# POLARIZATION AND DEEP CONTESTATIONS

The Liberal Script in the United States

EDITED BY

Tanja A. Börzel Thomas Risse Stephanie B. Anderson Jean A. Garrison

# Polarization and Deep Contestations

#### CONTESTATIONS OF THE LIBERAL SCRIPT—SCRIPTS

This volume has emerged from research carried out as part of the Cluster of Excellence "Contestations of the Liberal Script" (SCRIPTS), which analyzes the contemporary controversies about liberal ideas, institutions, and practices on the national and international level from a historical, global, and comparative perspective. It connects academic expertise in the social sciences and area studies and collaborates with research institutions in all world regions. Operating since 2019 and funded by the German Research Foundation (DFG), SCRIPTS unites eight major Berlin-based research institutions: Freie Universität Berlin, the Humboldt-Universität zu Berlin, the Berlin Social Science Center (WZB), the Hertie School, the German Institute for Economic Research (DIW), the Berlin branch of the German Institute of Global and Area Studies (GIGA), the Centre for East European and International Studies (ZOiS), and the Leibniz-Zentrum Moderner Orient (ZMO).

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## **Preface**

This book results from a research cooperation between the Cluster of Excellence "Contestations of the Liberal Script" (SCRIPTS), hosted by Freie Universität Berlin, Germany, and the School of Politics, Public Affairs & International Studies (SPPAIS) at the University of Wyoming, Laramie WY, United States. SCRIPTS is a research consortium that analyzes the contemporary controversies about liberal democracy and market economy. The term "liberal script" relates to a set of ideas and institutional prescriptions about how society is organized based on the core principles of individual and collective self-determination. The main purpose of SCRIPTS is to describe and explain why the liberal script is being challenged and deeply contested despite its political, economic, and social achievements. SCRIPTS has been operating since 2019 and is funded by the German Research Foundation (DFG) as part of the Excellence Strategy of the German Government and the Federal States (Grant EXC 2055). The Berlin-based cluster unites eight major Berlin-based research institutes.

This volume is one of a series of SCRIPTS studies focusing on contestations of the liberal script in the various world regions. The US is both a state and a continent. It is the first liberal democracy in the world, a global superpower, and has been facing deep contestations of the liberal script throughout its history. Today, it is confronted by a crisis of democracy. Authoritarian populism is on the rise, exacerbated by polarization, which pits deeply divided political camps with opposing visions of the future against one another, diminishing the shared political ground so crucial to democratic and effective governance.

To study the contestations of the liberal order in the US, SCRIPTS has teamed up with SPPAIS at the University of Wyoming in Laramie, WY. The University of Wyoming is located in the Rocky Mountain West and has provided a distinctive place to cohost our discussions. Wyoming is a deeply "red," i.e., Republican, state where the contemporary contestations of the liberal script are played out every day. It has a long libertarian tradition celebrating individual freedom, alongside closely knit rural communities. Called the "equality state," it was the very first territory in the world (let alone the US) where women gained the right to vote and held public office in 1869. It is also a state where Donald Trump received 74 percent of the vote in 2016 and 70 percent in 2020. As "flyover" country between the two coasts, Wyoming provides a unique proving ground for exploring why Donald Trump, a real-estate entrepreneur from New York City, would be so appealing to rural voters.

When we started this project in 2019, we could not have predicted that Wyoming would also become the locus for one of the deepest contestations of the liberal script in US history. After the January 6, 2021 attacks, Representative Liz Cheney of Wyoming would go on to co-lead the House of Representatives investigation of

the onslaught on the US Capitol. As Cheney explained, "we have to choose. Because Republicans cannot both be loyal to Donald Trump and loyal to the Constitution" (Ward 2022). In the end, the people of Wyoming chose not to re-elect her.

These events demonstrate that deep contestations of the liberal script at the domestic as well as the international level matter to our everyday lives. They present thorny problems that call for cool heads, outside of the hyped media landscape, to do what scholars do best—bring an analytic lens to the problem so that we can understand it better. A closer examination of deep contestations of the liberal script by the authors in this volume illustrate greater complexities than we originally thought, and challenged us to bring a broad range of perspectives to this multifaceted and complex puzzle.

This book is the collaborative result of intensive discussions at three workshops. Soon after we began, COVID-19 hit, and—unfortunately—we had to move our first two workshops online, which took place in September 14–16, 2020, and October 14–15, 2021. Finally, we were able to meet in person again, at the Albrechtshof Hotel in Berlin, June 2–3, 2022. Our joint work began with more than 25 scholars. In the end and in this book, we have assembled a diverse group of 15 scholars from the social sciences and humanities representing seven universities in the United States, Mexico, and Germany to bring a wide range of comparative expertise to bear.

We wish to thank all of our colleagues who have been part of this project from the start. At the University of Wyoming, we thank the Center for Global Studies, its director Caroline McCracken-Flesher and Assistant Director Kehli Hazlett, for their help in hosting the first two workshops. At the Freie Universität Berlin, we particularly thank the SCRIPTS Managing Director, Isabel Winnwa, and Kaja Kreutz, without whom the organization of the workshops would not have been possible. Moreover, we are grateful to our student research assistants, particularly Cara Thielen, Leonie Kahl, Paula Martini, and Jörn Ziegler, for their tremendous help with the workshops and editing the manuscript.

