

## **Populism, Democracy and the Rule of Law**

IVR-Congress 2019, Special Workshop 10

**Conveners:** Stephan Kirste & Norbert Paulo

**Date:** Tuesday, July 9, 2019

**Room:** 3.B58

### **Workshop description**

Populism is spreading not only in Europe, but also in North and South America and Asia. Some regard this as a positive development because populism helps restoring the democratic pillar of government against an anonymous rule of law. Populism can be seen as improving democracy by shifting the emphasis back to the “forgotten majority” of ordinary people which has long been ignored or suppressed by politicians and by the media elites.

Others fear that the advent of populism yields a regression of the standards of liberal democracy. Populist movements often have aspirations towards absolute truth and decisiveness that do not seem to leave much room for democratic deliberation and the search for large-scale political consensus. This, in turn, might threaten core institutions of liberal democracy and endanger formerly protected minorities.

This workshop provides a platform to discuss questions such as these: Is there a clear concept of populism? And if so, is it tied to post-truth thinking? Do we already live in an “Age of Populism”? What techniques do populists apply? What is the role of the classical media as well as of social media or “alternative” media platforms? Is populism a new form of democratic participation – or does it lead to non-political egoism? Are we facing the privatization of the political through populism? Is populism bound to lead to epistemic injustices?

Or, from a normative perspective: How should social philosophers and politicians deal with populism? E.g., should the state be allowed to ban news outlets that systematically produce fake news or conspiracy theories? How does populism relate to individual rights? If populists use democracy to dismantle it, what are liberal means to protect democracy?

## Schedule

<b>Morning I: 8:30-10:30 h</b>		
	Paulo/Kirste	Introduction
	Kirste, Stephan Salzburg	Populism as a Threat to Constitutional Democracy
	Corso, Lucia Rome	Populism and Apocalypse
	Bostani, Ahmad Tehran	Populism, Social Imaginary and Political Theology
<b>Coffee: 10:30-11 h</b>		
<b>Morning II: 11-13 h</b>		
	Holzeithner, Elisabeth Vienna	The Populism of Fear
	Van Klink, Bart Amsterdam	Politics as Performance: The Populist Temptation
	Schubert, Karsten Freiburg	Migration and Right-Wing Populism
<b>Lunch: 13-14 h</b>		
<b>Afternoon I: 14-16 h</b>		
	Mannino, Adriano Zurich	A liberal-democratic justification for banning undeniably fake news
	Grote, Thomas Tübingen	Epistemic paternalism in the digital domain – morally permissible and yet destined to fail?
	Paulo, Norbert Salzburg & Graz	Post-truth thinking and proper goals of digital paternalism
<b>Coffee: 16-16:30 h</b>		
<b>Afternoon II: 16:30-18:30 h</b>		
	Neuenschwander-Magalhães,	Democracy without People: the

	Juliana Rio de Janeiro	new right-wing populism in Brazil and the paradox of democracy
	Maliska, Marcos Curitiba	Populism, Democracy and the Rule of Law in Brazil's New Government
	Uygur, Gülriz Ankara	Authoritarian Populism and Epistemic Injustice in the Adjudication
<b>Evening: 18:30-20 h</b>	<i>Podium Discussion: Demokratie in der Krise? (in German)</i>	<i>Participants: Christine Abbt, Lukas Bärfuss, Matthias Mahlmann, Philippe Mastronardi</i>

## Abstracts

### ***Kirste: Populism as a Threat to Constitutional Democracy***

Populism is a threat to constitutional democracy. Populist parties often promise more democracy. In fact, however, they bring less, after they have seized power. The reason is the sometimes substantialist, non-discursive claim of populist parties to be “the people” and represent the truth about its original beliefs. Liberal democracies institutionalize a dialectical unity of the rule of law/principle of the legal state and the political autonomy of a people that forms itself by the political will formation. This will formation has formal prerequisites like individual rights and procedural rules that are themselves expressions of the political autonomy of the people. Since there is no liberal democracy without the rule of law and no non-authoritarian rule of law without democracy, populism threatens both.

