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**In Praise of Democracy?
The Cultural-Political Crisis underlying the Trump Impeachment**

Allen Chun

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國立陽明交通大學文化研究國際中心

International Center for Cultural Studies

National Yang Ming Chiao Tung University

Rm.103 HA Building 2, 1001 University Road

Hsinchu, Taiwan

Tel: +886-3-5712121 Ext.58274, 58272

Fax: +886-3-5734450

Website: https://iccs.nctu.edu.tw/en/wps_list.php

Email: iccs.wps@gmail.com

In Praise of Democracy? The Cultural-Political Crisis underlying the Trump Impeachment

Allen Chun

Institute for Social Research and Cultural Studies

National Yang Ming Chiao Tung University

Abstract

Orientalism is still alive and well, in the West, of course. The brilliance of Said's (1978) demonstration that this was a discursive mindset rooted in the maintenance of colonial rule and its enlightened civilizing mission did not mean to suggest that cultural dualism per se was evidence of a colonializing regime. "Colonializing" regimes can take on myriad forms. Nationalism and global capitalism can be shown to appropriate analogous ideologies of order that serve the same function. The discourse of democracy has been proselytized throughout the world with equal fervor as Christian missions, typically to combat authoritarian enemies.

Discursive Roots of the Subjective Refraction of the Democratic Illusion from West to East

The most recent plight of democratization in Hong Kong has attracted much attention in mainstream Western media, but it has been used more to highlight the global threat of China. The hard politics of social order combined with the authoritarian character of its homogenous nationalism have made it an easy target for Western rule of law and individualist sensibilities. The continued domination of PRC state interests in the administration of Hong Kong society can in fact be attributed to the absence of universal suffrage, but we forget that Hong Kong's democratization movement started in the 1980s and was then firmly rebuffed by the colonial regime, until Chris Patten, in the Governor's last gasp, boldly promoted it largely to screw the incoming regime. So why do we now view democratization, which has become the rallying cry for the current protests, as the symbol of East vs. West? The PRC simply adopted the functional constituency of the legislature that the British colonial government put into place then filled its political roster with their own appointees. Popular suffrage only determines a minority of total legislators, not enough to influence the election of the Chief Executive, thus it is a problem that cannot be rectified short of constitutional change. In the meantime, the media will continue to accent the culture war and international support to give the impression that the system is by

nature something that can be transformed through active Westernization.

Vilifying the other has been standard political practice throughout history. Racism and moral stereotyping into good and bad are also easy ways to depict ideological dualisms that divide the world. However, cultural and ideological warfare have doggedly persisted and in many ways become more subtle, even sublimely transforming into social theory. East Asia has, in addition to being the home of high civilization, become the source of modernization theories that have promoted the virtues of neo-Confucianism in the rise of Asian Pacific tigers. The same (assumed) cultural essentialism can be utilized to depict the “clash of civilization” between hostile societies or alien ways of life. Asian societies have in general been framed as inherently extolling the social values of collectivism over modern (Western) individualism, which have routinely influenced “objective” theories of comparative thought, education, etc.¹

The point here is less to underscore cultural essentialism as the basis of Oriental dualism than to emphasize the taken-for-granted blindness to one’s own cultural ethos, which in turn magnifies the subjective (ultimately politicized) projection of ideological values into a genre of Orientalism. The absence of democracy may be an actual fact anywhere, but how is one so sure that one’s own ideas and institutions of democracy are by nature neutral or untainted?

In an opinion piece in *The New York Times* on May 10, 2017, Jill Abramson wrote that “the Chinese know that one of the best ways to curry favor with any ruler is to shower riches on his family members. There are so many millionaires among the children of its leaders that they have a moniker: the Princelings”.² China watchers have already made such phenomena staple features of news reporting and social scientific writing on the PRC for decades. But Abramson’s piece was not about China; it was about the Princeling in the West Wing, Jared Kushner. It appeared a day after the “unseemly spectacle” of his sister, Nicole Meyer, was shown peddling golden visas to Chinese investors as a prize for \$500,000 investments in their family’s real estate projects in Jersey City, which happened just after Trump signed a renewal of the EB visa program. Never mind the conflict of interests in the Emoluments Clause: the First Family just set up shop directly in the White House; pay for play is the norm at the top.

¹ Works on Japan, most notably Rohlen (1983), for example, while accenting its cultural uniqueness vis-à-vis the West, have typically underscored its conformity to authoritarian systems of uniform values, emphasis on moral education in addition to strict learning, intensity of a competitive regime of ubiquitous testing, and the priority of collective obedience over individual expression, of mass education over specialized needs of modern instruction, and of memorization of factual knowledge over interpretive skills, as epitomized by Asian entrance exam systems.

