

INTRODUCTION

Is the social order a *telos* or simply an outcome of laws and politics? Shall the laws and politics reflect an order that precedes and is ontologically higher than the different social orders that emerge in history? In this sense, are law and politics exclusively a means to realize moral objectives, or is the political and juridical order not subject to another's authority, i.e. moral and pre-political?

According to the old natural law tradition, there are two types of law, and, therefore, at least two sorts of order, positive and natural. The former is a result of norms inherently tied to a particular social context, the latter is independent of an act of will and characterized by universality and objectivity. In modern democracies, the positive law is a result of political pluralism excluding a pre-political source of law which could limit the sovereignty of *demos* as the totality of citizens, their wills, preferences, instances, and values. For several legal theorists, the social order constitutes *de facto* a consequence of politics and laws reflecting the will of *demos*. While natural law theories establish a hierarchy between positive law and natural, legal positivism considers *jus naturae* mostly in the same way as moral, deprived of the specific characteristics of law from which social order derives. In some ways, the idea of a nation could play the role of natural law, even if it has no necessary claim to universalism or objectivity. In the sense that a nation maintains its intrinsic values and norms that shall become laws, or, in other words, the rights of a nation are not conferred by acts of legislation and are above positive law.

The safeguard of the identity of the nation takes centre stage in the reflections and movements inspired by nationalism. In the same way as the theory of natural law, nationalism holds that the norms of the state shall be based on a strict observation of the complex values, traditions, and principles that identify a nation. The order of the nation is superior when it comes to deciding on the validity of norms. Those claiming the function of the legitimate representative of the will of a nation shall shape the political order. The positive law shall instil morals into the nation. In any case, the positive law may interfere with the right of the nation. The *telos* of law and politics is to safeguard the identity of the nation, its interests, its boundaries, in short, its intrinsic order.

Both nationalism and populism are connected with one of the central questions of modern democracy, the representation of the collective will. In some way, the order of the nation could also represent the most democratic political order within the state since the will of the *demos*, exercised within the nation constitutes the source of law, in this case, if by nation is meant the political community as a whole, that is, the political nation. The concepts of «nation» and «people» fill the gap between civil society and the state,

the sphere of representation, and the political and administrative institutions. The government is accountable to specific social groups providing the safeguard of national identity or the primacy of the people over the elites, even by affirmation of the principle of the majority as embodied by the «nation» and the «people». As in the case of «illiberal democracies», the principle of the majority could lead the way to a form of authoritarianism based on the sacred values of the ethnic or other exclusive concept of the nation or the sheer will of the majority that counters the political pluralism, compromises the rights of minorities, and is sceptical towards the rule of law. An exclusive concept cannot integrate all members of the political community, i.e. it creates identity-based conflicts within the political community.

Populism can be diverse (from left to right), but exclusionary nationalism is one of the feet on which populism's Cinderella shoe fits perfectly. This special issue defines authoritarian populism primarily in terms of its three characteristics (anti-establishment attitudes, anti-pluralism and exclusionary identity politics) and examines how it is hosted by exclusionary nationalism. If populist strategies are based on exclusionary nationalism, it also explores how dangerous they could be for international and domestic democratic institutions. The articles also examine the extent to which populist politicians' strategies are driven by exclusionary nationalism.

The special issue is based on the workshop on «Faces of Authoritarian Populism» organised by Daniele Stasi and Majtényi Balázs at the University of Foggia on 4 May of 2024. The workshop covered many topics: reflection on the relationship between legal universalism and legal particularism linked to a law of the nation; the sovereignty of the nation as the source of political and social order; the main characteristics and sociological roots of populism; the idea of the people as a virtuous subject against the corrupt elite; the dominance of the majority that could lead to the oppression of the minority; the relationship of exclusive populist nationalism to international organisations and the EU; and case studies of the emergence of populism in different countries and at different times, from Russia to the UK. The contributors to the special issue also consider the societal implications of authoritarian populism and its relationship to international and transnational structures.

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