

JOURNAL OF DEMOCRACY

July 2017, Volume 28, Number 3 \$14.00



India's Democracy at 70

Ashutosh Varshney ■ *Christophe Jaffrelot* ■ *Louise Tillin*
Eswaran Sridharan ■ *Swati Ramanathan and Ramesh Ramanathan*
Ronojoy Sen ■ *Subrata Mitra* ■ *Sumit Ganguly*

The Rise of Referendums

Liubomir Topaloff ■ *Matt Qvortrup*

China's Disaffected Insiders

Kevin J. O'Brien

Dan Paget on Tanzania

Sergey Radchenko on Turkmenistan

Marlene Laruelle on Central Asia's Kleptocrats

What Europe's History Teaches

Sheri Berman ■ *Agnes Cornell, Jørgen Møller, and Svend-Erik Skaaning*

THE PIPE DREAM OF UNDEMOCRATIC LIBERALISM

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Commentators today are increasingly questioning whether rule by the people goes together with the safeguarding of liberal rights. Yet the worries they voice are by no means new. Almost twenty years ago, Fareed Zakaria wrote an influential essay outlining the challenge of “illiberal democracy.” Differentiating between “free and fair elections” on the one hand and “the rule of law, a separation of powers, and the protection of basic liberties of speech, assembly, religion, and property” on the other, he found that “today the two strands of liberal democracy . . . are coming apart. . . . Democracy is flourishing . . . liberalism is not.”¹

Since that time the rise of illiberal democracy has continued, and even accelerated. A recent Varieties of Democracy (V-Dem) working paper ranked 97 countries as democratic, but only 52 of these as “liberal democracies.”² The gap between these figures shows that many states with free elections nonetheless fail to protect basic individual liberties or ensure equal protection under the law. Even longstanding liberal democracies in Western Europe and the United States seem to be falling under the spell of illiberalism.

What has caused this development? One provocative suggestion, put forward by Zakaria and since taken up by other observers, is that democracy itself is to blame. Democracy, after all—a term that comes from a combination of the Greek words for the people (*demos*) and for rule (*kratos*)—is about empowering the people. But since ancient times, elites have looked upon “the people” with fear. They have cast the *demos* as a body moved by passions and self-interest, whose unchecked rule can quickly lead to reckless populism or majoritarian tyranny. This view has enjoyed a resurgence of late: Books like David Van Reybrouck’s *Against Elections*, Jason Brennan’s *Against Democracy*, and David Harsanyi’s

The People Have Spoken (And They Are Wrong) no longer raise an eyebrow by questioning the worth of democracy.³

Disdain for rule by “the people” today unites a surprising number of commentators, both on the left and on the right, who disagree on nearly everything else. After the election of Donald Trump, for example, David Remnick, editor of the *New Yorker* and a noted progressive, lamented that “the electorate has, in its plurality, decided to live in Trump’s world of vanity, hate, arrogance, untruth, and recklessness” and that “people can behave foolishly, recklessly, self-destructively in the aggregate.”⁴ The right-wing British *Spectator*, meanwhile, ran an article stating that “one of the reasons many people are skeptical about democracy is because they’re right to be.”⁵ Surveying these trends, Tom Clark proposed “the experts have had enough of the people” as a possible “slogan for 2017.”⁶

While illiberal democracy is certainly worrying, many of its critics fundamentally misunderstand how democracy has traditionally developed and what its actual relationship with liberalism has been. Rather than being the norm, liberal democracy has been the exception, even in the West. Yet illiberal democracy has often proven to be a stage on the route to liberal democracy rather than the endpoint of a country’s political trajectory. Moreover, laments about illiberal democracy often obscure a threat from the opposite corner: Although it is certainly true that democracy unchecked by liberalism can slide into excessive majoritarianism or oppressive populism, liberalism unchecked by democracy can easily deteriorate into oligarchy or technocracy. Contrary to the fantasies of elites, these latter distortions are every bit as pernicious as the problem they purport to solve. A look back at the bumpy road once traversed by today’s liberal-democratic states gives us a more realistic picture of the complex relationship between liberal democracy’s two constituent parts.