² Abramson then summed it all up in comparative terms by concluding, “this isn’t the petty Washington corruption of lobbying favors or excess campaign donations. It is far more unseemly and dangerous to democracy”.

If this took place in the PRC, one would be crying regime change. So why is everyone in the U.S. oblivious? I suppose one can blame Party politics for the reluctance in Congress and respect for the rule of law for the public's impotence to take action in this regard. After criticizing lesser countries for their lack of democratic process, one can hardly fault the voice of a populace that eventually voted in a brute con artist who insulted everyone in his path and flaunted moral indecency as anything less than victorious. In defense of himself, Trump has blamed fake news, by others, of course. The confusion of reality TV for reality has become the new news. When it comes to critical introspection, one tends to look the other way. To the contrary, the creation of fictions, inventions or exaggerations to legitimize our own views and actions is really a basic aspect of institutional normalcy. The political sociologist Philip Abrams once remarked that the state is not the reality that stands behind the mask of political practice but rather the mask that prevents us seeing political practice as it is. As he put it, the state is "a third-order project, an ideological project. It is first and foremost an exercise in legitimation—what is being legitimated is, we may assume, an unacceptable domination."³

One could argue that every culture has its own blind spots. America seems irrevocably addicted to gun culture and a Puritan ethic that others find intolerable, both of which have been exacerbated by the latest wave of neo-nationalist paranoia. In this case, the unreflexive solipsism has at the same time disguised the fundamentalism of democracy's Eurocentrism.

In comparative terms, one can ask how progressive Asia is vis-à-vis contemporary trends in the West. Contrary to Western assumptions, as portrayed in the international media, East Asia has always had a long history of social movement and progressive dissent. During the Umbrella Movement in Hong Kong, media coverage tended to overlook Taiwan's Sunflower Movement, which was initiated by radical student protest against the KMT Party's promotion of The Service Trade Agreement, a proposed legislation to allow increased free trade between Taiwan and mainland China, which would also have liberalized direct corporate investment on both sides and loosened banking restrictions.⁴ Student protesters eventually occupied the Legislative Yuan on March 23, 2014 for over two weeks before voluntarily vacating. In the meantime, on March 30, they organized a mass demonstration involving over 350,000 people, which was scarcely covered by the international media (in contrast to Hong Kong's Umbrella Movement). Nonetheless, in the aftermath of the public rally and the brief occupation of the legislature, they then regrouped and founded the New Power Party in 2015. In the elections of January 2016, led by its two main activists, it won five legislative seats and immediately became the third largest political party in Taiwan. This progressive victory in light of social protest contrasts clearly with the emergence of right-wing nationalists in Europe and the US,

³ Abrams (1988: 76) added, "the state, in sum, is a bid to elicit support for or tolerance of the insupportable and intolerable by presenting them as something other than themselves, namely legitimate, disinterested dominion".

⁴ Ho Ming-sho (2019) has compared both Taiwan's Sunflower Movement and Hong Kong's Umbrella Movement.

epitomized by Brexit and Donald Trump. One might also add the role of social movement in South Korea, in reaction to the bribery scandal involving President Park Geun-hye, which eventually led to her impeachment. With or without democratic institutions, public protest in Asia has played a seminal role in contesting the threat of nationalist oppression, specters of global capitalist imperialism and political corruption; it did not need lessons from the West.

The crisis that confronts Hong Kong society today as well as the threat of China's global expansion as a political (or politicized) economy that is beginning to have reverberations far beyond its immediate borders are serious issues that do not seem to have concretely visible solutions. That is to say, it is not apparent that continued social protest, heightened protest or increasingly hard line policies can bring about desired progressive change. On the other hand, many of the concerned intellectuals who have actively supported the protests from afar ironically seem less critically concerned about political scandals currently infecting the West. What is so sacred about democratization, especially as rooted in the belief in "free and fair" elections? The "liberal" West is indeed based on universal popular suffrage, but what does this really reflect about the nature of society so represented? By the way, are elections free from the influence of moneyed corruption, oligarchic manipulation or cultural prejudices that are taken for granted as ethical? I would argue that the tyranny of populist suffrage reflects, especially today, the underside of democratic rule, which can also normalize corrupt regimes.

The Institutional Embeddedness of U.S. Democracy in the Collusion of Politics and Money

There is a cult of ignorance in the United States, and there has always been. The strain of anti-intellectualism has been a constant thread winding its way through our political and cultural life, nurtured by the false notion that democracy means that "my ignorance is just as good as your knowledge".

Isaac Asimov, "A Cult of Ignorance", p.19.