### ***Corsi: Populism and Apocalypse***

The paper aims at discussing an aspect of populism which has been neglected in the current political literature. While most of political analyses characterize populist politics as the revenge of the visceral and emotional citizen over the cold hearted institutional game (J-W- Müller, 2016; Ferrajoli 2003; Mudde 2007) our intent is to highlight how the alliance between populism and technological utopianism is based on the opposite vision of a man deprived of his gut feelings to be projected into a science fictional future (Bickerton and Invernizzi Accetti, 2017).

The Italian populist Five Star movement (hereinafter “M5S”) will be taken as an example of the influence that science fiction plays on the populist discourse. Documents of the founders of the movement (video, books, interviews) and of its representatives will be used as starting point of our analysis (Casaleggio and Grillo 2011; Gaia and Prometheus Project 2013).

We aim to highlight how the populist discourse may follow an apocalyptic path. The documents of M5S depict an imaginary community, constantly connected and conflict free, where ideologies and religions are predicted to disappear to be replaced by problem solving strategies. The vision implies that individuals delegate to the platform the management of cultural, social and even personal differences; while personal experiences, such as memories or even dreams, recorded in technological supports and traded, become perfectly immunized and interchangeable. This world is not however cost free. The prophecy locates its rise after a devastating war reducing the world population to one third.

In the end, it will be shed light on the most cynical aspect of populist discourse, where, in the face of the redemption of politics and the common man (Canovan 1999), the apocalyptic message (Maffesoli 2012; Dellamora 1995) paves the way to the end of politics.

### ***Bostani: Populism, Social Imaginary and Political Theology***

Almost every researcher of populism concedes that bringing different cases of populist movements under one theoretical roof may not be possible. Nevertheless, one can explain some aspects and features of the phenomenon by recourse to a theoretical framework. Some political theorists (such as Laclau, Arato, and De la Torre) have tried to elucidate populism based on the theories and notions of political theology over the last two decades. They use the concepts such as myth, fiction, symbol, and faith in order to study the mechanisms and rhetorical elements of populist leaders and movements.

Against this backdrop, my paper aims to discuss the linkage between populism and imagination. Hence, I will be focusing on the theories of social imaginary which insist on the role of collective imagination in society and politics. Drawing on Paul Ricœur’s observations about social imaginary and its various expressions and functions, I want to examine how imagination plays a pivotal role in the formation of populism. Using the key concept of social imaginary, I would like to answer two intertwined

questions: what are the most important features of populism's discourse and rhetoric (both in form and content)? And why/how these elements appeal to (at least a significant part of) the people in a historical situation and pave the way for a populist movement?

In order to answer these questions, I will focus on the functions of social imaginary according to Ricœur's political philosophy. Social imaginary can play either positive or negative role in a community and its crucial positive functions are "political representation" and "social integration". I will argue that populism emerges from a crisis in two axes: vertical (crisis of representation and legitimacy) and horizontal (crisis of integration and solidarity which may lead to social gaps). These crises demonstrate the malfunction of current political fictions and the necessity of construction of a new fiction by using a new imaginary. Populism's imaginary fills up the gap between empirical people and ideal people by using a symbolic network or a plausible fiction. In a democratic order, as the people are already the sovereign, a pathologic imagination cannot make a maximum change in the form of revolution or totalitarianism. However, it may result in populism. So, populist imagination can change the nature of democracy and pave the way for anti-democratic, pre-modern or even mythical and cosmic assumptions.

This paper aims to discuss the linkage between populism and political theology through the concept of imagination. Firstly, I will discuss the theoretical framework which is based on political theology (in the broad sense of the term) and socio-political imagination (especially as Paul Ricœur considers). Secondly, I will elucidate two crucial concepts of the research (representation and integration) by recourse to collective imagination. Thirdly, I will take an account of populism based on the two vertical and horizontal axes, and finally I will explain right and left populism in terms of two expressions of social imaginary (ideology and utopia).

