

Michael A Wilkinson: Authoritarian Liberalism and Authoritarian Populism: Opposition or Inflection?

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I. Introduction

The title of the paper asks a question, whether authoritarian liberalism and authoritarian populism are in opposition, or rather whether one is an inflection of the other, or, to put it differently, whether there is a family resemblance. The question pursued is a narrow one. It is specifically about authoritarian forms of liberalism and authoritarian forms of populism, not about liberalism and populism simpliciter.

I should add that I'm talking about liberalism primarily as a doctrine and practice of political economy. Economic liberalism is the concrete, institutional, and ideological form taken by modern capitalism – it is concretised in the reality of markets and private power; institutionalised in terms of the support it obtains from counter-majoritarian designs, and ideologically hegemonic in the dominance of ideas about free markets, fair competition and individual freedom.

Also by way of introduction, it is important to note that authoritarian liberalism is a phenomenon that has a much longer history than the one commonly associated with the label 'neo-liberalism'. One goal of the project of which this paper is part is to explain those longer, deeper roots. But in terms of the question that I ask, 'opposition, or inflection?', the purpose is to get a sense of the relationship between two phenomena. And I'm inclined to conclude, although tentatively, as you can perhaps guess from the question-mark at the end of the title, that authoritarian populism is an inflection of authoritarian liberalism, rather than in opposition. Once we get a sense of liberalism's own authoritarian character in twentieth century Europe, the apparent clarity of opposition begins to fade. This is not to say that all the differences dissolve. So there is certainly rhetorical opposition to liberalism more broadly within populist discourse (at least in right-wing populism), just as there is rhetorical opposition to authoritarianism within liberal discourse, but there is not, or at least not *yet*, the prospect of rupture from the existing and dominant 'regime' of authoritarian liberalism.

In short, it will be argued that authoritarian populism, although often presented in opposition to the liberal international order in general, and the European Union in particular, is in fact a symptom of this order, purporting but failing to fill in the void that the liberal political order has created and maintained in its own authoritarian fashion. The relationship between authoritarian populism and authoritarian liberalism is thus less one of antagonism than of mutual dependence. In this paper, I'm going to focus on the particular case of Europe in the context of the European Union and I won't talk about the international liberal order in any more general terms, although a more global story could certainly be told.¹

I will start with the most recent period, the long decade since the beginning of the euro crisis, which has now merged into the pandemic-crisis. I first thought of the term 'authoritarian liberalism' when I was asked to write an analysis for the *German Law Journal* in 2013 on the EU's response to the euro crisis at the height of the 'conjuncture' (a term associated with the Marxist tradition to capture a period when conflicting forces combine to create a crisis without a resolution). It struck me that there were two things occurring in combination, namely an increasingly authoritarian political response, or more colloquially, a kind of trashing of democracy, and in pursuit of concrete interests, institutions and ideas associated with economic liberalism (financial markets, independent expertise, German-led export industry). But authoritarian liberalism was far from a new

¹ In this paper I draw on *my* book, *Authoritarian Liberalism and the Transformation of Modern Europe*, Oxford 2021.

phenomenon. As scholars such as Renato Cristi had already acknowledged, it raised its head in the interwar period, the label itself coined by German constitutional theorist Hermann Heller, targeting his adversary Carl Schmitt.² I will look at this briefly, before turning to postwar European reconstruction, which is already softly authoritarian, a feature often missed in the glow of the ‘golden age’ of economic growth. After Maastricht, the picture becomes messier, presenting aspects of continuity as well as discontinuity with the postwar order. I will conclude with some reflections on the stickiness and resilience of the relation between authoritarian liberalism and authoritarian populism.