At Oxford University Press, we thank Dominic Byatt for guiding this book through the publication process. We are particularly grateful to two anonymous reviewers for their detailed and helpful comments on the manuscript. We also thank various audiences at SCRIPTS and at panels at the International Studies Association annual meeting as well as the annual convention of the American Political Science Association for their input.

Last, but not least, our thanks go to Vicki Sunter, our editorial contact at OUP, to Rajeswari Azayecoche, our excellent production manager, to Philip Dines for copy editing, and to Geoff Bailey for providing the index.

Tanja A. Börzel, Thomas Risse, Stephanie B. Anderson, and Jean A. Garrison Berlin, Germany, and Laramie, Wyoming, September 2023

Ward, Maya. 2022. "Liz Cheney: 'Republicans cannot be both loyal to Donald Trump and loyal to the Constitution." *Politico*, June 29. https://www.politico.com/news/2022/06/29/liz-cheney-republicans-trump-constitution-00043374 (accessed September 7, 2023).

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## 1

## Introduction

# Polarization and Deep Contestations of the Liberal Script in the US

Tanja A. Börzel, Thomas Risse, Stephanie B. Anderson, and Jean A. Garrison

When Joe Biden was elected president of the United States in November 2020, a collective sigh of relief went around the globe, at least among those who cared about American democracy.¹ With Biden's announcement that "America is back,"² the European allies, in particular, were reassured that some good, old, boring normalcy might return to US politics. Unfortunately, the sense of relief did not last long. On January 6, 2021, a violent mob of Trump supporters, some of whom were armed, stormed the US Capitol. People around the world were glued to their screens. January 6 became a global event, similar to November 9, 1989, when the Berlin Wall came down, or to September 11, 2001, when terrorists destroyed the World Trade Center in New York. However, whereas 9/11 was an external assault against the US as a leading author of the liberal script, the ravage of the Capitol, a beacon of American democracy, came from within US society itself (see House of Representatives 2022).

Hopes that January 6 would help unite an increasingly divided American society behind a general commitment to the liberal script were dashed a year later. On the one-year anniversary of the assault on the Capitol, only two Republicans—Representative Liz Cheney of Wyoming<sup>3</sup> and her father, former Vice President Dick Cheney—joined House and Senate members and the president at the commemoration ceremony. Meanwhile, the Republican base did not see January 6 as an attack

<sup>&</sup>lt;sup>1</sup> We are extremely grateful to the participants of the three workshops on "Contestations of the Liberal Script in the United States" for their critical comments and input to this introduction. We also thank two anonymous reviewers for their insightful suggestions. This work has been funded by the German Research Foundation (*Deutsche Forschungsgemeinschaft*) under Grant EXC 2055, Cluster of Excellence "Contestations of the Liberal Script" (SCRIPTS).

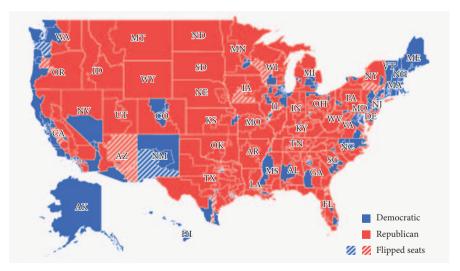
<sup>&</sup>lt;sup>2</sup> Remarks by President Biden on America's Place in the World, Washington, D.C., February 4, 2021, https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/04/remarks-by-president-biden-on-americas-place-in-the-world/, accessed Feb. 2, 2022.

<sup>&</sup>lt;sup>3</sup> For insights into Liz Cheney's own views on Jan. 6, 2021 and its aftermath see "Jan. 6, Part 2: Liz Cheney's Battle Against the 'Big Lie,'" https://www.nytimes.com/2022/01/06/podcasts/the-daily/cheney-trump-gop-jan-6.html, accessed Jan. 19, 2022.

on democracy, but rather as a "riot that got out of control," and, perhaps, for understandable reasons. Nearly two-thirds of Republican supporters agreed with the fake news that "voter fraud helped Joe Biden win the 2020 election." At the same time, both Democrats and Republicans—nearly 70 percent of American voters—shared the view that the US was in crisis and that American democracy was failing. Despite revelations from the 12-month investigation by the House Select Committee to Investigate the January 6 attack and the publication of its final report in December 2022, there has been no change in these attitudes across party lines. There is evidence in recent polling that almost 80 percent of Republicans have no confidence in the fairness of the upcoming 2024 election.

Nor did the 2022 midterm elections change much: The Republicans narrowly regained control of the House of Representatives, while the Democrats held on to the US Senate. The US is fairly evenly divided and heavily polarized. Democratic districts are concentrated on the two coasts and in larger urban centers while rural America remains more solidly Republican (Figure 1.1).

This book argues that Donald Trump has been a symptom as well as a catalyst—maybe "on steroids"—rather than the cause of the contemporary contestations of the liberal script in the United States. The authors in this volume do not necessarily agree



**Figure 1.1** US Mid-Term Election Results, House of Representatives, November 2022 https://www.cnn.com/election/2022/results/house?election-data-id=2022-HG&election-painting-mode=projection&filter-key-races=false&filter-flipped=false, accessed Jan. 1, 2023.

<sup>&</sup>lt;sup>4</sup> The Monmouth University national poll, Sept. 27, 2022, https://www.monmouth.edu/polling-institute/reports/monmouthpoll\_us\_092722/, accessed June 19, 2023.