### ***Holzleithner: The Populism of Fear***

Populism operates in many ways; one of them is fearmongering. The populism envisaged in this contribution consists of ethno-nationalist, radical right, reactionary movements that thrive on fear and that spread the fear of the "others". These others are constructed as "the enemy" in the sense that Carl Schmitt used the term. If we want to contain the danger posed by the others, the logic goes, we have to strip them of their rights, not the least because they would only abuse their rights anyway. The Austrian Minister for the Interior is on the record for claiming, in January 2019, that such abuse of rights is the greatest danger the "Rechtsstaat" faces. According to such a stance, "politics" must not be curbed by the (rule of) law, and by extension by the separation of powers or judicial independence. If fear has such a prominent place in contemporary populism, what is one supposed to do? Discard fear, turn to hope? Another option might be to turn the problematic of fear upside down by invoking Judith Shklar's idea that liberalism – liberal democracy, to be precise – is a child of fear. This makes Shklar, as she herself claims, a member of the "party of memory" (Emerson), not that of hope. The fear Shklar invokes is that of institutionalized cruelty, which commonplace in authoritarian regimes. This is the kind of fear that should guide us. It is only in this respect that Shklar is a disciple of Carl Schmitt: She knows that liberal democracy also needs something to come up against. The enemy of liberal democracy is, in short, the fear of institutionalized cruelty. The fundamental problematic that a follower of Judith Shklar has to come up against is, of course, that the fears raised by right wing populists are so manipulatively selective. Those who entrust themselves to this kind of authoritarianism never believe that it might turn against them as well – they do not fear what Shklar tells us to fear. My contribution to the workshop will be a reflection on the issues related to this problematic.

### ***Van Klink: Politics as Performance: The Populist Temptation***

In my paper, I intend to analyse populism's complex relation to democracy. Is populism a danger to democracy (as Jan-Werner Müller and many others claim), or is it part of democracy's *modus operandi* (Laclau), or is it a shadow that is bound to follow democracy forever (Canovan)? First, I will give a characterization of populism, which I consider (after Moffitt) to be a specific kind of political style or

performance. Second, I will discuss the relationship between populism and democracy. According to Laclau, populism is not a specific political ideology or strategy, but the general political logic through which a people is constituted. As such, populism is not a threat to democracy; it is essential to its functioning. Žižek criticises Laclau's formal conception of populism, because it fails to distinguish democracy from populism: whereas populism is opposed to antagonism in society and seeks to destroy it by excluding the enemy, democracy thrives on antagonism, invites and institutionalises it. In my view, populism endangers democracy, when it tries to occupy the empty place of power (Lefort) by claiming that the populist leader fully and exclusively embodies 'the People' (in the words of Chávez: "I am the people"). Third, I will discuss some rhetorical counter strategies which could be used against populism in the legal and political context. I will focus on two recent court cases in which the Dutch populist politician Geert Wilders was involved. Finally, I will draw some lessons from a performative perspective how liberal democracy should defend itself against the "populist temptation" (Žižek).

### ***Schubert: Migration and Right-Wing Populism: Is the Liberal Rule of Law the Problem?***

The failure of European states to protect the human rights of refugees and migrants in the so-called "refugee crisis" is typically attributed to the increased influence of right-wing populism and neo-fascism in European migration politics. Christoph Menke's offers a more radical explanation through his critique of liberalism: Not right-wing populism, but the liberal form of subjective human rights is the very reason for the exclusion of refugees. According to Menke, subjective rights naturalize the egoistic individual wills of citizens and make their protection the universal ground of politics, limiting politics to secure the amoralistic bourgeois society. This society based on liberal rule of law does not even treat its own citizens as human beings, so consequentially it fails to treat refugees as such. Against liberalism, Menke proposes what I take to be a radical republicanism, which allows for a critique and repoliticization of individual wills. Radical republicanism takes back political control over the individual wills by debunking liberalism's naturalism, through showing that the egoistic will is not natural but a product of subjectification by liberal law, and through starting a political debate which does not stop at the borders of the individual wills of citizens.