The fictive call of democratization, at least projected onto others, has in the first instance deflected from the inherent critique of authoritarianism that underscores this Orientalist gaze. But is democracy the converse of authoritarianism, even by definition? The lineage of the absolutist state, especially in European history, has neatly served as the template for gauging political progress elsewhere. It is as though mandate by popular vote can serve, in principle, to guarantee against autocratic arbitrariness and absolute power. By arguing that democracy in America fosters a cult of ignorance (anti-intellectualism), Asimov problematizes in turn its literal nature. If democracy is only as valid as the intellectual credibility upon which it is based and operates, then one should ask, how it is conceptually and institutionally grounded?

Authoritarianism has been a persistent, indelible virus in European history, even after the era of the absolutist state. Notions of “behemoth” from Thomas Hobbes to Franz Neumann have been used as a metaphor of the authoritarian state from its modern advent to Fascism, which Irving L. Horowitz (1999) developed objectively to characterize the dualistic tendencies in theories of political sociology to privilege the relative authority of state and society. But paradoxically, authoritarianism in comparative politics has been invoked more to denote a set of personality predispositions and cultural values. Norris and Inglehart (2019: 7) state that “authoritarian values prioritize three core components: 1) the importance of security against risks of instability and disorder; 2) the value of group conformity to preserve conventional traditions and guard our way of life; and 3) the need for loyal obedience toward strong leaders who protect the group and its customs”. Not surprisingly, the politics of fear drives the search for collective security for the tribe, while conformity reinforces an us vs. them mentality. By contrast, democracy seems to combat the ills of authoritarianism but only in superficial terms.

When Norris & Inglehart (2019) characterized the neo-nationalist conservatism that had swept through America and Europe as a “cultural backlash” against the prevailing progressive political ideology, it was distinct from the authoritarian populism that was attributable more to the subjective dispositions that reflected its critique of establishmentarian values or norms. As authoritarian populism, it did not seem to be a corruption of democracy per se but at most an aberration of potentially any political system. At the same time, it did not really question the legitimacy that was attributable to democratic institutions and values or features inherent to them that could have produced the kinds of authoritarian populist aberrations alluded to.

The superficial dualism between statism and collectivism that characterizes the apparent divide between authoritarianism and democracy, at least in theory, has nonetheless influenced our perceptions of democracy as inherent value system and institutional practice. Ranciere (2007) has described democracy as the evolution of the political in its most complete form. The diversion away from its political practices and subjective gaze represents a paradoxical obfuscation of the machinations of power that drive it. As Kapferer & Theodossopoulos (2018: 5) argue, “its force is most intense at that prime democratic moment, at the time of democratic political elections—ideally the expression of free, uncoerced, individual decision, in which all—regardless of power, status, wealth—are placed in equal relation”.

From the outset, the Presidency of Donald Trump has been marred firstly by conflicts of interest with his office stemming from his refusal to divest holdings in his businesses or place them in a blind trust, secondly by his repeated efforts to obstruct justice in matters pertaining especially to foreign interference into recent elections, resulting in the Mueller investigations, finally his attempt to extort a foreign leader for personal gain to instigate corruption charges against his political opponent, which eventually brought about impeachment proceedings. The relevance

of this chain of events to the underlying issue here was the crucial way that the democratic institution was manipulated to amplify and protect personal political gain, clearly contrary to the broader principles on which democracy was supposed to be ideally founded.

On December 16, 2016, a month prior to Trump's presidential inauguration, Norman L. Eisen, Richard W. Painter and Laurence H. Tribe spelled out in detail the numerous violations of The Emoluments Clause of the U.S. Constitution presented by Trump's business interests.⁵ Among other things, they included over 10 cases challenging Trump labor practices pending before the National Labor Relations Board, whose two vacancies were about to be filled by Trump appointees, tax audits by the Internal Revenue Service, whose chief was also about to be appointed by Trump, Trump's status as landlord and tenant of D.C.'s Trump International Hotel, whose lease bars elected officials from sharing in any benefit, and Trump's loan debts totaling several hundred million dollars to banks, in relation to which his appointment of Treasury Secretary could also direct influence interest rate policy. Even more egregious was the refusal to transfer control of his assets and interests in the Trump Organization to a blind trust, opting instead to turn management over to his children, and his hiring of his daughter, Ivanka, and son-in law, Jared Kushner, as senior advisers within the White House, where they could continue to promote their business interests in conjunction with policy. Kushner's real estate indebtedness made him an easy target for leverage, especially as he was assigned to orchestrate policy relations with Saudi Arabia and other Middle Eastern strategic interests.

Not long after taking office, Trump continued to use his global business interests and ties to condition foreign policy and spend time routinely at his family's properties, while lodging accompanying members of his staff there at government expense, prompting the Director of the Office of Government Ethics, Walter Shaub, to condemn use of his commercial properties as a platform for government business.⁶ He even brazenly promoted one of his properties as a potential venue for a G7 summit, until he was pressured by leaders in his administration and own Party to retract it. Such conflicts of interest would have been grounds for impeachment in many other countries, but Trump has chosen instead to fight all lawsuits filed against him relating to emoluments with endless litigation, potentially all the way to the Supreme Court.