A Little History

France—the cradle of illiberal democracy—is a critical and revealing case. When the French rose up against arguably the world’s most powerful absolutist regime in 1789, observers hailed the dawn of a new era. France’s First Republic, proclaimed in 1792 when King Louis XVI was removed from power (he was executed in 1793), promised universal male suffrage and the protection of civil and political rights. Yet the transition soon went awry, and Europe’s first modern democracy descended into an illiberal democracy par excellence. During the so-called Reign of Terror in 1793–94, revolutionary France put to death between twenty and forty-thousand people accused of “counterrevolutionary” deeds. Edmund Burke (1729–97) was only the most well-known conservative critic to argue that France’s experience showed the dangers of democracy and

the need to restrain the people and their passions. Democracy itself also rapidly lapsed in France, which in 1799 came under the rule of future emperor Napoleon Bonaparte.

But the conflict and chaos that followed the French Revolution had less to do with democracy or popular passions than with the way the fallen dictatorship had ruled. Like all dictatorships, the *ancien régime* rested on an alliance between the ruler and a narrow sector of society, primarily the nobility. This setup fueled social tensions and resentment of the privileged classes. As Hilton Root noted, by 1789 the *ancien régime* had created “a society divided into closed self-regarding groups.”⁷ According to Tocqueville, one of Louis XVI’s own ministers acknowledged that members of these groups had “so few links between themselves that everyone thinks solely of his own interests; no trace of any feelings for the public weal is anywhere to be found.”⁸ Once the lid came off the pot with the downfall of the old order, long-simmering conflicts within and among different socioeconomic groups burst into the open. It is hardly surprising that the *ancien régime* dictatorship, with its divisive and repressive methods of rule, did not produce a moderate, compromise-oriented society well-equipped for liberal democracy. Prolonging that dictatorship, however, would only have deepened and sharpened the social conflicts that broke out after the Revolution.

Although France’s first democratic experiment slid quickly into illiberalism and then dictatorship, eliminating the *ancien régime* made a profound contribution to the eventual development of liberal democracy. The revolution replaced a feudal economic and social order with a market system based on private property and equality before the law. It embedded in France—and spread across Europe—the idea that society was composed of equal citizens rather than functionally different hereditary groups of nobles, peasants, and so forth. So even when the Bourbon dynasty returned to the throne after Napoleon’s forced abdication in 1814, the new king had to rule under a constitution that called for limited suffrage and the protection of basic civil liberties. When kings tried to water down these guarantees in 1830 and 1848, the people revolted.

The 1848 uprising led to yet another transition to democracy, but that transition also failed, leading to the rise of a populist dictator—Louis-Napoléon Bonaparte (the previous Napoleon’s nephew). Louis-Napoléon followed what would come to be a standard authoritarian-populist playbook: He sought direct endorsement by the people while bypassing and undermining representative institutions, thereby weakening democracy. In 1851, after failing to push through constitutional changes that would have permitted him a second term as president, he forcibly disbanded the legislature and held a plebiscite in which voters obligingly backed his seizure of power. Once again France was unable to sustain liberal democracy. Yet Napoleon’s populism reflected an impor-

tant reality—the people, increasingly mobilized, had grown unwilling to accept rulers who did not take their needs and demands into account.

When Louis-Napoléon's regime fell after France's 1870 defeat in the Franco-Prussian War, a bloody uprising occurred (the 1871 Paris

In most European countries, illiberal and failed democratic experiments turned out to be part of the long-term struggle to build liberal democracy.

Commune), followed by yet another transition to democracy with the launching of the Third Republic. France's third try at democracy produced its most stable regime since the Revolution, bringing the country closer than ever before to liberal democracy. Under the Third Republic divisions long afflicting French society began to heal, partly because the democratic regime en-

acted crucial reforms in the economic, educational, and cultural spheres. These measures worked to inculcate a single national identity and, in Eugen Weber's famous phrase, finally turned "peasants into Frenchmen."⁹ The Third Republic eventually fell in 1940, weakened by the difficult interwar years and then conquered by the Nazi war machine, but democracy returned to France after the war.

Supported by a favorable regional environment, the backing of the United States, and the benefits of having learned from the past, liberal democracy finally came to stay in France during the postwar period. France's early misfires with liberal-democratic rule did not preclude success further down the road. On the contrary, these previous attempts were part of a long-term process, beginning with the French Revolution, of dismantling nondemocratic social, cultural, and political structures and building up a new democratic edifice. Similar stories could be told of other European countries.