<sup>&</sup>lt;sup>15</sup> Data according to an NPR/Ipsos poll, see "6 in 10 Americans say US democracy is in crisis as the 'Big Lie' takes root," https://www.npr.org/2022/01/03/1069764164/american-democracy-poll-jan-6, accessed Jan. 19, 2022.

<sup>&</sup>lt;sup>6</sup> The June 2023 Associated Press-NORC Center for Public Affairs Research Poll, https://apnorc.org/projects/partisan-views-of-the-electoral-system/, accessed June 19, 2023.

on the origins of and the explanations for the current contestations. They worry, however, that these contestations precipitate a veritable crisis in American democracy. To discern their major drivers from a longue durée perspective, each chapter takes a step back and digs deeper asking:

- How can we best describe the current contestations of the liberal script in the US, exploring the extent to which the US is unique in comparison to other liberal democracies facing similar contestations?
- What are the main drivers and root causes that *explain* the current contestations and the crisis of American democracy they may precipitate?
- What have been and what are the likely *consequences* for the future of American democracy?

This introduction to the volume proceeds in the following steps. First, we conceptualize the "liberal script," its inherent tensions, and contestations. We, then, discuss the particular US version of the liberal script linking it to the debate about "American exceptionalism." Second, by drawing on the chapters of the volume, we map the deep contestations the US liberal script is currently facing. The third part offers three explanations for these contestations that emanate from inherent tensions of the script and its particular US version. We conclude with remarks about the possible future of the liberal script in the US.

### What Is the Liberal Script, and How Does It Play Out in the US?

#### The Liberal Script and Its Contestations

A script is a shared understanding about the organization of society that consists of a coherent set of prescriptive and descriptive statements on how a society is and should be (Börzel and Zürn 2020). As such, "script" is a generic concept. What makes it liberal are the underlying liberal ideas about the organization of society. Compared to Europe, in the US, the term "liberal" is often used differently. As Franklin D. Roosevelt put it in 1941, "(t)he liberal party insists that the Government has the definite duty to use all its power and resources to meet new social problems with new social controls—to ensure to the average person the right to his own economic and political life, liberty, and the pursuit of happiness" (Roosevelt 1938, xxix). In other words, the general US understanding of what constitutes "liberal" has more in common with social democratic approaches in a European context, emphasizing the need for the state to intervene in the market to promote social justice and redistribute economic wealth. In contrast, many European "liberal" parties—e.g., the German Free Democratic Party—emphasize individual freedom and market economies with as little state intervention as possible.

In this volume, we use the term "liberalism" and "liberal script" in a broader sense than in either of the common American and European understandings (Börzel and Zürn 2020; Zürn and Gerschewski 2021; and Börzel and Risse 2023, for the following). Earlier, as well as non-Western origins notwithstanding, we trace the liberal script back to the philosophy of the Enlightenment (Freeden 2015). The basic ideas of liberal thought concern the principles of individual freedom as well as individual and collective self-determination. For the political sphere, liberalism connotes the rule of law and the separation of powers, the universality of human rights, and democracy. Economically, the liberal script relies on the market as the mechanism for allocating scarce resources and life chances, with the right to private property as well as the principle of meritocracy. From a societal perspective, liberalism emphasizes pluralism, tolerance, and openness to different lifestyles.

Numerous varieties of the liberal script have evolved at different times and in different places. They can be distinguished with regard to how they resolve the inherent tensions between various principles of the liberal script. The most important tension in the liberal script concerns the relationship between the two core principles of individual versus collective self-determination and has political, economic, and cultural dimensions (Börzel and Risse 2023). Politically, there is a trade-off between the protection of individual rights (including the rights of minorities) and majority rule. Majority rule that ignores individual rights constitutes what de Tocqueville denounced as the "tyranny of the majority" (Tocqueville 1994 [1835/1840], part 2, ch. 7, 8). At the same time, democratic rule is entitled to limit individual choices, if only temporarily. For example, liberal democracies vary in the degree to which they limit free speech with the US "first amendment" rights marking the more individualist end of the continuum.

In the economic sphere and using the shorthand of the free market versus solidarity, the second tension puts "neoliberal" concepts, such as the privatization and deregulation of public services against social democratic ideas of solidarity and the welfare state. The literature on the "varieties of capitalism" has extensively discussed the ways in which market economies have dealt with these tensions (Hall and Soskice 2001).

Last, but not least, there is a cultural tension between individual rights and lifestyle choices, on the one hand, and group rights as well as community norms, on the other. The various "cultural wars" about reproductive rights, sexual orientations, race, multiculturalism, and the like indicate that most liberal societies are still struggling with these tensions.

These tensions inherent to the liberal script often lead to contestations in liberal societies. Contestations of the liberal script are social practices that seek to change or replace the script, are publicly expressed and justified, and involve a certain level of social mobilization (Börzel and Zürn 2020). Contestations are constitutive for the liberal script. Liberal societies and polities thrive on controversies over political, economic, or cultural issues. Institutions grant the freedom of contestations providing rules and procedures to challenge the status quo. Democratic procedures and institutions including the rule of law are designed to deal with these contestations in

a peaceful manner and to produce binding decisions, with the understanding that today's majority can be tomorrow's minority. At the same time, the liberal script sets limits to internal or liberal challenges and criticisms. Attacking and rejecting the liberal script as such or proposing to replace it by non- or illiberal alternatives is considered illegitimate and often illegal.

