutional system with a return to or realisation of a traditional order.[24]

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[20] HAUKE BRUNKHORST, CRITICAL THEORY OF LEGAL REVOLUTIONS: EVOLUTIONARY PERSPECTIVES (2014)

[21] Baldvin Bergsson & Paul Blokker, The Constitutional Experiment in Iceland, in VERFASSUNGGEBUNG IN KONSOLIDIERTEN DEMOKRATIEN: NEUBEGINN ODER VERFALL EINES SYSTEMS? 154 (Kalman Pocza ed., 2013); NADIA URBINATI, DEMOCRACY DISFIGURED (2014).

[22] Kim Lane Scheppele, Counter-constitutions: Narrating the Nation in Post-Soviet Hungary, Paper presented at colloquium of the political science department, George Washington University, Washington, DC, April 2, 2004; Kim Lane Scheppele, The Social Lives of Constitutions, in SOCIOLOGICAL CONSTITUTIONALISM 35 (Paul Blokker & Chris Thornhill eds., 2017).

[23] Gábor Halmai, The Rise and Fall of Constitutionalism in Hungary, in CONSTITUTIONAL ACCELERATION WITHIN THE EUROPEAN UNION AND BEYOND 215 (Paul Blokker ed., 2017).

[24] Ibid

Will Populism Threaten Democracy?

Populism poses a threat to liberal democracy when it becomes culturally exclusionary, exhibits contempt for pluralism, and restricts basic freedoms. Even without targeting cultural minorities, its majoritarian and plebiscitary nature inherently endangers democracy, amplified by suspicion towards established institutions. Populist reform sentiments, if unchecked, can damage existing institutions and destabilise democracy itself. The more extreme and uncompromising the version of populism, the greater the threat to democracy.

The true test of populism lies in its actions when in power, particularly in cases like Hungary and Turkey, where populist parties hold unilateral control. Scrutinising how populists wield power becomes vital. Democratic failures in recent times have not primarily resulted from overt military coups but rather from creeping authoritarianism, where elected rulers gradually erode political pluralism and checks and balances until the core element of democracy—the ability to replace leaders in free and fair elections—is lost. This descent can lead a country towards a competitive authoritarian regime. [25]

Patrick Liddiard in his paper on, "Is Populism Really a Problem for Democracy?"[26], states that "Populist Mobilisation Can Increase Democracies 'Representativeness but Undermine Governance", according to him Cas Mudde and Cristóbal Rovira Kaltwasser argue that populism is not inherently threatening to democracy but rather a reaction by voters against undemocratic features of liberal institutions. They suggest that decisions on important issues have been taken away from elected officials and placed in the hands of judiciaries or bureaucracies, creating a perception that certain policies are unquestionable.

Scholars like Ernesto Laclau and Chantal Mouffe further posit that populists can play a role in re-politicising politics by highlighting that policies have winners and losers, and such decisions should be made by elected bodies. Katz and Mair note mainstream parties hinder new party emergence, benefiting incumbents. Populists mobilise new groups, enhancing representation and accountability. However, Müller warns populism's illiberal aspects endanger democracy, ignoring minorities and checks. Diamond cautions populism threatens civil liberties in liberal democracies,

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[25] Larry Diamond, When Does Populism Become a Threat to Democracy?, For the FSI Conference on Global Populisms, Stanford University, November 3-4, 2017, The New Era of Democratic Distemper Stanford University, https://diamond-democracy.stanford.edu/speaking/speeches/when-does-populism-become-threat-democracy

[26] Patrick Liddiard, Is Populism Really a Problem for Democracy?, Wilson Center. https://www.wilsoncenter.org/publication/populism-really-problem-for-democracy

if rejecting pluralism. Populist parties may lack governance skills, eroding accountability, shifting policymaking externally. They can bolster executive power, polarise, weaken checks, fostering autocratic tendencies, even in affluent democracies.

Populism Encourages Executive Over Legislature Leading to Overpowering of Democratic Qualities. [27]

In Populist politicians, due to their lower aptitude for governing, can strengthen executive power at the expense of legislative authority, posing a threat to democratic durability. Studies have shown that less experienced legislators in the US and Argentina were more influenced by the executive, shifting policymaking away from the legislature. Strong legislative institutions are vital for safeguarding democracy by checking abuses of executive power. Countries with empowered legislatures and constraints on executive authority tend to have longer-lasting democracies. Weakened legislative oversight can enable executives to undermine other constraints on their power, including independent judiciaries, electoral commissions, the press, and civil society groups. This curbing of checks on executive power can lead to abuses and repression of opponents, eroding democratic principles of freedom, inclusion, and fair elections. In some cases, empowered populist executives' undermining of democratic institutions has even resulted in the breakdown of democracies, leading to a reversion to autocracy.