Italy, for example, democratized just before the First World War. Turmoil, accelerated by the war and its aftermath, plagued the country's democratic regime from the start. Between 1918 and 1922, uprisings and violence erupted in the countryside and cities alike. Both left-wing and right-wing radicals blamed the country's problems on democracy, but it was the right that gained the upper hand. In October 1922 Italy's king, urged on by conservatives, asked fascist leader Benito Mussolini to form a government. The shift to fascism won applause from many, both within and outside Italy, who believed that a dictatorship would be better able to provide the order and development the country desperately needed. Such views, of course, proved to be wrong. The fascist regime was more violent and destructive than the weak, illiberal democracy that preceded it. Moreover, the problems that helped bring fascism to power did not follow inevitably either from democracy or from the passions of the Italian people. Instead, the disorder that beset Italy during the early

twentieth century had its roots in the practices of the nondemocratic regime that had governed before the country's transition.

Before Italy instituted universal male suffrage in 1912, the country's elites relied on dividing and manipulating citizens rather than setting up institutions through which the people could express their demands. Instead of working to integrate the people into politics, the largely liberal elites that governed Italy after unification ruled through a system of deals and coalitions often called *trasformismo*, which coopted certain favored groups using spoils and backroom deals. This institutionalized corruption eroded the legitimacy of Italy's political institutions. It created anger among those shut out from political power and the benefits that came with that power. And because the political system was not responsive to the people's concerns, the divisions within Italian society—between secular and religious Italians; between an advanced, industrial north and a backward, even feudal south; and between political “in” and “out” groups—were never effectively addressed. With the advent of democratic rule, a vast array of unresolved problems rose to the surface and burdened the new regime. To claim that democracy's “dysfunctionality” or the inherent “immaturity” or “irrationality” of the Italian masses are to blame for Italy's strife during the interwar years is a dramatic misreading of history.

The same was true of Germany, which established a democratic system after the First World War. The young Weimar Republic was almost immediately plagued by conflict, disorder, and extremism, all fueled by hyperinflation in the early 1920s and the Great Depression of the early 1930s. Mainstream political actors dithered in the face of the Depression, allowing extremists to gain ground. In January 1933 Adolf Hitler was offered the chancellorship, and Germany's democratic experiment came to an end. Hordes of critics claimed that Weimar and other failed interwar experiments had revealed democracy to be a disaster in the making. Only authoritarian political systems ruled by a strong leader, they claimed, could ensure order and head off social strife, political instability, and moral permissiveness. Once again, however, many of democracy's problems were the tragic legacy of previous authoritarian rule.

Prewar Germany, unified in 1871 under the auspices of a conservative and militaristic Prussia, had what we would now consider a hybrid regime. Although Germany held relatively “free and fair” elections for parliament's lower house (the Reichstag), the chancellor did not require this body's support to remain in office. This system created strong incentives for top-down political manipulation, an art at which Otto von Bismarck, who served as chancellor for two decades (1871–90), was a master. Holding together a conservative, antidemocratic coalition of the large land-owning Junker aristocracy and heavy industrialists, he also undercut his socialist and Catholic opponents by deepening social divi-

sions: between Protestants and Catholics, between religious and secular Germans, and between workers and elites.

Bismarck's political strategy exerted a pernicious influence on German nationalism. It helped to cement the idea that "enemies of the state" threatened Germany from without and within. The result was a Germany unified politically but increasingly divided against itself, with rising levels of frustration and extremism as nondemocratic governments proved unable or unwilling to respond to public demands. When a full transition to democracy finally occurred in the wake of Germany's defeat in 1918, the new regime inherited crippling legacies, including a divided society, radical nationalist movements, a devastated economy, and a false narrative blaming the loss of the war on supposed enemies within. The Weimar Republic's travails, in short, had less to do with democracy or the passions of Germany's people than with the poisonous policies of the previous nondemocratic regime.