Contestations on how to resolve the various tensions of the liberal script are defining features of any democratic society and polity. These internal contestations arise in the political, economic, and cultural spheres. They are often directed against the failure of liberal democracies to deliver on its own principles, such as equality (from anti-slavery to women's emancipation and the civil rights movement). Many contemporary contestations such as Black Lives Matter (BLM) denounce the "broken promises" of the liberal script by holding up liberal values against liberal practices (Ali, this volume).

We can use these inherent tensions and contestations to place the US political system, economy, as well as culture and society in the temporal and spatial varieties of the liberal script. In addition, the tensions allow us to describe the history of the liberal script in the United States as a history of contestations and backlash from the beginning. The unfolding of the liberal script has always implied the disempowerment of groups that traditionally played dominant roles in society. The emancipation of women circumscribed privileges for men; abolitionism disempowered slaveholders; and the antidiscrimination movement diminishes the entitlements of white people, Christianity, and heteronormativity. Against this backdrop, Lipset wrote a history of backlash in the US as one in which liberal progress was always countered by a temporary backlash of "white men" (Lipset and Raab 1973).

While internal contestations are not only normal, but constitutive for liberal societies and polities, the liberal script often encounters external contestations challenging its core features and principles from illiberal or nonliberal perspectives. While some of these external contestations derive from autocratic regimes, such as Russia or China, they can also be found inside liberal societies and polities. Fascism, for instance, originated inside liberal states, most notably Germany. Radical socialist minorities have attacked market economies and individual property rights in many countries as external contestants for quite some time. In contemporary Europe, rightwing populist governments in Poland (until 2023) and Hungary have curtailed the rule of law, the freedom of the press, as well as academic freedom. In the US, on January 6, 2021, the mob storming the US Capitol challenged a core democratic principle, namely the peaceful transition of power after elections. Other external contestations include challenges to the independence of the judiciary (Benson, this volume) or attacks on basic human rights, such as discrimination according to gender, race, or religion (Ali as well as Pally, this volume). In short, external contestations of the liberal script have been around in democratic societies and polities throughout history, and the contemporary US is no exception.

This volume focuses on what we call "deep contestations" of the liberal script in the United States (see also Lake and Wiener forthcoming). Deep contestations emerge when the fundamental rules of politics, the principles and procedures through which policies get made, are challenged. Deep contestations can be both internal and external, but they always involve a high degree of social mobilization and radicalization. They may either create or reinforce societal and political polarization which is particularly relevant in the contemporary US. The above-mentioned "cultural wars" are a case in point. Another example are abortion rights (cf. the 2022 *Dobbs v. Jackson Women's Health Organization* decision of the US Supreme Court overturning *Roe v. Wade*). As such, the controversy over abortion concerns an internal contestation of the liberal script pitching the (reproductive) rights of women and their health against the right to life of the unborn child (including when it begins). These controversies have led to deep contestations indicated by the high degree of social mobilization and radicalization in the US, thereby reinforcing existing societal polarization.

#### The US Liberal Script and Its Internal Tensions

The US liberal script has been contested from its very beginnings, along the inherent tensions of liberalism highlighted above. Regarding the political system, the American revolution, was not only about economic freedoms, but also about collective self-determination ("no taxation without representation"). With regard to the tensions between individual and collective self-determination, the US can be located on the more individualist side of the spectrum ("pursuit of happiness"). The US has built-in institutional "checks and balances"—between the legislature, the executive, and the judiciary—to protect the individual from an overzealous government. This turns the US system into a rather weaker state compared to most European countries. As Mayhew put it more than 30 years ago, "divided we govern," (Mayhew 1991; Garner, this volume). The US structure of dual federalism provides for additional checks on the powers of the federal government by the various states. Against the "tyranny of the majority," the US system is further characterized by a significant overrepresentation of sparsely populated, rural areas, as compared to urban centers, giving them disproportionate influence in the electoral college and legislative branch. For example, 580,000 Wyomingites elect two US senators as do almost 40 million Californians.

Populist mobilization is nothing new for the US (Puhle, this volume). In the 2010s, however, it started to exacerbate the built-in tensions in the liberal script, culminating in political deadlock and deepening us-versus-them divides (Garner, this volume, see also Mann and Ornstein 2012). As we will discuss below, the institutional structure of the US political system, including changes in the public sphere (Müller, this volume), is not made to deal with the polarization and right-wing populism we are witnessing today (Garner, this volume).

Regarding the conflict between market competition and social solidarity, as well as social welfare, the US has been more market-oriented from the start. It took the

US almost 150 years and the Great Depression to establish some sort of welfare state when Franklin D. Roosevelt introduced his New Deal programs and reforms in the late 1930s. Today, the pendulum has swung back and the US is situated more on the neoliberal and market-oriented side, at least for the past 30-40 years. Compared to European systems, the US welfare state is still rather weak (Alesina and Glaeser 2004; Pontusson and Raess 2012). In general, state intervention in the economy is considerably lower than in other OECD countries. In 2018, US tax revenue at the federal, state, and local level amounted to 24 percent of the GDP, compared to 34 percent of the OECD average. In 2020, US government expenditures equaled 45 percent of GDP, compared to 54 percent of the EU average.8 As a result, weak state intervention in the economy has led to an enormous inequality of wealth distribution in the US, compared to other OCED countries (Zürn, this volume). Last, but not least, the spectrum of what is considered acceptable discourse is narrower compared to other Western democracies, owing in part to the US's two-party system (see Ali, this volume), particularly during times of extreme contestation such as the McCarthyism of the 1950s. Neither fascism nor socialism has ever had much traction in the US. Particularly with regard to the latter, this might explain the low degree of state intervention in the economy (Lipset and Marks 2000). Ironically, today the extremes of both the Democratic and Republican parties equally challenge free market orthodoxy of the US economic liberal script.