⁵ As Eisen, Painter & Tribe (2016: 18) aptly phrased it, "the bottom line is simple: Mr. Trump stands to benefit personally, in innumerable and largely hidden ways, from decisions made every day by foreign governments and their agents... The Emoluments Clause was put in place to avoid precisely that blending of public and private interest... It is plain that a President Trump would be subject to removal from office for the intentional abuse of power that this manifestly unconstitutional intermingling would entail". Painter was chief White House ethics lawyer from 2005-07, Eisen served in the same position from 2009-11, and Tribe is professor of law at Harvard.

⁶ In an article in *The Guardian* (Smith 2017), Shaub exclaimed "his actions create the appearance of profiting from the presidency", putting the US at risk of being seen as a "kleptocracy". Shaub later resigned as Director.

His appointment of political allies to government positions was supplemented by firings of officials who represented obstacles to his administration, including those involved in the various criminal investigations surrounding Russian interference in the 2016 election. Fired were, most notably, Assistant Attorney General Sally Yates and FBI Director James Comey. This led to the hiring of Special Prosecutor Robert Mueller to conduct an independent inquiry into the nature of that interference, the role of the Trump campaign in soliciting help in this regard and actions of the President in obstructing various aspects of this investigative process.

The damaging severity of the Mueller Report prompted 1027 former federal prosecutors to draft and sign a statement, declaring that Trump's conduct, "described in Special Counsel Robert Mueller's report would, in the case of any other person not covered by the Office of Legal Counsel policy against indicting a sitting President, result in multiple felony charges for obstruction of justice."⁷ In their legal opinion, this included specifically the President's efforts to fire Mueller and to falsify evidence about that effort, other efforts to limit the scope of Mueller's investigation to exclude his conduct, finally Trump's repeated efforts to prevent witnesses from cooperating with investigators who were probing him and his campaign.

According to the American Constitution Society (2019), the key findings of the Mueller Report can be classed under four headings: 1) The Special Counsel investigation uncovered extensive criminal activity.⁸ 2) Russia extensively attacked the US election system in 2016.⁹ 3) Investigations "identified numerous links between the Russian government and the Trump Campaign" and confirmed that the Trump Campaign "showed interest in WikiLeaks' releases of documents and welcomed their potential to damage candidate Clinton".¹⁰ 4) The Special Counsel declined to exonerate President Trump, but still detailing multiple episodes in which

⁷ See DOJ Alumni Statement (2019). In short, "the Mueller report describes several acts that satisfy all of the elements for an obstruction charge: conduct that obstructed or attempted to obstruct the truth-finding process, as to which the evidence of corrupt intent and connection to pending proceedings is overwhelming".

⁸ See <https://www.acslaw.org/projects/the-presidential-investigation-education-project/other-resources/key-findings-of-the-mueller-report/>. This produced 37 indictments, 7 guilty pleas or conviction, with strong evidence that the president obstructed justice on many occasions. Mueller also referred 14 criminal matters to other units of the Justice Department. Trump associates lied to investigators about contacts with the Russians, and Trump refused to answer questions.

⁹ Russian interference was "sweeping and systemic." Attacks included a social media "information warfare" campaign that "favored" Trump, hacking of the Clinton campaign and release of stolen materials via Wikileaks. Russia also targeted databases related to administering elections in states, gaining access to voter information.

¹⁰ From 2015-16, Trump pursued a hotel/residence project in Moscow while campaigning for President. Senior Trump campaign members met with Russian nationals at Trump Tower, New York on June 9, 2016, who offered derogatory information on Clinton. Trump associates George Papadopoulos, Rick Gates, Michael Flynn and Michael Cohen admitted making false statements to federal investigators or to Congress about contacts with the Russians. The Report raised doubts about why Trump and associates repeatedly denied connections to Russia.

he engaged in obstructive conduct.¹¹ Despite the damning evidence, opinion polls showed that the populace was evenly split between those who supported and condemned Trump. It was not deemed a sufficient rationale for the Congress to risk proceeding with impeachment.

The incident that made an impeachment inquiry inevitable was the set of events leading up to Trump's attempt to solicit interference of a foreign government to benefit his upcoming reelection. In threatening to withhold U.S. military assistance to fight Russian militants in eastern Ukraine, unless Ukraine's President Zelensky agreed to announce investigations into Trump's domestic political opponent, "the President placed his own personal and political interests above the national interests of the United States, sought to undermine the integrity of the U.S. presidential election process, and endangered U.S. national security", in the words of the Trump-Ukraine Impeachment Inquiry Report, submitted by the House Permanent Select Committee on Intelligence (2019: 9). This inquiry report became the basis of two articles of impeachment, one involving abuse of power and another involving obstruction of Congress.