After reconstructing Menke's argument (1), I criticize Menke's republicanism for dismissing too quickly the emancipative function of liberal subjective rights, which protect the individual wills of citizens (2). I argue that only through such a protection, which is the normative core of the rule of law, pluralism can be secured against paternalistic and populist ethical-political claims. And only through subjective rights, a (minimal) protection of refugees can be upheld against right-wing pressure to close borders. However, Menke's analysis of the potential pathological effects of subjectification by liberal law is correct and liberalism needs to react to this critique, in order to be a viable political doctrine which can deal with the contemporary changes of the Western political systems (3). For this reason, I propose a new concept of freedom which can address the problem of subjectification while avoiding the pitfalls of the total politicization of radical republicanism and securing pluralism, in order to work towards a reflective liberalism. Freedom should be understood as the capacity to critical reflection of subjectification, or short: freedom as critique. Freedom as critique can tackle the problems of structural amoralism in liberalism better than Menke's radical republicanism, as it fosters critical reflection of subjectification through the rule of law and a liberal ethos of valuing a pluralism of ethical lifestyles. Thereby, it works against the right-wing populism and neo-fascism which is so dominant in contemporary Europe.

### ***Mannino: A liberal-democratic justification for banning undeniably fake news***

Liberal democracy is characterised by a normative focus on individual autonomy. It protects an individual prerogative against tyranny as well as against forms of benevolent collectivism that may be willing to aggregate persons and sacrifice the few for the sake of the many. Unsurprisingly, the justificatory foundations of liberal democracy often take a broadly contractualist shape: They ask us to consider, e.g., what each "separate person" would agree to under normatively appropriate conditions

(Rawls 1971), what no person could reasonably reject (Scanlon 1998), or what fair terms of cooperation between equals would look like (Nida-Rümelin 1999). The stable implementation of fair terms of cooperation tends to be in each individual's long-term interest. However, individuals may face egoistic temptation to defect on the cooperative terms and "free ride" for personal gain. This gives rise to problems of collective action such as the Prisoner's Dilemma, which can manifest as the Tragedy of the Commons (Olson 1965, Ostrom 1990) in multi-agent contexts. Fake news dynamics can be viewed as instantiating a Tragedy of the Commons: It may be in each individual's and political group's short-term interest to break the cooperative norms of truthfulness and truth and push their own agenda with useful lies – a hallmark of populist movements. However, if sufficiently many political agents break the norms of truthfulness and truth, society will lose what can be termed its "Trust Commons", which will harm each individual agent in turn. The "Trust Commons" are used (and strengthened) by acts of truthful and true speech, whilst being exploited and overused by untruthful and false speech.