Regarding culture and society, the tension between individual entitlements and community obligations has long been disputed in the US. The American Civil War was about economic conflicts between an industrializing North and a more rural South that depended on slave labor. It centered, however, around the individual rights of the disenfranchised Black population against the collective right to selfdetermination of US states. The struggles from the Civil Rights movements of the 1960s to Black Lives Matter (Ali, this volume) are fundamentally about social and political discrimination and marginalization because of race. In general, and again compared to others (particularly European liberal societies, but also Japan), US society tends to be more oriented toward the libertarian side of the spectrum. The US has been an immigrant society from the very beginning. The heterogeneity of cultural traditions goes together with a certain libertarian streak so as to enable societal integration in the first place. The same holds true for the massive plurality of religious communities in the US, Christian or otherwise (Pally, this volume). Vastly more Americans than Europeans practice their religious faith.9

At the same time and particularly among religious communities (Pally, this volume), there is a strong community spirit on the local level. The same libertarian anti-government sentiments often go together with local communitarianism. As Pally

<sup>&</sup>lt;sup>7</sup> https://www.taxpolicycenter.org/briefing-book/how-do-us-taxes-compare-internationally, accessed Jan. 22, 2022.

<sup>8</sup> https://de.statista.com/statistik/daten/studie/158267/umfrage/staatsquote-in-den-usa/; https://de. statista.com/statistik/daten/studie/6769/umfrage/staatsquoten-der-eu-laender/, accessed Jan. 22, 2022.

<sup>&</sup>lt;sup>9</sup> See https://www.pewresearch.org/fact-tank/2018/09/05/u-s-adults-are-more-religious-than-west ern-europeans/, accessed Jan. 22, 2022.

argues (this volume), many of the so-called "cultural wars" in contemporary American society are driven by seemingly irreconcilable and communitarian religious convictions and ideological orientations (see below for further discussion). Identity politics, that is, the social and political mobilization of exclusionary identities at the expense of intersectionality, contribute to the current polarization of American society and the contestations of the liberal script. As the events of January 6, 2021 documented, right-wing populism is increasingly threatening the constitutional consensus in the US. From a historical perspective, however, the current contestations might simply be another backlash against the ongoing extension of the liberal script.

Looking at the history of the US, we need to ask how unique its variety of the liberal script is compared to other liberal societies, particularly in Europe. This brings us right into the ongoing discussion of American "exceptionalism."

### How Exceptional Is "American Exceptionalism?"

Exceptionalism as a concept can have two meanings: one analytical to describe the uniqueness of a particular social and political system; the other related to the self-description of a society and a polity. From an analytical point of view, the US is certainly exceptional among the advanced liberal democracies with regard to its peculiar combination of a comparatively "weak" state, its neoliberal economic orientations, and its libertarian cultural tendencies. In other words, the US liberal script is oriented toward the individualist side of the tension between individual and collective self-determination. As Zürn argues in the conclusions to this volume, these unique features of US society and polity make the current internal and external contestations of the liberal script in the US exceptional.

Then, there is the US self-image as an exceptional country which is more controversial among US scholars. Seymour Martin Lipset was a leading emissary for the exceptional nature of America's liberal script. He considered America's abundance an important part of explaining its exceptionalism. The richness of the American continent with limited population made possible a new social structure and set of social relationships that emphasized equality, which reduced the potential for tensions, e.g., class tensions (Lipset 1985). Accordingly, the values underlying the American variety of the liberal script, including their contestations, are part of the American normal and a driver for its politics. These values are deeply embedded, culturally determined sentiments about the liberal script produced and reinforced by historical events (e.g., Bill of Rights) and by institutions. The contested liberal script represents "deep beliefs," such as "deference or antagonism to authority, individualism or groupcenteredness, and egalitarianism or elitism, which form the organizing principles of society" (Lipset 1996, 25). Lipset also stressed the adversarial relationships among groups, and the intense, morally based conflicts about public policy that take place in America—e.g., how to apply the American principles noted above that people purport to agree upon (Lipset 1985, 1996).

Lipset argued that America was qualitatively different in that it has been the most religious, optimistic, patriotic, rights-oriented, and individualistic state (see above). Noting its contradictions, America also has the highest levels of crime, incarceration, litigiousness as well as the lowest percentage of eligible electorate voting and declining civic engagement. At the same time, the US has the highest rate of participation in voluntary organizations. This list offers a perspective on the paradox that is America—both in terms of what is unique and what is similar to other states by resolving the various tensions in America's liberal script (Viola, this volume, on how these contradictions play out in American foreign policy). Lipset argued that the contradictory aspects of American society are intimately related (Lipset 1996; Puhle, this volume, for a discussion of the various stages of American populism).