The report itself focused first on the President's misconduct, which listed the following allegations: He forced out the U.S. ambassador to Ukraine. He put his personal lawyer, Rudy Giuliani, in charge of Ukraine issues. He froze military assistance to Ukraine. He conditioned a public meeting with President Zelensky on an announcement of investigations into his political rival, which in turn represented interference into the upcoming U.S. election. Exposure of the above scheme was followed by massive cover-up. The House Committee's report focused next on the President's obstruction of Congress, which included his challenges to constitutional authority for congressional oversight and impeachment, categorical refusals to produce subpoenaed documents or allow top aides to testify, and his attempts to block key witnesses, which were followed up by active intimidation. In terms of the "high crimes and misdemeanors" that constituted grounds for impeachment, the conflicts of interest embedded in the overlap of the President's political and business interests, from which he has continued to profit while in office, should have been sufficient to indict him for improprieties.¹² His repeated obstruction of justice that enabled foreign interference in the 2016 elections as well as actions that sheltered criminal acts by those working for him was already clear evidence of criminal felony in legal terms. Finally, his systematic conspiracy to leverage foreign policy for the purpose of advancing his personal political gain should have constituted a most blatant act of presidential misconduct, which was unethical thus directly damaging to democracy.¹³ The

¹¹ The pattern of conduct and manner in which the President tried to impede investigations was most damning. Five episodes of obstructive conducts were explicitly cited. However, in not making a judgment on criminality, the Special Counsel was limited by the Department of Justice's policy that a sitting President cannot be indicted.

¹² In addition, there have been innumerable other instances in which he publicly criticized business entities that were either in direct competition with his own, such as amazon.com, Washington Post and AT&T, or headed by people he did not like. It is easy to imagine how this has influenced both domestic and foreign policy decisions.

¹³ As Adam Schiff, Chairman of the House Permanent Select Committee on Intelligence (2019: 11) concluded it,

impeachment process, which proceeded to hearings in the House of Representatives then trial in the Senate, was the culmination of what should have been, at least on the surface, the practice of corrupt politics-qua-official policy, unambiguous acts of criminality and unethical conduct at the apex of political power unabashedly driven by maniacal visions of personal aggrandizement. Trump's track record of financial misadventure and ties to shady political interests, fueled by a deep narcissism, were well-known to many before he became President.¹⁴

The impeachment trial of Donald Trump represented a crisis in American society whose scandalousness exceeded the failure of democratization anywhere. The American public's blindness to the sanctity of its own beliefs matched the survivalism of the regime in power to protect its own political interests *uber alles*. The bribery of South Korea's Park clearly pales in comparison to Trump's pay-for-play policies, yet this has caused little social protest, while tying up courts into lengthy litigation. The Mueller Report cited more acts of obstruction of justice than for most mafia bosses, yet the American masses still remained unmoved. The impeachment inquiry conducted by Congress uncovered numerous corroborating witnesses who testified on Trump's attempt to withhold military support for Ukraine, until the latter agreed to announce corruption investigations into the son of Joe Biden, his main Democratic opponent. After the trial moved to the Senate, Republican senators remained resistant to subpoenaing documents or calling witnesses, opting to muffle the investigation, given their inability to contest overtly adverse evidence. CBS News reported that Republican senators were warned: "vote against the President, and your head will be on a pike". When elected officials vote to keep their seats, above and beyond the law, even as their electorate remains complicit or complacent, it corrupts the principles upon which any democratic institution is founded. America's gun culture is well known for its fanatic extremism. Yet, most people support rational gun regulation; the obstacle has always been the power of the National Rifle Association and its gun lobby to financially sway elections. Neo-nationalism has propelled Brexit and Donald Trump into the political mainstream. Their manipulation of the electoral institutions and pollution of the courts have irrevocably warped the myth of a free democracy.

When Kohli (1990) described the way democratic institutions were undermined through cancellation of inter-party elections, installation of loyal but weak leaders and personalization of votes, making the strategy of populism "inherently destabilizing", he was referring to India, but it may have been in my opinion an accurate depiction of how the Trump regime has been

"in these statements and actions, the President became the author of his own impeachment inquiry. The question presented by the set of facts enumerated in this report may be as simple as that posed by the President and his chief of staff's brazenness: is the remedy of impeachment warranted for a president who would use the power of his office to coerce foreign interference in a US election, or is that now a mere perk of the office that Americans must simply 'get over'?" There is more at stake in democracy than simply the notion of free and fair elections.

¹⁴ Bernstein's (2020) family history of the half-truths, secrecy and media manipulation weaponized by the Trumps and Kushners is a relevant preamble to the way the same practices have become inculcated in the White House.

able to manipulate electoral institutions in order to maximize its self-interested political ends.