Discursive trust forms the basis of discursive cooperation, i.e. of successful public communication and deliberation, which in turn lies at the heart of the macro-societal forms of cooperation constitutive of liberal democracy itself (cf. Habermas 1992). If we cannot trust that other political agents are speaking the truth as they see it and may be deliberately spreading misinformation, the cooperative foundations of liberal democracy and its institutions are in danger of collapsing. There is thus a crucial dependence of liberal democracy on norms of truth and truthfulness and the societal "Trust Commons" these norms build and protect (cf. Nida-Rümelin 2006 and 2009, ch. 6/7). Hence, we may justifiably view political agents mass-communicating fake news as being engaged in a frontal attack on liberal democracy. Many of them may not be aware of the severity of their actions, which lessens their culpability though not the political stakes. In order to protect themselves, liberal democracies ought to create institutions with the power to detect and report undeniably fake news and ought to provide courts with the legal basis to sanction severe infringements on the "Trust Commons". The criterion of "undeniability" is met when the agent spreading some news is aware of its being fake and cannot reasonably deny such awareness.<sup>1</sup> This criterion is indispensable if a ban on fake news is to respect the principles of non-collectivist, liberal democracy: If an agent can truthfully deny that their news is fake, there is no justification for prohibiting them to spread it that respects their individual autonomy. For if a prohibition is to be liberally grounded, it must be about preventing infringements on other agents' autonomy, which occur when the norms of fair cooperation between equals are being violated. This applies to the act of spreading fake news: I may not like the news you are spreading, but if you genuinely believe your news to be true, you are making a contribution to public deliberation and truth-seeking that I cannot cooperatively prohibit, given that I could not reasonably accept the same prohibition being applied to me. However, if you deliberately spread fake news, you are attempting to inflict epistemic and practical harm on me by inducing me to form false beliefs that may sabotage my actions; moreover, you are causing negative externalities for those of us who rely on the societal "Trust Commons" to exchange accurate information and deliberate properly; and you are profiting off our truthful sharing of information while not reciprocating in kind. Therefore, your actions violate other individuals' autonomy and can be prohibited on liberal grounds.

### ***Grote: Epistemic paternalism in the digital domain – morally permissible and yet destined to fail?***

The paper aims at examining possible paternalistic interventions in order to thwart "post-truth thinking" from the angle of ethics and social epistemology. Its starting point is the proposition, that digital technologies, such as recommender systems from Facebook or YouTube, do epistemically lead citizens astray. In particular, this is being achieved by relevant learning algorithms (i) targeting a person's non-deliberative faculties (e.g. by eliciting affects or emotions, such as moral outrage), (ii) by exploiting a variety cognitive biases with the confirmation bias being a pertinent example and, (iii) by creating vicious feedback loops, solidifying biased webs of beliefs and values. Hence, it might not be too far-fetched to attribute (at least some) responsibility to digital technologies in fostering populism, political division and in diminishing citizens' trust to scientific evidence.

Whereas it might be justified, to conceive the diagnosis sketched above as being well-established by now, little do we know about how relevant flaws might be overcome by regulatory means. In order to not undermine ideals of free speech, any direct intervention by the state into the design and working of media platforms (e.g. by censoring untrustworthy content) is deeply problematic from perspective of liberal democracies. Therefore, the scope of paternalistic interferences has to be (re-)adjusting the procedure of belief-acquisition. In this regard, philosophers such as Neil Levy and Regina Rini have recently suggested different forms of paternalistic interferences that match the requirements mentioned above. For instance, Levy has defended the idea, that “nudges to reason” might be supportive of one’s intellectual autonomy, while Rini pleads for social media platforms making institutional changes, e.g. by assigning a score to testimonial sources according to their trustworthiness. Nevertheless, the paternalistic interferences in question have been faced with some serious criticism as they are assumed to be deceptive and thereby threaten to undermine one’s intellectual autonomy. However, in my paper I will defend the view that the paternalistic interferences in question are both, respective of a person’s intellectual autonomy and beneficial from an ethical standpoint.

That notwithstanding, on epistemic grounds they are still unlikely to succeed. For once, the digital sphere has introduced a variety of speech acts (e.g. re-tweets, memes, up-voting), whose epistemic rules are not yet properly understood. Furthermore, it is rather easy to identify cases, where facts are portrayed accurately, but the testimony might still be systematically distorted. More importantly though, in many of the pertinent cases of post-truth-thinking, populism or of political division, the portrayal of empirical facts is closely entangled with judgments of value. Consequently, the forms of epistemic paternalism mentioned above would go hand in hand with moral paternalism. Whereas a pure form of epistemic paternalism might be ethically justified in order to mitigate post-truth thinking, such a liaison raises serious ethical worries.