At the heart of American exceptionalism is the messianic streak and the belief that the US is a country with a divine calling to uplift, particularly elements of the liberal script. This sense of self identity dates back to the founding myths of the nation. Tyrrell argues that the resurgence in the belief in American exceptionalism has deep roots in two circumstances: the historical foundation of America's "chosenness" and the revival of a religiously-based sense of American exceptionalism (Tyrrell 2021). Chosenness is rooted in the Protestant foundation of American culture, with scholars drawing a direct line between New England colonists to postwar America using Winthrop's "City Upon a Hill" sermon of 1630 as ground zero for American identity.<sup>10</sup> These foundations were used, for example, to create a mindset and ideology to combat communism during the Cold War, which was reinforced by an America that was the unrivaled economic superpower (e.g., emphasis on free enterprise) and Christian fundamentalists seeking to counter aggressive communism with a revived conservative moral agenda (Miller 1956; Tyrrell 2021; Pally, this volume; Anderson/Garrison, this volume, for a discussion of exceptionalism in American foreign policy).

In contrast, Hodgson sees the US as just one of many great, but imperfect, countries, and voices dismay over the religious, self-righteous and rights manipulation of a once ennobling idea of the American liberal script (Hodgson 2010; Puhle and Pally, this volume). The triumphalism and hubris that emerged from the "victory" and America's unrivaled power at the end of the Cold War, set a dangerous precedent for its politics that have reared rightward, and supported a mythology of American power that negatively impacted American policy and the international system (Deudney and Ikenberry 2012). Contesting American distinctiveness, Hodgson argues that nineteenth-century America and Europe are two parts of the same progressive, liberal capitalist civilization. They share a common set of values, which render them unique and often superior to other political groups in the world. Moreover, the US is not at all unique in claiming exceptionalism. Other countries, such as France, Great Britain, Germany, or China, all invoke exceptionalism as their foundational myths and as a means to secure a precarious national identity. These claims of exceptionalism have also shaped varieties of the liberal script. The European

https://www.jfklibrary.org/node/11516, accessed July 22, 2023.

Union, for instance, constructs itself as a "civilian power," which seeks to promote and protect the liberal script by nonviolent means, in contrast to the US (Börzel and Risse 2009).

What the cheerleaders for American uniqueness and those who see these claims as hubris share is a discussion of the importance of this myth for the self-identity of US citizens and leaders that resides deeply in the American psyche. To what extent the US self-identity of exceptionalism contributes to the contemporary populist contestations of the liberal script is a matter of contention among the authors in this volume (compare Puhle and Zürn, this volume).

# **Contemporary Deep Contestations of the US Liberal Script**

Contestations of the liberal script have been a constant theme throughout US history. The same holds true for populism and its varieties (Puhle, this volume). There have also been long-standing external contestations, objecting to core components of US liberalism, which have erupted into violent uprisings, e.g., the American Civil War. During the twentieth century, the issue of race was particularly prone to external contestations, with the Ku Klux Klan and white extremism, on the one hand, and some parts e.g., of the Black Panther movement, on the other, clashing (Ali, this volume). Many of these movements have promoted exclusionary in-group/out-group identities energized by political polarization and sought to advance alternative, nonliberal and even illiberal ideas for organizing American society and politics.

A central claim of this volume is that the contemporary US increasingly faces contestations of the liberal script that come with a high level of societal mobilization. These deep contestations both exacerbate and are reinforced by the political polarization along party lines in some sort of vicious circle (Mueller, Garner, Benson, Pally, Ali, this volume). Let us clarify what we mean here: Political polarization has two dimensions, one ideological, the other one affective (see e.g., Abramowitz and Saunders 2008, Abramowitz and Webster 2018; Garner, this volume). Ideological polarization refers to political attitudes getting more extreme, either along the "left vs. right" dimension or the "liberal cosmopolitan vs. authoritarian nationalist" dimension (see below on these cleavages). Data show that the ideological polarization among US party elites has grown substantially, while it has increased more moderately among citizens (see Figure 1.2; Abramowitz and Saunders 2008; Mann and Ornstein 2012; Garner, Anderson/Garrison, this volume; for an alternative view see Fiorina 2017). In contrast, affective polarization—sometimes referred to as "negative partisanship"—connotes strong negative attitudes toward "the other" party, be it Democrats or Republicans. Affective polarization has increased enormously over the past decades (Abramowitz and Webster 2018; Webster and Abramowitz 2017; Garner, this volume), both among the party elites and among ordinary citizens (Figure 1.2; for data with regard to foreign policy see Anderson/Garrison, this volume).

	Ideological Polarization	Affective Polarization
Elites	strong	strong
Citizens	moderate	strong

Figure 1.2 Polarization among US Party Elites and Citizens

Deep contestations and polarization reinforce each other in the US polity. Moreover, while ordinary citizens still may hold rather moderate views with regard to many policy positions (on foreign policy see Anderson/Garrison, this volume), affective polarization and "sorting" override this constraining effect on the political system (see below).

The authors in this volume discuss the various (internal and external) contestations of the liberal script in the US from a variety of perspectives and angles. While internal and external contestations of the US liberal script have been an almost continuous feature in American history, the confluence of deep contestations makes the contemporary period unique and threatens the survival of American liberal democracy. As Zürn puts it (this volume), it is precisely American exceptionalism that renders the current contestations of the US liberal script exceptional.

