

Let's talk about the Future of Democracy

Paul W. Kahn

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The deepest crisis of the liberal democratic state emerges when political conflicts resist institutional resolution. The United States is in such a crisis; it is not alone among Western democracies. Trump voters refuse to accept Biden's election: they simply cannot imagine a world in which he could have won. Conversely, progressives cannot imagine a world in which Trump could fairly win an election. Elections divide, rather than unite. Something like this happened in the UK with the vote on Brexit. The same divisiveness can be true of judicial decisions. Liberals in the United States are not prepared to accept a Supreme Court decision upholding a legislative ban of abortions. Conversely, conservatives have never accepted the legitimacy of the 1973 judicial ruling legalizing abortion.

When conflicts exceed a nation's institutional capacity to decide, the state is in a condition of civil war. Citizens can no longer imagine a common, public good; they perceive disagreement as threat. Whether the war turns to actual violence is only a question of tactics. In the United States, tactics turned to violence when Trump supporters invaded the Capitol on January 6. Civil wars sometimes end with defeat of one party, but that is not likely today. Secessionist movements, for example, can endure for a very long time. Sometimes, these conflicts end with territorial division. That may be possible in some places – for example, Scotland – but not generally, and certainly not in the United States. Sometimes, they end when a new crisis emerges that unites the two sides. Some Americans thought the pandemic would do this, but instead it deepened our political conflict.

From a historical perspective, the most surprising element in these entrenched political conflicts today is that they are not between rich and poor or even between capital and labor. Nor is the conflict in the United States fundamentally one between groups defined by race, ethnicity, or religion. There remain elements of these old faiths, but at its heart, our contemporary conflict is between liberal democrats and populist authoritarians.

This deep and seemingly irresolvable division, appearing in such diverse states as Hungary, Poland, the United States, Mexico, and Brazil, raises the classical fear that democracies give way to tyrannies. The ancients understood that the authoritarian feeds on those very practices that are the conditions of democratic governance. Populist authoritarianism is the self-immolation of democracy. Here is an analogy: make information freely available on the net and pornography will come to dominate. Populism is the political pornography of a democracy. It is accessible, entertaining, transgressive, and threatening. Not surprisingly, Trump had more than a passing engagement with the pornographic. So did Berlusconi.

Today's tyrants are remarkable not in their ambition to seize the power and resources of the state, but in how they accomplish their ends: not with arms, but with votes. They create an enormous information ecosystem that produces the foot soldiers of their regime -- voters. In power, they instrumentalize law, fill state offices (including judicial positions) with partisans, and shape electoral institutions to marginalize the opposition. They cast the democratic opposition as the enemy and attempt to use criminal law to eliminate challengers. They undermine a free press, attack universities, and try to intimidate any who would speak against them. The playbook is quite common: I could be speaking of Orban, Trump, or Bolsonaro.

These practices upend our assumptions about how a democratic system works. But how should we respond? Should we restrict elections, ban candidates, or censor speech? Is this not to adopt the practices of the authoritarians? Should we prohibit private wealth from creating civil society organizations designed to influence elections? Should we remove duly appointed judges or pass retroactive laws? Democratic states are likely to experiment along all of these lines. Every such intervention to protect democracy will be contested in the name of democracy itself. Citizens will wonder, "Who are the democrats?" for the populist authoritarian always claims to act in the name of the *real people*.

How did we get to this state of irresolvable conflict? Late twentieth-century critics of liberal democracies focused on economic inequality as the source of disruption. Distribution remains terribly unjust, but economic inequality does not explain the recent turn to populist authoritarianism in the United States. More broadly, when authoritarians gain power, they rarely adopt policies that address unjust distribution, although they may shift the beneficiaries of maldistribution. Economic injustice, were that the source, could fuel a populism on the left, alongside that on the right, but today only right-wing authoritarianism is succeeding. Venezuela might be an exception, but it is hardly succeeding.

Today's turn to populism is fueled by voter anger, anxiety, and fear. These feelings are not "natural" conditions; they are cultivated by commentators and politicians who have access to seemingly endless financial support. Passions are not only cultivated, they are directed against traditional authorities and institutions – "elites." What looks like populism rising from below is, at least in the United States, a movement funded and directed from the top. Trump seemed to have come out of nowhere, but his path had been well prepared by a right-wing ecosystem of media, think tanks, and lobbying groups funded by some extraordinarily wealthy families: for example, the Koch brothers, the Mercers, and the Murdochs.

These facilitators of authoritarianism have been around for decades, but until recently, they occupied the fringes of conservative party politics. They have advanced from the fringe to the center, because a gap has grown between the way in which we live our lives and the institutions of liberal democracy. More and more people are not prepared to be the citizens that democratic institutions imagine and rely upon.

The practices and institutions of liberal democracies have their origin in 19th century: regular elections, secret ballots, political parties, universal suffrage, juridification, and administration. These institutions contributed to an idea of democracy far richer than the mere aggregation of individual votes. Critical to their success was free speech, for in a democracy, public opinion was to govern. Democratic institutions operating under conditions of free speech aimed to establish the conditions of legitimacy for the formation of the public will. That will did not pre-exist politics, as if an election is simply another form of opinion poll. Rather, democratic politics was the process by which the public came to know itself. The populist, on the other hand, always claims to know the public will before it has revealed itself to the populace. He or she attacks the process of democratic formation of the public will as riddled with "fake news" and directed by corrupt elites.