II. Euro Crisis: Back to the Future

The authoritarianism of the euro crisis response was commonly noted by commentators in remarking on the actions of the Eurogroup and the ‘Troika’, especially its major player, the European Central Bank, led at the time by Mario Draghi. Draghi’s speech in 2012 that the ECB would do ‘whatever it takes’ to rescue the Euro – even though adding ‘within its mandate’ –, highlighted the intent to press ahead regardless of constitutional obstacles, which were raised in various arenas, most notably in the German Constitutional Court. This pushback caused a lot of ink to be spilt by legal and political analysts, but ultimately amounted to very little. The point was made tersely but accurately by Jean-Claude Juncker stating what from a formal point of view is only an obvious truth, that there can be ‘no democratic choice against the European treaties’, although he perhaps forgot to add that the Treaties mean what the European Court of Justice says they mean.

The brief flurry of outrage after the Greeks voted *oxi* (no!) in July 2015 to the conditionality programme negotiated with the Eurogroup only for the Greek government of Alexis Tsipras to accept an even harsher programme prompted some to complain that ‘this is a coup!’. But in reality it was closer to a capitulation. It was notable as the first clear sign of the failure of left-wing populism to pursue and, significantly, to prepare for, any rupture from the status quo, so attached had the left become to an ideological Europeanism in general and membership of the EU in particular. Elsewhere the mantle of authoritarian liberalism was taken on with more gusto by Emmanuel Macron, offering a domestic constitutional programme that would concentrate executive powers, bypass traditional representative democracy, and end the old party structure – measures against ‘populism’ but using populist ways and means, including highly repressive strategies of control.³

The mutual dependency between authoritarian liberalism and populism is neatly exposed in a twitter exchange, when in response to Donald Tusk commenting, ‘I’ve been wondering what the special place in hell looks like for those who promoted Brexit, without even a sketch of a plan of how to carry it out safely’, Yanis Varoufakis says, ‘probably very similar to the place reserved for those who designed a monetary union without the proper banking union and when the banking crisis hit transferred cynically the banks gigantic losses onto the shoulders of the weakest taxpayers’.

Varoufakis, as well as refusing responsibility for Greece’s own lack of preparations for ‘Grexit’, is only partly correct, I think, as I’m going to explain that the tensions which came to a head in the euro crisis conjuncture were symptoms of a much deeper set of pressures, constraints on democracy which precede EMU and indeed, emerge from the postwar reaction to the interwar breakdown of liberalism.

So we have to move from the conjuncture to the *longue durée* to show that authoritarian liberalism, although heightened in the euro crisis, is already present in a softer form in the postwar reconstruction of the European order. This emerges paradigmatically in the case of West Germany, but the German model represents a broader set of practices and ideas, both in terms of its influence elsewhere and on the structures of European integration. Thus we can see in postwar reconstruction the continuation of modes of political, social, economic hierarchy, and the differentiation of the spheres of politics and the economy, in particular, the de-politicisation of the economy with a turn to technocratic rationality, managerialism, and juristocracy. In other words, authoritarian liberalism is not merely the exceptional moment, not merely a violation of a previous norm of well-functioning liberal democracy, but the norm itself. This suggests, in turn, that authoritarian populism is merely an inflection rather than a rupture from the norm.

² Renato Cristi, *Carl Schmitt and Authoritarian Liberalism: Strong State, Free Economy*, Cardiff 1998.

³ See *Pauline Trouillard, Repressing the Protests through Law, Police and Discourse: the Example of the Yellow Vests’ Movement in France*, *Journal of Contemporary European Studies* 30 (2022), p. 506.

III. Interwar: Lineages of Authoritarian Liberalism

To understand the present conjuncture we have to begin in the 1930s, as many commentators are now acknowledging. It is in this period that the phenomenon of authoritarian liberalism is first identified. In 1932 Herman Heller, the German social democrat and constitutional theorist, uses the term ‘authoritarian liberalism’ to describe the Presidential cabinets ruling late Weimar, just before the Nazi seizure of power in January 1933.⁴ The authoritarian liberals attempted, at that stage, to maintain the order of economic liberalism and capitalism at all costs, suspending parliament and obstructing no confidence votes both from the right and the left in an attempt to maintain order. And Heller, a social democrat, on the centrist side of the SPD, uses this label to criticise the elites who bypassed parliament, ruling through decrees, diktats, and presidential authoritarianism in order to impose measures of austerity. Heller uses the label authoritarian liberalism pejoratively, attacking it as an opportunistic position, which justifies a strong state in order to manage and maintain a liberal market economy and support the capitalist interests that sustain it, subsidising large banks and industry with one hand while dismantling social policy with the other.