### ***Paulo: Post-truth thinking and proper goals of digital paternalism***

In this paper I suggest a non-pejorative understanding of post-truth thinking. According to this understanding, post-truth thinking is the (1) systematic overestimation of the epistemic value of one’s individual deliberation as compared to the expert discourse (2) in relation to politicized or ideologized factual issues (3) in an environment without secure epistemic rules. Post-truth thinking thus understood is neither clearly rational, nor clearly irrational because it does not, per definition, occur in epistemically ideal circumstances. A paradigmatic instance of the third element of my understanding of post-truth thinking (lack of epistemic rules) are filter bubbles. It is arguably their very existence that makes social media interesting and valuable because they enable the tailoring of information of all sorts to the specific interests of individuals. However, filter bubbles have potentially catastrophic effects when they occur in relation to politicized or ideologized issues, especially when they interact with “alternative” media platforms. People largely underestimate the effects of filter bubbles on their belief formation because we currently lack stable and clear epistemic rules concerning crucial parts of social and “alternative” media. I discuss different strategies of digital paternalism to combat filter bubbles and their effects for post-truth thinking and especially focus on the problem what can count as proper goals of digital paternalism. I.e., what exactly is the end that liberal democracies want to achieve when they contemplate digital paternalism as a means?

### ***Neuenschwander-Magalhães: Democracy without People: the new right-wing populism in Brazil and the paradox of democracy***

Populism is a confused and ambiguous category that reappeared in the scene of shattered illusions: in the world post- September 11, where terror and exception have become global, the limits of law and democracy are tested every day. Populism is a category of political thought and a political reality. As a category of political thought, it has a trajectory punctuated by transformations of meaning that accompany changes in the political reality of different social contexts. This can be seen from the experience



of Latin America, especially from Brazil. In the paper proposed here we intend to observe the semantic changes that the term populism suffered in Brazil as an expression of recent political transformations. In this course, the question between the relationship between democracy and populism arises. There is a difference between populism and popular movements, on the one hand, and between populism and democratic regimes, on the other hand, and in both cases the very notion of people is a political construction, since in social reality there is no cultural homogeneity to speak in the people as an undifferentiated unity (as fascism intended).

As a political construction, the people operate symbolically in the self-legitimization of the political system. This is the reality of politics, which founds governments on the assumption that it is the people, through their representatives, who governs. Apart from the fact that the idea of representation, as identity between representatives and represented, does not find support in the political reality, it is necessary to take seriously the meaning of people, previous to any attempt of this to be represented. The people can not be represented because the people itself is a representation. The distance between populism and popular movements or regimes lies in how each of these symbolically operates the category of people in the production of political decisions.

Who are the people in a country of continental dimensions such as Brazil and marked by the most extreme inequality, that is, by extreme levels of social exclusion and by the corrupting presence of "networks of inclusion"? What are the forms of symbolic construction of the people in Brazil? Our hypothesis is that while "lulism" was not a form of populism (since there was not a political construction of people to permit a demarcation of a non-people, even though its government was directed towards the realization of fundamental rights of the poorest and most marginalized portions of the population), the government (or regime?) that sets in with the arrival of Jair Bolsonaro to the Presidency of Brazil can be called a right-wing populism. Bolsonaro is a populist who reaffirms at all times a split between a "we" and a "them", through a difference between what would be the people and the "elite", where in his speech would be the "immorals" intellectuals, politicians and the "corrupt" left-wing. With this, he rejects a place of citizenship and existence for all who oppose him, either by their political positions or by their way of existence.

The rise of Jair Bolsonaro to power in Brazil reveals with all his strength the paradox of democracy. A democracy that can do anything, even choose to kill itself. Bolsonaro's populism is deeply undemocratic because it denies pluralism in a social context in which the people, even though it's nothing more than a political construction, is diverse, by the different social positions and forms of life of individuals. By identifying the people with a "we" excluding all diversity and otherness, referring to it as a natural fact, the installation of fascist practices is legitimized, putting in danger the future of the democracy and the rule of law in Brazil.