A first set of chapters look at particular political and societal institutions where contestations of the US liberal script play themselves out. *Müller* investigates the changing nature of the American public sphere from a market place of ideas, where individuals and groups exchange reasoned opinions based on accurate information, to an arena where mis- as well as disinformation—fake news—are increasingly spread by illiberal forces. The US never resembled a Habermasian public sphere where free and equal citizens exchange arguments. Regulatory and commercial decisions enabled a transformation of the public sphere into one in which liberal "truth regimes" (Adler and Drieschova 2021) no longer matter and "echo chambering" prevails. Since there is no longer a common ground by which to evaluate what constitutes "facts," this evolution amounts to an external contestation.

Puhle's chapter investigates the long history of populism and "populist democracy" in the United States. As such, populism and populist movements have been part and parcel of the American polity from the beginning and more powerful than in many European countries. For the most part, however, these populist movements have been internal contestants of the US liberal script. With the rise of right-wing (or "authoritarian," Zürn, this volume) populism, including Trumpism and its capture of the Republican Party, populist forces have become more extremist, fundamentalist, and illiberal, increasingly turning from deep internal to external contestants of US liberalism.

*Garner's* chapter looks at the polarization in US politics and society that amounts increasingly to an external contestation of the liberal script with regard to the rule of law, basic democratic norms, and democratic elections including the peaceful transition of power. He argues that mass polarization and elite polarization feed into each

other producing a vicious cycle that threatens the core fabric of American democracy. The increasing urban–rural divide, deepened by geographic sorting and growing "negative" or "affective partisanship" (see above), further exacerbate these trends. Specific features of the US political institutions, such as the primary system, fuel the polarization.

How the internal and external contestations of the liberal script play themselves out in the US Supreme Court (SCOTUS) is the focus of *Benson's* chapter. He claims that, throughout its history, the Supreme Court has been at times defender and at other times, contestant of the liberal script. On the one hand, SCOTUS has protected core political rights against state intrusion and has expanded fundamental rights through affirmative steps. On the other hand, the court has reinforced racial segregation in the late nineteenth and early twentieth centuries. In that sense, the most recent Supreme Court decisions on voting rights or abortion have reinforced and contributed to the polarization in American society. At the same time, the societal and political polarization increasingly threatens the legitimacy of the court as an impartial interpreter of the law, thereby calling into question a cornerstone of the liberal order, an independent judiciary.

The following two chapters focus on two particular contestants of the US liberal script, one increasingly external, the other mostly internal. *Pally's* chapter looks at a group that perceives itself increasingly disenfranchised by the US political system, namely white Christian evangelicals. While evangelicals and religious dissenters were founders of the original settler colonies, historically, they have mainly raised their concerns through internal contestations. This has changed most recently, when large groups joined Trump's right-wing populism and the respective factions of the Republican Party, culminating in white evangelical support for the January 6 insurrection. As Pally documents, their strong community spirit turned into "us—them" distinctions directed against outsiders and immigrants, while their wariness of oppressive government turned into opposition against government and elites per se.

As *Ali* argues in his chapter, the most recent Black Lives Matter (BLM) movement and its focus on the disenfranchisement and marginalization of the African American population constitutes only the most recent example of a long history of independent Black movements dating back to the nineteenth century. These movements—including their populist parts—mostly represent internal contestations of the US liberal script insofar as they highlight the broken promises of (racial) equality and opportunity (but see above). While BLM might contribute to the polarization of US society, these (and other) social movements challenge core components of the liberal script from within. As Ali shows, however, BLM and other Black movements particularly challenge the Democratic Party which has taken the African American vote for granted without accommodating their demands for equality and social justice.

Freedom of expression, as enshrined in the liberal script, also protects the arts. While controversies about artistic performances are quite common in liberal societies, one would not expect theater productions to be subjected to external contestations and threats of violence. However, as *Parolin's* chapter documents,

this is precisely what happened with regard to performances of Shakespeare's *Julius Caesar* in New York's Central Park in 2017. The production compared Caesar's authoritarianism in ancient Rome with Trump's presidency. By way of artistic performance, liberal values were held up against the US president as an internal contestation. However, (right-wing) opponents of the play intervened threatening to shut it down by violent means. In other words, they turned what could have been an internal contestation (should Trump be legitimately compared to an authoritarian ruler?) into an external one. Thus, Parolin argues, illiberalism in US society has affected artistic expression.<sup>11</sup>

The remaining chapters in the volume document contestations of the US liberal script with regard to a particular policy area, namely foreign policy. For a long time, US foreign policy has been regarded as a, if not *the*, cornerstone of the liberal international order (Ikenberry 2012; Lake et al. 2021). Challenging this view, *Viola* documents the continuous illiberal tendencies in US foreign policy, where Trump's "America First" only represents one of a series of illiberal challenges to the international order. Viola then distinguishes three ways by which one can explain the continuous gap between liberal principles and illiberal practices in US foreign policy. Aspirational accounts explain the gap between principles and practices as anomalies that will be overcome eventually. Justificatory arguments hold that liberal goals sometimes require the use of illiberal means, while necessity accounts point to the inherent connections between liberalism and illiberalism with regard to foreign policy. Viola uses particular periods in US foreign policy to substantiate her argument.