The conjuncture of late Weimar is in some ways unique, but we can expand the story to show how a wider and deeper crisis of liberalism unfolded in the context of interwar breakdown. This is elaborated by Karl Polanyi, not just in the European, but in a global context.⁵ The crisis of the liberal democratic state of the ‘long 19th century’ (that begins with the French Revolution and ends with the First World War) was acute: in a context of universal suffrage, working class consciousness and mass socialist parties, the normal institutions of representative democracy could no longer be trusted by ruling elites to maintain the status quo, and so they turned to more repressive measures, and a new ‘Bonapartism’ emerges.

Now, the three dominant jurists in Weimar – Hans Kelsen, Herman Heller, and Carl Schmitt – adopted three different positions on how to handle the tensions that were being posed to the liberal order established by the Weimar Constitution, which was itself a compromise among centre-left, liberal and conservative forces. Hans Kelsen, the legal philosopher, liberal democrat, and relativist, thought that democracy had essentially to be left to run its course, rejecting any notion of militancy, whether revolutionary or counter-revolutionary. Herman Heller thought that liberal democracy would not survive without a high degree of socio-economic equality, or ‘social homogeneity’. So his prescription was a classic social democratic response to inequality, to use the state, the *Sozialstaat*, to remedy the injustices of liberal capitalism. Others thought the liberal state needed to become more authoritarian to defend itself, not only from the right but in fact, and in Schmitt’s case, especially from the left, from movements that were threatening to transcend the liberal order through a path to democratic socialism, whether revolutionary or otherwise. And of course, it was a big debate on the left as to whether that could be done through reform or required revolution.

From Schmitt’s perspective, the threat to the liberal order, in the sense of the liberal economic order, or *bourgeoise Rechtsstaat*, came from democracy itself, understood as the possibility of radical constituent power exercised by the working class, which did not have a share in the produced surplus value. This, of course, is in the context not only of growing class consciousness in the West, and universal suffrage for the first time in Germany in 1918, but of the threat of Soviet-style Bolshevism in the East. In this context, democracy could turn into proletarian democracy, and ‘replace the liberalism of the propertied and educated bourgeoisie’.⁶ This was Schmitt’s fear, a fear shared by many liberals and conservatives. Although Schmitt is frequently classed as an anti-liberal, Schmitt’s ‘rapprochement with liberalism’ in fact occurred as early as 1923 according to Renato Cristi.⁷ Even if only an opportunistic alliance, what Schmitt, along with many other liberal and conservatives, feared most was the increased pace of the democratic revolution; both were willing to turn to authoritarianism to frustrate this.

One point is worth adding. If we take Schmitt seriously, which has to be done cautiously due to his political opportunism throughout the various stages of Weimar’s evolution, what becomes clear from his rhetoric in the early 1930’s (and specifically in his 1932 address to the German *Langnamverein*) is that the political ‘enemy’ was those advocating for economic democracy, a version of democratic socialism that was distinct from the statist socialism of Herman Heller. This had been advocated in the early Weimar period by left Social Democrats such as Franz Neumann and Hugo Sinzheimer. So to complete the story, we

⁴ *Hermann Heller*, *Autoritärer Liberalismus*, *Die Neue Rundschau* 44 (1933), p. 289; English translation: *Authoritarian Liberalism?*, *European Law Journal* 21 (2015), p. 295.

⁵ *Karl Polanyi*, *The Great Transformation: The Political and Economic Origins of Our Time*, 2001 (1944).