One might on the other hand fault the weakness of impeachment in realizing justice or the immunity from criminal prosecution that the President enjoys as the obstacle that prevents necessary change. Prime ministers and other heads of state have been routinely removed by votes of confidence in a way that contrasts with the traumatic disruption that Americans claim affects impeachment. More to the point, other countries have rightfully replaced corrupt or incompetent leaders, even without democracy. Hong Kong people understood the political reality behind the legal façade of the extradition law. The Eurocentric fiction of democracy has on the other hand exposed the way in which real politics has corrupted democratic norms.

Digital Enclaving of the Public Sphere and Political Polarization within a Society of Control

Discourses of populist authoritarianism have emerged in recent years largely as a response to the rise of dangerously neo-nationalist regimes that have appeared at the same time to pose threats to existing democracies. Their extremism has been attributed to populist ideologies, which have in turn consolidated tendencies toward authoritarian rule. Such standard accounts of superficial politics have in essence been flawed by subjective value judgments that privilege in the first instance their own democratic norms. While the democratic process has validated populist regimes in many instances, the attention above has focused less on their democratic practices per se. Electoral politics has in many places been the site of intense contestation and violence. Its intensity was a product less of principles than those that validated practices.

In the case of Trump, one should argue instead that his monopolistic and manipulative business practices were simply transposed onto the realm of politics and governance. Politics thus simply empowered him to advance ongoing business interests. His mixing of business and politics had never been a secret. Despite his hard line political ideology, the imperative of winning trumped all else; the means justified the ends. His strategy behind election politics was conditioned simply by the fact that he only needed the support of 51%, namely his base. The content of his base's political beliefs had always been subsidiary to soliciting their vote.

If his promotion of democracy was less principled than as practiced, one can still ask what its relationship was to political polarization of ideologies or to what extent it seemed dependent on vindicating a radical individualism that became equated with populist values. Sunstein's (2017) analysis of divided democracy in the age of social media was an argument less about how "the architecture of control" intrinsic to social media per se increasingly made democracy divisive than about how seemingly open digital communities, such as Facebook, aggrandized

a culture of what Nicholas Negroponte first termed “the daily me” to enable the proliferation of increasingly entrenched niche world views. In fact, this enclaving of the public sphere was already being transformed by the politicization of mass media and the increasing collusion between oligarchic capitalist interests (Rupert Murdoch in particular) and their political control of “public” media to inculcate the world view of a market based (dominated) society. Media became less a platform for disseminating a public (mass mediated), seemingly disinterested (non-partisan) national world view than for a professionalization of the media that catered to a diversification of interests and values. Thus, TV spawned CNN, MSNBC, Bloomberg and Fox not just to promote specific political ideologies but satisfy heterogenous consumer needs. With the diversification of media institutions came the explosion of popular avenues for niche audiences and populist perspectives. The evolution of internet accelerated this ongoing trend.

The internet thus “democratized” mass media only in literal terms, by giving those outside mainstream (public) institutions of power access to the media that was at the same time immune to the norms of public practice and its legal regulation as well. The emergence of Facebook’s networked communities and the culture industry of YouTube dissolved traditional distinctions between public and private by elevating “the daily me” onto the public, ultimately global, stage.

Social media intensified political polarization and fragmentation of the democratic polity as a product of an evolving diversification of mainstream media by empowering personification of individualist desires and manifesting its effects “in public”. In this regard, its “architecture” was facilitated by the way in which social media customized its information flows by filtering, hence controlling, according to profiled behaviors and presumed desires. However, Sunstein focused mainly on the unseen algorithmic processes that selectively filtered one’s information about the world (hence far from non-partisan and mediated) in a way that enabled increasingly personalized thus highly individualistic perspectives, which apparently also explain the rise of fringe politics and fundamentalist populism. Populism is the product of this divided republic.

However, Sunstein does not take seriously the architecture of “control” that he ascribes to the role of social media in polarizing the political public. Ironically, even though Deleuze’s (1992) footnote on “society of control” predated the advent of internet, it prodigiously presaged the operation of social media, as depicted by Sunstein. Contrary to the notion of surveillance, as superficially defined, Deleuze’s control is a seamless mode of regulation. In Deleuzian terms, Google searches constitute a control mechanism by serving as a programmable interface that allows one to combine any keyword to execute searches as long as two conditions, dividual and databanks, are met. One is not simplifying the internet as a means; on the contrary, the internet itself is a complicated control mechanism. It may be that the algorithmic processes that filter information and choices to its users within social media have eminently enabled the enclaving of niche imagined communities, which were in fact the product of their own choosing, but more importantly societies of control seem to have similar ramifications for the fracturing

of the democratic public as for Hardt and Negri's formation of "empire". As with the rise of empire, the overall social conditions (social enclosures, institution, striated space, wage labor) staple to a past civil society no longer exist. In the passage from disciplinary to control society, distinctions between inside and outside boundaries declined; the world became a smooth space. A view of democracy as smooth space would give a different spin on the actual evolution of a fractured political public and the intensification of fringe imagined communities. This does not seem to be the crisis of democracy that has plagued its diffusion elsewhere throughout the world. In fact, it would be a more serious malaise that does not seem to have an easy remedy.