As in France, failed initial attempts at democratic rule in Germany, Italy, and many other European countries did not prevent liberal democracy from taking root later on. Indeed, these early experiences often contributed to future democratic success by beginning to break down the antidemocratic legacies of the old regime and to build up new democratic mindsets, institutions, and practices. In addition, when Western Europe got a chance at democratic reconstruction after 1945, citizens and elites designed their new systems with an eye to avoiding the mistakes of the past. The same was true for Southern Europe in the mid-1970s, and for Central and Eastern Europe after 1989. Thus they included in their new democratic constitutions explicit checks on executive power, protections for minorities, guarantees of individual rights, and provisions for social security. In most European countries, illiberal and failed democratic experiments turned out to be part of the long-term struggle to build liberal democracy.

Liberalism Before Democracy?

Analysts often point to the United States and Great Britain as the fortunate cases in which an existing base of liberalism paved the way for successful democratic development. For commentators like Zakaria, this represents the ideal path of political development. Yet these countries, too, are often misunderstood. Like the states discussed above, they faced their share of strife leading up to the establishment of liberal democracy. Moreover, the purported liberalism that predated democracy in these two countries was of a thin and limited variety.

Scholars most often date the institutionalization of liberalism in Britain to the 1688 Glorious Revolution, which gave the country a constitution that limited the powers of the king, increased those of Parliament, and set out important civil rights. Nonetheless, up through the

early twentieth century Britain was an aristocratic oligarchy with power concentrated in the hands of a landed Anglican elite. Indeed, the British landowning elite was the most politically powerful in Europe: It dominated all high-status positions in the civil service, military, judiciary, and Church; almost all cabinet positions; the House of Lords; and, through its influence over local elections, the House of Commons as well. And while the British aristocracy did not rule over serfs (as did its Russian and at some points its German counterparts), politics, administration, and justice in the countryside all fell under its sway. Britain's elite was also richer and controlled more of its country's natural resources (land) than any other elite in Europe, with estates that, as the novels of the period remind us, resembled "little kingdoms." Up through the nineteenth century, in short, Britain's relative "liberalism" did not prevent the British landowning elite from enjoying a combination of economic wealth, social status, and political power that might make even today's plutocrats blush.

The limitations on British liberalism went hand in hand with the non-democratic features of the political system—including property and religious restrictions on the right to vote, as well as gerrymandering that favored rural districts. These constraints excluded the vast majority of British citizens from full political participation and kept them from challenging the elite's domination of the economy, government, and society. The absence of a genuinely democratic system also made it easier for elites to engage in pervasive corruption. Landowning elites used rural, depopulated areas under their control, often referred to as "rotten boroughs," to send their own handpicked representatives to Parliament. In other constituencies (so-called "pocket boroughs"), large landowners simply used their wealth and influence to control electoral outcomes.

Despite the country's purported liberalism, Britain's democratic shortcomings also ensured that neither minority nor individual rights were fully protected. English Catholics were legally oppressed and politically excluded, and the Irish fared even worse. Workers and the poor, meanwhile, faced not only exclusion from full political participation, but also restrictions on such key civil liberties as the rights to organize and to protest. During the nineteenth century, social and political pressure built for the incorporation of hitherto excluded groups into Britain's system of rights and participation—a shift that we today would call democratization. Only under this pressure were the full "benefits" of liberalism gradually extended to the entire population, a process that lasted into the twentieth century.

Like Great Britain, the United States often appears in commentary as a model case of embedded liberalism enabling democracy to flourish. Yet, as in the British case, early liberalism took a highly circumscribed form in the United States. As Zakaria and others have noted, the U.S. founders were very skeptical of unchecked rule by the people and so put in place

institutions, such as the Bill of Rights and the Senate, designed to limit popular control. But the original American political order was just as limited in its liberalism as in its democracy. Liberal rights were restricted to white, male Americans. In addition to the many rights denied women, the rule of law and other basic liberties were completely absent for slaves and Native Americans. And through the mid-nineteenth century, an entire section of the United States—the South—was, despite the political order’s ostensible liberalism, a tyrannical oligarchy. This system began to give way only with the colossal violence of the Civil War (1861–65)—and it took another century after that conflict for the government to be able, or perhaps willing, to protect minorities, ensure the rule of law, and guarantee that basic civil liberties actually applied to all citizens.