⁶ *Carl Schmitt*, *Constitutional Theory*, 2008, pp. 271^f.

⁷ *Cristi* (note 2).

have to move beyond Heller, Schmitt and Kelsen and consider a fourth set of interlocutors, the Weimar labour lawyers, who briefly sparked at the start of the Weimar republic.

For this fourth group of more radical leftists, the answer, in contrast to Heller, was not more social democracy in the sense of the state intervening to equilibrate bargaining power between labour and capital. This would have been an overly paternalistic and economistic response. Instead, what was required was the expansion of democracy itself. As Sinzheimer had earlier put it: “Without economic democracy as a supplement to political democracy, the vast majority of the people remained unfree, subject to the control of a minority wielding economic power. Only with economic democracy – what this means is elimination of despotism at the workplace of the control of the markets, by capital and of the state by the property classes – only then could true democracy be achieved.”⁸ In other words, this supplement of economic democracy would have constituted a continuation of the story of democracy that begins with the political freedom announced by the French Revolution. But in reality it was rapidly curtailed; not only do the unions themselves turn towards strategies of economism and bargaining, avoiding the struggle for political power, but the social democrats more generally abandon their commitment even to parliamentary democracy, explicitly ‘tolerating’ its suppression in the period of authoritarian liberalism, partly due to Heller’s own counsel.⁹

IV. Postwar: Soft Authoritarian Liberalism

The interwar prospect – or threat – of a fuller politicisation and even democratisation of the economy is important to note because it helps us to understand how the postwar reconstitution of European liberalism is already softly authoritarian. There is not enough space here to explain the full story.¹⁰ Three dominant questions in fact emerged after the Second World War for the reconstruction of European liberalism. The first is how to prevent German hegemony; second is how to contain the threat of political alternatives to economic liberalism and third how to retain economic stability. Of course, these questions are complexly interrelated, but for analytical purposes we can separate them into three broad strands, namely restrained sovereignty, constrained democracy and tempered capitalism. Crossing all three of these strands is the ordoliberal tradition, whose historical significance has only recently come to be fully understood.¹¹

The postwar era is often inappositely characterised in the literature as one in which a form of ‘militant democracy’ was constructed. This, on its face, is a very strange term for a set of institutional as well as also ideological devices that are aimed at constraining democracy. And for reasons that I will explain, I think the label militant democracy, and even the label constrained democracy, are misnomers. The better way of understanding this complex set of strands is through the label of ‘soft authoritarian liberalism’.

What do I mean by that? Well, it is evident above all in the German context, where an idea or myth emerges that popular sovereignty is dangerous, culpable for the collapse of interwar liberalism. “We are afraid of the people”, as German constitutional theorist, Christoph Möllers, observes in a chapter on constitutional authority that explains the popularity of the new constitutional court of the Bonn Republic.¹² This is not to deny that the elites are afraid of the people. But it is to add that the people are also in some sense afraid of themselves. Variations of this idea are captured in a number of different ways by figures associated with the Frankfurt school of critical theory. In psycho-sociological terms it is captured in Erich Fromm’s ‘escape from freedom’, the sense that freedom is too much responsibility for modern man to bear, and so he retreats into the

⁸ See *Ruth Dukes*, *The Labour Constitution: The Enduring Idea of Labour Law*, Oxford 2014, pp. 18–21.

⁹ *Ellen Kennedy*, *The Politics of Toleration in Late Weimar: Hermann Heller’s Analysis of Fascism and Political Culture*, *History of Political Thought* 5 (1984), p. 109. According to Kennedy, this was justified by the SPD’s parliamentary leader Breitscheid, on the basis of Heller’s arguments made in *Europa und der Faschismus*, 1929.

¹⁰ See further, *Wilkinson* (note 1).

¹¹ For a diverse set of recent essays, see, e.g., *Josef Hien/Christian Joerges* (eds.), *Ordoliberalism, Law and the Rule of Economics*, 2017.