Constitutional Democracy as Moral Institution: Back to the Traditional Future?

I am not saying that at the present time in America tyranny is frequently practiced; I am saying that no guarantee against tyranny is found there, and that the causes for the mildness of government must be sought in circumstances and in mores, rather than in laws.

Alexis de Tocqueville, *Democracy in America*, p.415.

Contrary to the almost sacred reverence that we seem to have today, de Tocqueville in his time did not consider democracy in itself perfect government. It was simply in relative terms a radical departure from aristocratic class society, which had distinct ramifications for other aspects of society and government. Omnipotence of the majority led "naturally" to the legislative and administrative instability of democracies only insofar as one recognized (as he did) that sovereignty was handed over to an authority that was constantly changing. On the other hand, it was prone to its own tyrannical effects that were different from the despotism of an absolutist monarch. The merit of democracy lay simply in the fact that "the power of the majority surpasses all the powers that we know in Europe." (Tocqueville 2010: 416) But dominion of the majority relied not on strength but wisdom.¹⁵ Democracy may immaterialize despotism, but it was also prone to the "tyranny" of its inherent instabilities or uncertainties.

By definition, America is a republic made up initially of fairly independent states, united by a federal government that gradually consolidated its growing centralized authority through political standardization more than by strength of power. But the ongoing persistence of the primordial community (and its radical defense of individual locally based rights) has given rise to libertarianism as an active political ideology and the inalienable right to bear arms, among other things, which conservatives attribute strictly to an immutable Constitution. In its most

¹⁵ Przeworski (2019: 176) phrased it differently in stating, "democracies do not contain institutional mechanisms that safeguard them from being subverted by duly elected governments observing constitutional norms".

extreme version, one might argue that some Americans tend to regard any unwanted imposition by the government with the same intensity that they once invoked to combat British colonialism.

One cannot exaggerate the extent to which America's staunch defense of gun ownership is grounded in its extreme individualist reading of libertarianism, especially among a militant fringe. Prior to the attack on New York's World Trade Center on 9/11, the deadliest massacre was the loss of 168 lives from the bombing by Timothy McVeigh and Terry Nichols of the U.S. Federal Building in Oklahoma City on April 19, 1995. They deliberately planned the attack to coincide with the 2nd anniversary of the Waco siege (a raid by the FBI on the right-wing Branch Davidian cult) and the 220th anniversary of the Battle of Lexington and Concord, "the shot heard round the world" that ignited the American war of independence against Britain's King George III. As Michel & Herbeck (2001: 226) stated, "to McVeigh, this bombing was in the spirit of the patriots of the American Revolution, the stand of a modern radical patriot against an oppressive government", in this case its own federal state. Was this a terrorist act?

American attachment to guns has been attributed to the Constitution's 2nd Amendment, which guarantees the right to bear arms, to a point that makes efforts to legislate regulation of its sale and use virtually impossible. However, while surveys have shown that a majority of people support background checks and other reasonable restrictions, the influence of lobbies for the National Rifle Association on elected officials has caused in practice the widespread failure of such regulative legislation, all the while reifying the sanctity of individual freedom.

When de Tocqueville sought causes for the "mildness" of government (against incipient tyranny) in its mores, he was referring then to the positive consequences of religion, which he understood in a broad sense as "habits of the heart" but also in specific terms as the beneficial influence of Christianity there. Its escape from papal orthodoxy in Europe created a religion that was favorable to the spirit of liberty, where the separation of church and state was more consistent with the actual working of democracy. In the end, religion was only one aspect of mores, which included various ideas and traits of enlightenment. At the same time, nowhere in his book does de Tocqueville expound on the sanctity of electoral practices per se, except to indicate that they presumably reflected in principle the omnipotence of the majority. But as one follows the path of history, one might argue that fundamentalist strains of religion in America became increasingly intertwined with libertarian political ideologies, both of which intensely espoused the same inalienable belief in individual freedom *uber alles*. If this in the process then formed the basis of populist sentiment in the ongoing present, it should thus be related less to de Tocqueville's lofty enlightenment ideals than to the fanatic extremes of an increasingly provincial and anachronistic ethos that is not necessarily moral or the majority.