In classic democratic theory, uninhibited political debate would ultimately lead to a public opinion informed by reason. Ideas are to be tested against other ideas in a process of free debate. Accordingly, the answer to false or misleading speech was always "more speech." In the United States, this idea goes back at least to Thomas Jefferson. It became constitutional law in the 20th century through the work of Justice Oliver Wendell Holmes in particular.

Jefferson and Holmes lived in a world in which they imagined political deliberation as part of the larger pursuit of truth. A mature democracy would generalize the practices of the university and the forms of inquiry pursued in the sciences. Jefferson and Holmes were both founders of universities; both thought of themselves as part of a democratic enlightenment. But try their prescription of "more speech" on today's anti-vaxxers. Try it on those American voters – a majority of the Republican Party – who do not believe that Biden won the election, despite the rulings of dozens of judges and public officials. More speech today just keeps an issue alive as a site for organized protest and passionate opposition. We are done with deliberation across party lines, because we are done with the idea of a common public opinion.

Public debate today is precisely not a debate. Voters live within discrete information silos, some of which are literally in the business of misrepresenting facts and constructing fictional conspiracies. Sources of information are policed for ideological conformity. A marketplace of ideas that forsakes competition no longer supports an ethical practice of public opinion formation. Absent an ambition to persuade and an openness to persuasion, political speech is propaganda. If we cannot distinguish propaganda from deliberation, then we cannot distinguish a liberal democratic regime from a populist authoritarian regime.

When speech forsakes persuasion for propaganda, elections cannot legitimate. A losing minority has no reason to accept an electoral outcome absent an opportunity to persuade the majority. Elections become devices by which a majority can coerce a minority. In the United States, the losing party may not even be a minority: in 2016, Trump was elected with a minority of the votes. He never expressed any interest in persuading those who voted against him. Today, electoral loss feels more like defeat in a war than a moment in an ongoing enterprise of collective will formation. It feels that way because it is: our institutions are no longer capable of resolving our differences but only of declaring winners and losers.

To understand the rising threat of populist authoritarianism, then, we have to understand how so many citizens came to abandon persuasion for propaganda. Many trace that change to the rise of the internet and social media. No doubt, changing technology has exacerbated the problem. But we have known at least since the Second World War how politically dangerous propaganda can be. The radio was as dangerous a source of propaganda in its time as the internet is today. Go back further and we see something similar in the religious revival movements that regularly swept through American communities in the nineteenth century. A Trump rally shares more with a religious revival than it does with a political debate.

Speech has always posed both promise and threat to democracies: legitimacy requires free speech; propaganda threatens democratic legitimation. The quality of a democracy depends upon the quality of the society's speech, and that in turn depends upon the character of its citizens. This point, too, is as old as political theory: a democracy requires virtuous citizens. There simply is no substitute – institutional or procedural – for character. Not technological change and not material inequality but the collapse of civil society has brought us to the crisis of liberal democracy. Civil society no longer produces a democratic ethos of care – care for others and care for the common good.

Liberal democracies require intermediary institutions that fill the space between government and markets. This is what Tocqueville discovered in America and famously theorized. These institutions traditionally included families, churches, unions, clubs, NGOs, universities, and political parties. Which of these is vibrant today? These institutions operate in a zone of indistinction between the private and the public. Churches, for example, are private by law, but they are also the most public space that many citizens regularly occupy. In New England, where I live, traditionally the town meeting and the Sunday service both

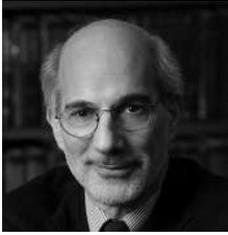
occurred in the Meeting House, which was the Congregational Church. Today, few residents attend Sunday service, and even fewer attend town meetings.

The intersection of the private and the public sustained an ethos of public responsibility. Civil society institutions formed character by asking citizens to work together for the public good. They sustained a practice of volunteerism: everyone was expected to do their part; everyone was accountable to everyone else. The church modeled a form of civil commitment that continues today in the volunteer fire department, the ambulance association, the public service clubs, and parent-teacher organizations. Not surprisingly, all of these institutions are under existential stress today, leaving families on their own to deal with an increasingly unsupportive work environment and bureaucratic administrators of public programs – including the schools. For many families, this is just too much.

A liberal democracy cannot rely on the vote alone. Voters must learn to be citizens. That education traditionally came from practices of volunteering within civil society and local government. eBut who has time or interest in volunteering today? Retreating from the public square and into the home, citizens turn on Fox News; they get on Facebook. There, they are greeted by the conspiracy mongers and perpetrators of hate, who are eager to fill the gap left by the disappearance of civil society. Something like QAnon is occupying the imaginative space of civil society at the intersection of the private and the public. It, too, forms character by offering an image of a public good that attracts voluntary effort by participants. But to what end? Or, more pointedly, to whose end? Remarkably, those protestors who invaded the American capitol had absolutely no idea what they were to do once they succeeded in entry.

The problems ailing liberal democracies cannot be cured by regulation, for we cannot force citizens to pay attention, to have sympathy for others, or to be reasonable. We can provide information, but we cannot make sure that it wins in a competition with deliberate falsehoods. The problem with Trump is not that truthful information is unavailable, but that his supporters listen only to him and those who support him. They are not willing to do the work of citizenship. They are captured by an alternative world of entertaining propaganda. Such movements end badly, for they are not prepared to govern. We saw the consequences when COVID arrived.

We cannot keep the conspiracy believer out of the voting booth. Neither law nor elections can save us from ourselves. We must tend to character formation. To do so, we must nurture civil society. If we leave character formation to the market and social media, we will be following the ancient path from democracy to tyranny.



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