¹² *Christoph Möllers*, “We are (afraid of) the People”: Constituent Power in German Constitutional Discourse, in: *M. Loughlin/N. Walker* (eds.), *The Paradox of Constitutionalism: Constituent Power and Constitutional Form*, Oxford 2007.

private sphere; in Marcuse's terms, the modern citizen dissolves into the 'one-dimensional man' of late consumer capitalism; or in Neumann's diagnosis, political freedom is displaced due to the 'growing complexity of government', the 'growth of bureaucracies in public and private life', the 'concentration of private social power' and 'the hardening of political parties into machines.'¹³

These kinds of de-politicising features are often characterised as part of the neoliberal turn to 'post democracy', traced to the period in the 1970's and 1980's and the dominance of Thatcher and Reagan on the political scene. But they can be identified much earlier than the term neoliberal usually connotes. The longer lineage affects not only the diagnosis but also the prognosis for change, a point to which we will return in conclusion.

For ordoliberalism, the particular fear of popular sovereignty, and of democracy itself, expresses less the orthodox constitutionalist fear that a 'tyranny of the majority' will undermine a liberal democracy than that it will undermine the liberal economy. I think this is a point which is neglected in legal and constitutional theory. So, the people or their electoral representatives are not trusted by elites to make 'rational' decisions about the economy or about the money supply. The economy must be kept safe *from* the people. To capture the significance of this ordoliberal mindset, we must move beyond Germany and think about the impact of this way of thinking on the European Economic constitution, where we see the supra-nationalisation of ordo-liberal principles, specifically by the European Court of Justice.¹⁴ This enabled the depoliticization of the economy not only from majoritarian impulses, but from the apparatus of the state itself.

The idea of differentiation of the economic from the political realm, of distancing and insulating it in order to keep the economy safe from the 'irrational people', then acquires a geopolitical constitutional separation in the course of European integration, and one which is incredibly difficult to change because of the rigidity of the Treaties and their interpretation by the European Court of Justice, importing a 'neoliberal' bias into the constitutional trajectory.¹⁵

This soft authoritarian liberalism coincides with the decades that commentators refer to as the 'golden age' or 'les trente Glorieuses' due to the relatively rapid and widespread economic growth. So there was a rather benign set of economic circumstances, and, exceptionally, a relative decrease in levels of inequality, as Piketty has documented.¹⁶ Various explanations can be offered for this phenomenon: the significance of neo-corporatist bargaining, the relative power of labour and capital enabling class compromise, the presence of the Soviet Union, rebuilding after the destruction of World War II. But, whatever the explanation, it was not a period of vibrant democratisation. On the contrary, this was an era of retreat to privatism, the decline of parliamentarism, the quietening of the working class, and in fact the abandonment of class politics more generally. As Charles Maier notes, the concept of the bourgeoisie disappeared after World War II.¹⁷

Ordoliberalism offers a reconceptualization of the economic constitution. The constitutional project that the Weimar labour lawyers envisaged, to extend democracy to the economy in the pursuit of freedom, is flipped over. Now, the design of the economic constitution is to keep the people away from the economy, to free the economy from political and democratic interference. In an echo of Schmitt, the ordoliberals feared the total politicisation of the economy, because of its tendency to weaken the state. In other words, the main purpose of economic constitutionalism was to protect the economy from these political pressures. As Jayasuriya puts it, this 'could not be but authoritarian'.¹⁸

Ordoliberalism, unlike the neoliberalism, has a much more comprehensive sense of political economy – not only of the dangers of unfettered democracy, but of unfettered capitalism. So there is an important distinction here, that leads the ordoliberal to take seriously the threats to the economic order from monopolies and cartels. There is no belief in spontaneous

¹³ *Erich Fromm*, *The Fear of Freedom*, 2nd ed., 2001; *Herbert Marcuse*, *One-Dimensional Man: Studies in the Ideology of Advanced Industrial Society*, 2013; *Franz Neumann*, *The Democratic and the Authoritarian State: Essays in Political and Legal Theory*, 1957.