### ***Maliska: Populism, Democracy and the Rule of Law in Brazil's New Government***

The Brazilian elections of 2018 represented a new political fact, since they meant the return to politics of a conservative vision of society. The new government of Brazil has very clear positions on the role of the State in the resumption of traditionalism in the various fields of social, cultural and political life in the country. This conservative discourse in the social, cultural and political realms contrasts with the essentially liberal view of economics. It is a sui generis government, which was elected with a moral discourse in the face of the corruption scandals revealed by the "Operation Car Wash" and which added to this moral discourse a liberal economic agenda. Corruption is explained as a result of political interference in public enterprises and economic liberalism presents itself as the best response to address this problem, either through privatization or the introduction of new forms of management of these companies based on the experiences of private initiative. The internal contradiction between conservatism in customs and economic liberalism has kept away the support of liberal political and economic thinking, which views with suspicion the real purposes of this new government. Despite the liberal economic agenda, the government has a strong nationalist tone, of defense of the motherland, of national interests, which overflows the spectrum of customs, to enter the economic sphere. In addi-

tion, the caution of the liberals has relation with the political cost of the support. The aggressive discourse against human rights, minority rights and the environment, weakens the liberal rhetoric of the new government. It is important to note that this caution stems from liberal thinking committed to the transformative sense of liberal ideas and, in general, is more felt abroad. National liberal thinking has tolerated the new government under the argument that the country needs stability to resume economic development. Given these characteristics, how is it possible to describe the new government of Brazil? Is it a populist government? Is the government a threat to democracy in Brazil? Will Brazilian institutions be able to limit possible rights violations? Although the imperfections of the Brazilian democracy have been known during the validity of the Constitution of 1988, the new Government of Brazil generates an apprehension about the future of the country. The paper is structured in three topics. In the first, the concept of populism will be analyzed in its relation with the ideas of democracy and Rule of Law. In the second topic, the government plan, speeches and actions of the new Government of Brazil will be analyzed. In the third and last topic, one tries to summarize the two previous topics, analyzing the characteristics of the new Government of Brazil from the point of view of the concepts of populism, democracy and Rule of Law.

### ***Uygur: Authoritarian Populism and Epistemic Injustice in the Adjudication***

In this paper, I would like to discuss how populism is reflected into courts decisions and affect the right of fair trial. In this regard, I will try to show how populism can yield epistemic injustice in the court's decisions and thus, threaten the rule of law. Generally, it is possible to say that populism may cause epistemic injustice. In this paper, I will not discuss all kinds of populism, but only authoritarian populism. It is possible to claim that this kind of populism is more effective than the other kinds of populism into court's decisions in the context of epistemic injustice. Authoritarian populism demands from people to ignore reliable information and trust whatever the political leader says. In that ways, the truth can come to the threat. Authoritarian populism determines reliable sources of information. Namely, it determines people who are respected, treated as authorities, as rational agents and credible knowers. In this case, to be recognized as a knower who is credible and also trustworthy depends on the political leaders who determine credible and trustworthy social knowledge. In other words, they are at the centre of epistemic practices. Authoritarian populism produce, support and encourage prejudices and, feeds ignorance which yield to epistemic injustice To explain this point, I will consider authoritarian populism in the crisis times. In these times, as Albert Camus called, the climate of injustice dominates. This injustice feeds the climate of ignorance. It is important to see that this ignorance also includes willfull ignorance. Since this kind of ignorance may involve resistance to learning, denial of relevant facts, the ignoring of relevant evidence, and suppression of information, it yields epistemic injustice. In that case, the judges who are under the climate of this ignorance may ignore the relevant facts of the cases and reproduce the climate of injustice. Such ignorance is usually maintained in order to protect for public interest or the interest of the state. This form of injustice is deeply grounded in mechanisms of exclusion minority groups who criticize authoritarian populism. In my paper, I will try to explain this point by the examples of the decisions of courts.