Populism, as a political approach centred around representing "the people" instead of "the elite," holds the promise of making democracies more representative. By giving voice to marginalised groups and addressing the concerns of ordinary citizens, populists can potentially bridge the gap between the public and the political establishment. However, there are significant challenges that arise when populist parties come to power. One common characteristic of populist movements is their emphasis on charismatic and personalistic leaders rather than strong institutional structures within the party. This focus on a single leader can lead to issues with party institutionalisation, making it difficult for the party to function effectively as a stable and cohesive political force. Consequently, when populist leaders assume power, their lack of interest or proficiency in policymaking may cause policy formulation to shift to other parties, the bureaucracy, or even foreign powers. This can lead to a lack of clarity regarding accountability, as it becomes challenging to attribute specific policies to a particular actor or party. If populist governments

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[27] Patrick Liddiard, Is Populism Really a Problem for Democracy?, Wilson Center. https://www.wilsoncenter.org/publication/populism-really-problem-for-democracy.

appear unresponsive to public opinion, it can exacerbate the problem of democratic accountability. Populist parties often gain traction precisely because mainstream parties fail to address the concerns of the people.

Therefore, populism offers the potential for more representative democracy by giving voice to the concerns of ordinary citizens. However, the focus on personalistic leaders and the lack of party institutionalisation can hinder effective governance. If populist governments fail to deliver on their promises or face internal challenges, countries may experience a cycle of "serial populism." Additionally, party system collapse can create opportunities for right-wing populists to rise to power and influence the political landscape. Balancing the benefits of populism with the need for strong institutions and accountability is crucial to ensure the health and stability of democratic systems.

Analysis of Authoritarian and Popular Constitutionalism

The connection between populism, authoritarianism, and constitutionalism has gained renewed interest. While there is overlap between populism and authoritarianism, equating them is too simplistic. Neil Walker[28] has analysed the relationship between authoritarian constitutionalism and populism in the following points :—

- Authoritarian regimes and constitutionalism have conflicting tendencies. Authoritarian regimes limit political pluralism, emphasise emotional attachment for legitimacy, and curtail civil society's social mobilisation. Constitutionalism, on the other hand, aims to diversify power, provide checks and balances, and protect individual rights.

- Authoritarian constitutionalism seeks a balance between these contrasting tendencies, monopolising power without extreme constitutional violations but still suppressing pluralistic discipline.

- Populism shares some features with authoritarian constitutionalism, such as focusing on unitary authority and executive discretion. However, it uniquely claims to represent the people, connecting it to the broader concept of "popular constitutionalism."

Populist constitutionalism, reflecting both populist and authoritarian elements, contrasts with traditional authoritarianism. Populism can be therefore said to interacts with authoritarian

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[28] Walker, Neil, Populism and Constitutional Tension. In: International Journal of Constitutional Law. 2019 ; Vol. 17, No. 2. pp. 524-528.

constitutionalism. The interplay between populism and authoritarian constitutionalism is examined as follows :—

- Populist constitutionalism represents a complex interplay between populist and authoritarian tendencies. Authoritarian constitutionalism often relies on other forms of legitimacy (e.g., military power), while populism claims to represent the people.

- Reversionist authoritarianism discards plural constitutionalism in favour of a new concentration of power, often through a vanguard party or constitutional renewal.

- Emergent authoritarianism recognises the pluralist dimension in the constitution but criticises it as out of touch with the "real" people, leading to the assertion of populist leadership and interests.

- Populism's tension between claims of representing the people and its authoritarian traits makes its relationship with authoritarian constitutionalism intricate.

Populism's Impact on Democracy in Real-World Cases

The rise of populism in democratic societies has been a significant and complex phenomenon. Populist movements and leaders have gained prominence by tapping into public discontent, often positioning themselves as champions of the "ordinary people" against perceived elites. While the causes of this rise are multifaceted, factors such as economic inequality, cultural anxieties, and disillusionment with traditional political establishments have played roles. A rise of populism is seen in certain democratic societies. However, the impact of populism on democratic institutions varies, with some cases leading to erosion of democratic norms and others prompting renewed discussions about representation and policy. Following are certain examples of impact which populist leaders have left on countries such as Turkey, Venezuela and Thailand.[29]

- Outsider candidates in these countries mobilised marginalised groups, offering promises of social assistance[30] and support for votes.

- Populist leaders in Turkey, Venezuela, and Thailand restricted civil society[31], claimed to be the sole representatives of the people, and undermined institutional checks on their authority.

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[29] Freedom House, Freedom in the World 2007: Venezuela https://freedomhouse.org/report/freedom-world/2007/venezuela

[30] Ergun Özbudun, "Turkey's Judiciary and the Drift Toward Competitive Authoritarianism", The International Spectator, Vol. 50, No. 2, pp.42-55, June 2015, pp.51-52

[31] Freedom House, Freedom in the World 2006: Thailand https://freedomhouse.org/report/freedom-world/2006/thailand; Pasuk Phongpaichit and Chris Baker, "Thaksin's Populism", Journal of Contemporary Asia, Vol. 38, No. 1, pp.62-83, February 2008, p.77

- These actions weakened watchdog mechanisms, led to democratic breakdown in Turkey and Venezuela, and caused ongoing political polarisation in Thailand.