¹⁴ See *Karlo Tuori/Klaus Tuori*, *The Eurozone Crisis: A Constitutional Analysis*, Cambridge 2014.

¹⁵ *Fritz Scharpf*, *The Asymmetry of European Integration, or Why the EU Cannot Be a Social Market Economy*, *Socio-Economic Review* 8 (2010), p. 211.

¹⁶ *Thomas Piketty*, *Capital in the Twenty-First Century*, 2014.

¹⁷ *Charles Maier*, *Recasting Bourgeois Europe: Stabilization in France, Germany, and Italy in the Decade after World War I*, Princeton 2016.

¹⁸ *Kanishka Jayasuriya*, *Globalization, Sovereignty, and the Rule of Law: From Political to Economic Constitutionalism?*, *Constellations* 8 (2001), p. 442.

order or creative destruction. But in both neoliberal and ordoliberal thought collectives, there remains a strong belief in managing the economy by a technocratic class, through law, through experts and agencies. This approach to constitutional ordering wasn't really challenged through the founding period of postwar Europe because of a more general de-radicalisation of opposition (although 68' prompted a discussion about authority more generally, its constitutional implications were minimal). Things start to change around the time of the Maastricht Treaty.

V. Maastricht: The Roots of Authoritarian Populism

At Maastricht, things start to get more complicated, because there are both elements of continuity and discontinuity with the postwar constitutional order. There are elements of continuity in the furtherance of the ordoliberalism, in particular through the depoliticisation of money, with Maastricht laying the foundations for emu based predominantly on assumptions about price stability, fiscal discipline, and wage restraint. Maastricht presented other continuities with the postwar settlement, features that had already been noted by Frankfurt school theorists, and which came to be more outlined with more precision. This was done by Peter Mair, the Irish political scientist, who sketched the 'void' or increasing disconnect between the people and the ruling elites as a result of the changes to the party-system.¹⁹ European integration comes to be a more significant feature of this system, its famous 'democratic deficit' deepening, with domestic politics increasingly devoid of policies and supranational policies isolated from politics.²⁰ This contributes to the 'hollowing out' of Western democracy, as Mair calls it. So there are clear continuities and we might say accelerating forms of soft authoritarianism.

But there are elements of discontinuity in terms of serious constitutional pushback against the postwar order, both through formal and informal avenues. It is important to take note of these in order to survey the roots of authoritarian populism. The discontinuities are partly led by external factors, with the end of the cold war and reunification of Germany leading to the return of the 'German question' in European politics. But a key point to stress is that in the Maastricht era the ground is also laid for the populism that will later emerge in the euro crisis period, with domestic challenges to the European project increasing in intensity, notably in the core of Europe, namely in Germany and France. Euro-scepticism begins in the German Constitutional Court, not perhaps where we might expect it to have begun. But this is a signal of more general forms of discontent in different countries, and taking different forms. In other countries, it is the rise of Euro-sceptic parties which begins in the period of Maastricht, offering to fill in the 'void' between rulers and ruled. In France, for example, it was noted by philosophers in the 1990's, reflecting on the nearly failed referendum on the Maastricht Treaty (the *petit oui*), that a divide was growing between the elites and the working class.²¹ This was partly as a result of the extreme centrism of the established parties with the dominance of 'third way' social democracy, and partly as a result of the decline of the Communist Party. In any case, it was the right-wing *Front Nationale* that would profit.

Meanwhile, the process of enlargement of the Union into Central and Eastern Europe saw a turbocharged economic liberalism. A version of the 'shock doctrine' was implemented in the swift transition of formerly planned economies to market capitalism and with little attention paid to the building of robust democratic institutions. That this would later give way to an authoritarian populism in reaction to the dislocation caused by rapid commodification, in a way which would hardly have surprised Karl Polanyi.