Contemporary Implications

Zakaria and others are right to worry about the rise of illiberal democracy. Without the rule of law and other basic liberal protections, democracy can easily lend itself to populist or majoritarian abuses. In the rush to condemn illiberal democracy, however, many have jumped to the conclusion that limiting democracy is the best way to defend liberalism. This is incorrect. Historically the two have developed together, with illiberal or failed democratic experiments often being part of a long-term process through which liberal-democratic institutions, relationships, and norms have gradually replaced those of the old regime.

History does not bear out the view that dictatorships, because they are able to resist the “passions of the people,” are somehow better at building liberal norms and institutions. Too often scholars and other observers praise the “order” and “stability” offered by dictatorships without recognizing that these are often purchased at the price of greater disorder and instability down the road. Lacking in popular legitimacy, dictatorships have strong incentives to build up limited but dependable support bases by playing on social, economic, and sectarian cleavages. Dictatorial regimes then apply repression to prevent these cleavages from spawning disorder or opposition—but this does not make them disappear. Instead, it ensures that when they are allowed to emerge, they do so with a vengeance. Moreover, repression prevents the development of the political and civil society institutions that might offer peaceful, orderly channels through which competing groups can express their demands.

Democratization, in short, does not cause the social strife that often emerges along with it. Rather, it allows the distrust and bitterness built up under dictatorships to come to the surface, with lamentable results. Nostalgia for authoritarian stability is precisely the wrong response to such troubles, since it was the pathologies inherent in dictatorships that helped to cause the underlying problems in the first place. A misreading

of the historical record—one that holds democracy responsible for problems created by dictatorships—has informed much of the current hand-wringing over illiberal democracy, and the rosy views of nondemocratic systems that accompany it.

It is true that, as Zakaria put it, “democracy without . . . liberalism is not simply inadequate, but dangerous,” but the same can be said of liberalism without democracy. In the past, liberalism without democracy often led to an oligarchic system dominated by a wealthy elite (such as Britain’s landowning gentry) or a dominant ethnic or religious group (such as white Protestants in the United States). Elites are no less moved by passion and self-interest than anyone else. If allowed to dominate politics to the exclusion of other citizens, they are likely to restrict to themselves the enjoyment of liberal rights, as well as access to economic resources and social status.

Today few (openly) make the case for oligarchy. Instead, prominent critics of democracy most often call for some sort of technocracy. They seek to wall off as many political and policy questions as possible from the influence of uninformed, ignorant voters and instead place them in the hands of experts.¹⁰ Among its many other flaws, this approach has exacerbated and would further exacerbate the very problem it purports to solve. As recent elections in the United States and Europe have once again made clear, the more people see “the elite” or “the establishment” as out of touch and unresponsive, the more likely they are to want to get rid of them. And the more the people view democratically elected governments as being overruled by unelected bureaucrats, unaccountable regional or international institutions, and global economic forces, the more attractive populism’s call to regain national sovereignty—to “Put America First” or “Choose France”—becomes. Technocracy, in other words, is likely over time to increase support for populism. Technocracy and populism are evil political twins, each feeding off and intensifying the other. The first seeks to limit democracy to save liberalism, while the second seeks to limit liberalism to save democracy.¹¹

The historical record suggests that we should rethink our assumptions about the sources of illiberalism in today’s democracies, as well as about how best to defend liberal rights. As in the past, the political trends that threaten liberalism today stem more from a dearth of genuine democracy than from democratic excesses. In both the United States and Europe, the current populist backlash has been spurred by a not-incorrect sense that national governments are more responsive to markets and business elites than they are to average citizens. In the United States, undemocratic institutions and practices such as the Electoral College, gerrymandering, onerous voter-registration requirements, and relatively unlimited and often secret political donations warp electoral outcomes by giving some sectors of American society more political power and influence than others. In Europe, resentment of the power of nondemo-

cratically chosen EU bureaucrats and distant EU institutions also has fed populism. Fighting back against the populist tide and avoiding illiberal democracy therefore requires finding ways to remove the barriers that have weakened contemporary democracy and to encourage greater citizen participation. This will require making governments and other democratic institutions responsive to the majority of the people, rather than to only a narrow elite, or to markets, unelected bureaucrats, or corporate interests. Far from seeking to restrict democracy, we should be revitalizing it instead.

NOTES

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