These cases demonstrate the complex interactions between populist leaders, civil society, and democratic institutions, leading to significant political shifts in their respective countries.

Populism: From Indian Point of View

India's encounter with populism is distinctly divergent from that of Western nations; nonetheless, even within the Indian context, contemporary political figures are increasingly adopting populist strategies. In traditional Indian democratic paradigms, the prevailing modality encompassed "Party Politics," whereby a party coalesced around a specific ideological stance, subsequently orchestrating actions in accordance with the party's strategic blueprint. However, an emerging trend currently pertains to the ascendancy of charismatic leaders who supersede the primacy of their respective parties. These leaders assume archetypal roles as heroic figures, saviours, or even victims, thereby forging emotive connections with the populace. Even the Indian judiciary, constitutionally safeguarded in its autonomy, has grappled with issues bespeaking its integrity.

The judiciary, strained by an onerous caseload, is often beleaguered by protracted delays and instances of corruption. Apprehensions arise over the influence exerted by the government over tribunals, potentially compromising the sanctity of judicial independence. Although India's media landscape retains a measure of liberty, an augmented proclivity for self-censorship and governmental pressures encumber journalists. The media conglomerates themselves evince political affiliations, thereby engendering selective dissemination of news. Persistent challenges endure in the form of violence perpetrated against journalists and constrictions on the unfettered expression of ideas.

Pertaining to gender parity, India confronts a dire quandary with the pervasive incidence of violence against women, as evidenced by escalating assault rates. Although women's representation within the governmental framework is palpable, India's global ranking vis-à-vis women's political participation remains suboptimal. Notably, these critical issues are conspicuously absent from the purview of Indian political discourse. Such a phenomenon is ascribable to the distinctive emotional tapestry of the Indian populace, wherein leaders' utterances, however devoid of empirical veracity, are venerated as immutable verities by their acolytes.

Good Populism V. Bad Populism: An Argument For and Against.

In a Paper presented by Kim Lane Scheppele on the topic "Counter-constitutions: Narrating the Nation in Post-Soviet Hungary"[32] at colloquium of the political science department, George Washington University, Washington, DC, Scheppele highlights the on impact of Good as well as bad populism in the society. According to them, good Populism can be considered beneficial for democracy under certain conditions and bad Populism can become harmful to democracy when it exhibits certain negative traits. Refer to Fig 1.1.

Good Populism	Bad Populism
1. When there is a significant and increasing inequality between a privileged elite and the majority of the population.	1. When it rejects democratic pluralism and claims that only its leader and party represent the true will of the people.
2. When traditional political institutions fail to address important policy challenges.	2. When it seeks to restrict the rights of minorities or limit freedom of thought and expression.
3. When grassroots movements for social, economic, and political change follow democratic principles, respect diversity, and uphold democratic norms.	3. When it targets specific social groups, like immigrants, leading to illiberal attitudes that might even border on racism, even against those who are citizens or born in the country.
4. When the leaders of such movements promote democratic behaviour and work through existing democratic channels for change.	4. It can lead to a self-serving leaders enjoying unchecked support taking irrational but popular decisions only to please their supporters and completely circumvent democratic process.

Fig. 1.1

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[32] Kim Lane Scheppele, Counter-constitutions: Narrating the Nation in Post-Soviet Hungary, Paper presented at colloquium of the political science department, George Washington University, Washington, DC, April 2, 2004.

Conclusion

Populism seeks to prioritise national or people's interests over individual rights and liberal constraints, aiming to establish a direct link between citizens and political power. This multifaceted phenomenon can impact democracy positively by giving voice to marginalised groups, but its simplistic and polarising nature can undermine democratic values. Understanding its complexities and interactions with authoritarianism and constitutionalism is vital for assessing its impact.

Populist constitutionalism diverges significantly from democratic constitutional approaches. While it may promote equality and emancipation, it lacks the inclusive essence of democratic constitutionalism. In instances like Poland and Hungary, "real" populist constitutionalism unites people against perceived foes, portraying them as victims or marginalised, fostering unity against a common adversary. Populists critique liberal constitutionalism and rule of law, misrepresenting democracy. Their concept of popular sovereignty limits diversity and promotes majoritarianism. Populist constitutionalism challenges liberal representative democracy by revamping institutions to reflect ordinary people's desires, a significant concern as liberal democracy grapples with representation, governance, equality, and participation. It questions transferring democracy to post-authoritarian societies and forming a transnational community. Despite its claims, the populist approach may lead to a "democratic dictatorship," favouring the majority while suppressing others.

In conclusion, populism critiques and exposes limitations in liberal constitutionalism, prompting consideration of its flaws. Balancing citizens' concerns and upholding democratic principles is crucial when navigating constitutional politics. While populism raises valid questions, its alternatives could foster undemocratic practices. Striking this balance is essential amidst the intricate landscape of constitutional reform.