The relationship between authoritarian liberalism and authoritarian populism thus predates the current conjuncture. At Maastricht, the hegemony of the postwar model starts to falter. In some ways, we see an acceleration of its basis premises, through emu itself, and through the increasing political disconnect. But in reaction, we also begin to see challenges to it emerging in the domestic contexts, as the populace begins to revolt. Precisely those issues that were thought to have been displaced in the postwar period return: German hegemony, political alternatives, economic instability (and diverging growth regimes). The ground is laid for the euro crisis both in terms of the constraints on economic government and in terms of the weakening of traditional representative democracy.

¹⁹ *Peter Mair, Ruling the Void: The Hollowing of Western Democracy, 2013.*

²⁰ *Ibid.*

²¹ *Marcel Gauchet, Les Mauvaises Surprises D'une Oubliéé: La Lutte Des Classes, Le Débat 60 (1990), p. 257.*

VI. Conclusion

We can conclude with several reflections.

First, the language of ‘democratic decay’ or ‘democratic backsliding’, which is so often employed by liberal lawyers, especially to criticise current populism, is deeply misleading, because populism is as much an *effect* of democratic decay as its cause. To be sure, populism then also may accelerate that decay, but it’s not the underlying reason. Populism is the effect of a soft authoritarian liberalism that can no longer maintain ideological hegemony.

Second, the attempt to sensationalise authoritarian populism also misses the target. The combination of political authoritarianism and economic liberalism largely continues in populist rule. There are rhetorical challenges to liberalism, in particular by the populist right and the rhetoric becomes politically illiberal whilst largely maintaining key features of neoliberal economics. Whether we’re talking about Orban, Le Pen, or Salvini, their projects are to be pursued without rupture from the existing system. They do not materially challenge the prevailing order. So the notion of a ‘Christian Europe’, advanced by Orban, was anticipated by Joseph Weiler a decade earlier, and had deeper roots in the Christian Democratic dominance of the foundational period. There is a kind of an inverse moralism at play in the sense that illiberalism is a mirror image of the liberal mindset, continuing with de-politicisation and a constrained democracy, but with a different set of morals. In fact, those who speak for the European order of values not infrequently emulate the populists, as when von der Leyen renames a Commission portfolio on security and immigration a portfolio for ‘protecting a European way of life’; or when anti-pluralism, often identified as a key indicator of the populist malaise, is adopted by those who wish to see a stronger Euro-federalist solution to the so-called ‘rule of law crisis’.²²

Third, there is an asymmetry in the conjuncture, which is that the political right benefits from Euro-scepticism without any serious plan to leave the EU, whereas the left, largely caught up in the hubris of Europeanism, refuses the ground of euro scepticism for fear of being castigated as nationalist. The cycle of mutual dependency of authoritarian liberalism and authoritarian populism thus continues.²³

Dani Rodrick has offered a neat heuristic to help analyse this predicament. His famous ‘trilemma’, which is designed in the context of economic globalisation, can be given a European twist, and we can think about the trilemma in the following way.²⁴ Rodrick’s trilemma is to say that you can only have two, but not all three, out of national sovereignty, economic integration and mass democracy. The current path has seen the displacement of mass democracy. And in the absence of a palatable or plausible route to re-democratisation, we are led to the conclusion that we are pretty much stuck with authoritarian liberalism and authoritarian populism for the foreseeable future.

²² See Michael A. Wilkinson, *Beyond the Post-Sovereign State? On the Past, Present and Future of Constitutional Pluralism* 21 (2019), p. 6.

²³ See further *Michael A. Wilkinson, On the New German Ideology*, July 9, 2020, iCourts Working Paper Series No. 197, IMAGINE Paper No. 4, Available at SSRN: <https://ssrn.com/abstract=3647162> or <http://dx.doi.org/10.2139/ssrn.3647162>

²⁴ See *Jukka Snell, The Trilemma of European Economic and Monetary Integration, and Its Consequences*, *European Law Journal* 22 (2016), p. 157.