In sum, democracy in America today must be viewed in light of its peculiar development in history, as the cumulative effect of its extreme resistance to the centralized state (epitomized by the British monarchy), fundamentalist evolution of a Puritan world view and appropriation of an increasingly populist political theory that legitimized the ideal of free and fair elections. But contrary to our tendency to view prominence of patron-client politics as an inherent feature only of electoral democracies in the developing Third World or what Donald L. Horowitz (2013) has neatly termed “low-quality democracy (and its discontents)”, it would appear instead that patron-client relations and their spheres of influence are general to all political systems.¹⁶ At the same time, leveraging on a societal scale can be magnified by the politics of unequal money and status, which is really a function of different systemic regimes and the values (mores) that drive people and institutions in power. Alexis de Tocqueville was correct to emphasize the importance of mores, which is in practice open to definition, but this is clearly the ideological foundation that prevents electoral democracy from disintegrating into authoritarianism or chaos.

Bibliography of Sources Cited

- Abrams, Philip (1988 [1977]) “Notes on the Difficulty of Studying the State”, *Journal of Historical Sociology* 1(1): 58-89.
- Abramson, Jill (2017) “The Princeling in the West Wing”, *The New York Times*, May 10, <https://www.nytimes.com/2017/05/10/opinion/jill-abramson-the-princeling-in-the-west-wing.html>.
- American Constitution Society (2019) “Key Findings of the Mueller Report”, <https://www.acslaw.org/projects/the-presidential-investigation-education-project/other-resources/key-findings-of-the-mueller-report/>.
- Asimov, Isaac (1980) “A Cult of Ignorance”, *Newsweek* (21 January), p.19.
- Bernstein, Andrea (2020) *American Oligarchs: The Kushners, the Trumps, and the Marriage of Money and Power*, New York: W.W. Norton & Company.
- Deleuze, Gilles (1992), ‘Postscript on Societies of Control,’ *October* 50: 3-7.
- DOJ Alumni Statement (2019) “Statement by Former Federal Prosecutors”, <https://medium.com/@dojalumni/statement-by-former-federal-prosecutors-8ab7691c2aa1>.
- Eisen, Norman L., Richard W. Painter & Laurence H. Tribe (2016) “The Emoluments Clause: Its Text, Meaning, and Application to Donald J. Trump”, Washington, DC: Brookings Institution.
- Ho Ming-sho (2019) *Challenging Beijing’s Mandate of Heaven: Taiwan’s Sunflower Movement & Hong Kong’s Umbrella Movement*, Philadelphia: Temple University Press.
- Horowitz, Donald L. (2013) *Constitutional Change and Democracy in Indonesia*, Cambridge: Cambridge University Press.
- Horowitz, Irving L. (1999) *Behemoth: Main Currents in the History and Theory of Political*

¹⁶ Update, 13 February 2021: The result of Trump’s second impeachment reiterates more democracy’s fatal flaw.

- Sociology*, New Brunswick: Transaction Publishers.
- House Permanent Select Committee on Intelligence (2019) “Trump-Ukraine Impeachment Inquiry Report”, [https://intelligence.house.gov/uploadedfiles/20191203 - full_report_hpSCI_impeachment_inquiry.pdf](https://intelligence.house.gov/uploadedfiles/20191203_-_full_report_hpSCI_impeachment_inquiry.pdf).
- Kapferer, Bruce & Dimitrios Theodossopoulos eds. (2018) *Democracy's Paradox: Populism and its Contemporary Crisis*, Oxford: Berghahn.
- Kohli, Atul (1990) *Democracy and Discontent: India's Growing Crisis of Governability*, Cambridge: Cambridge University Press.
- Michel, Lou & Dan Herbeck (2001) *American Terrorist: Timothy McVeigh & the Oklahoma City Bombing*, New York: Regan Books.
- Norris, Pippa & Ronald Inglehart (2019) *Cultural Backlash: Trump, Brexit, and Authoritarian Populism*, Cambridge: Cambridge University Press.
- Przeworski, Adam (2019) *Crises of Democracy*, Cambridge: Cambridge University Press.
- Ranciere, Jacques (2007) *Hatred of Democracy*, London: Verso.
- Rohlen, Thomas (1983) *Japan's High Schools*, Berkeley: University of California Press.
- Said, Edward W. (1978) *Orientalism*, New York: Pantheon.
- Smith, David (2017) “Trump risks US being seen as 'kleptocracy', says ex-ethics chief Walter Shaub”, *The Guardian* <https://www.theguardian.com/us-news/2017/jul/31/trump-ethics-chief-walter-shaub-kleptocracy>.
- Sunstein, Cass R. (2017) *#Republic: Divided Democracy in the Age of Social Media*, Princeton: Princeton University Press
- Tocqueville, Alexis de (2010 [1835]) *Democracy in America*, Indianapolis: Liberty Fund.