Börzel/Risse focus on the past 20 years of US foreign policy. They examine how domestic politics in the US affects the American leadership role with regard to the liberal international order (LIO). The recent reorientation of the Biden administration toward transatlanticism and multilateralism notwithstanding, the chapter shows that domestic polarization has reached foreign policy, too. Bipartisanship in foreign policy is no longer the rule, but remains the exception (it is strongest with regard to China, while evaporating with regard to Russia and its invasion of Ukraine). While there has always been only selective US engagement with the LIO, US leadership with regard to the liberal international order is in decline, not because of a lack of American power, but because of domestic polarization.

The chapter by *Anderson/Garrison* investigates US public opinion with regard to foreign policy and the liberal international order. The authors document the overall internationalist, cooperative, and multilateralist orientations of public attitudes toward foreign policy which have changed little over the years. In that sense, the public consensus in favor of a liberal international order is alive and kicking. However, the foreign policy consensus among Democrats and Republicans almost evaporates when placed in the context of political polarization and "negative partisanship" (Garner, this volume). In other words, partisanship trumps foreign policy

<sup>&</sup>lt;sup>11</sup> See also the (failed) attempt by Republicans to shut down the National Endowment for the Arts. See https://www.nytimes.com/2017/03/17/arts/nea-neh-trump-congress.html, accessed Jan. 3, 2023.

attitudes, thereby weakening public support for an internationalist and multilateralist US foreign policy.

Toro/Covarrubias examine external contestations with regard to US foreign policy using the example of border control, immigration, and trade. The liberal border script involves a tension between the universality of human rights, on the one hand, and the rights of a political community to ultimately determine its members, on the other. As a result, border controls are almost always subject to internal contestations, and the US is no exception. However, using the example of the US–Mexico border, Toro/Covarrubias document a trend in US border control policies away from the legitimate tensions of the liberal script toward dehumanizing exclusion, nativism, and identity politics coupled with severe violations of the human rights of migrants.

Zürn's chapter draws it all together and offers its own interpretation of the current deep contestations in the US. He argues that it is precisely US exceptionalism as the specific version of the American liberal script that breeds the exceptional strength and form of authoritarian populism in the US today. The US liberal script is based on a strong belief in markets and the merit principle, comes with a political system full of checks and balances, a multicultural tendency, and strong community orientations at the local level. Zürn argues that these features have produced the economic, cultural, and political conditions under which authoritarian populism blossoms exceptionally well.

## **Explaining Deep Contestations of the US Liberal Script**

The chapters in this volume provide a detailed account of the deep contestations of the liberal script in the US. The United States has long had a history of social and wealth inequality, a poor social welfare safety net, marginalized groups, discrimination, an urban/rural divide, and a robust values debate, e.g., over abortion, etc. What has changed over the past twenty years to turn such contestations into a growing threat to the US liberal script? How can we explain the rise of deep contestations? This volume does not identify a monocausal explanation. Rather, the chapters point to a confluence of several accounts.

In the following, we draw on the chapters in this book to discuss three major developments that have fostered deep contestations of the liberal script and unprecedented polarization in the United States. First, the US variety of (neoliberal) capitalism has led to extreme wealth inequality and fear of status loss among large parts of the (white male) population. Second, the traditional socioeconomic cleavage between left and right has been overshadowed by an identity-based cultural cleavage with strong in-group/out-group distinctions (Pally, this volume). This is the flip side of both the libertarian and communitarian tendencies in American society discussed above. Third, the peculiar setup of US political institutions with its various checks and balances cannot handle deep contestations and a political polarization that splits the country roughly in half (Garner, this volume). These trends are exacerbated by the deterioration of a viable public sphere and the rise of social media with its

"echo-chambering" (Müller, this volume) and by particular Supreme Court rulings (Benson, this volume).

All three accounts represent causes endogenous to the three tensions inherent in the liberal script and the way in which the particular US version of the script deals with them. It is the inherent tensions in the US liberal script that have led to the current (deep and external) contestations threatening the very nature of the country's liberal democracy (Zürn, this volume).

#### **Market Competition and Rising Inequality**

The US variety of neoliberal capitalism with its emphasis on market competition rather than social solidarity and welfare state interventions has had dramatic consequences for economic and social inequalities (see Flaherty and Rogowski 2021). Between 1989 and 2016, the wealth gap between the richest and poorest Americans more than doubled. For example, in 1989, the richest 5 percent of families made 114 times that of the median wealth of those in the second to lowest quintile. In 2016, that figure increased to 248. Among the G-7 countries, the United States has the highest income inequality. The GINI index value of the US measuring inequality is higher than in any of the European countries (Zürn, this volume).

With more billionaires than any other country, the wealthy benefit by donating millions to political candidates who will cut taxes for the rich, resulting in billions of dollars of tax savings and decreased government revenue. In other words, the rising inequality feeds into the political system by increasing the power of the few wealthy against the majority of Americans. US Supreme Court rulings exacerbated these trends (Benson, this volume). While campaign finance reform had been discussed and championed by both parties, the Supreme Court ruling in 2010 of *Citizens United v. Federal Election Commission* set back the effort by ending election spending restrictions that had been on the books for more than a century. In doing so, the ruling changed the political landscape by fueling the growth of super PACs and anonymous nonprofits where donors can work in the shadows.

Thus, the rising inequality had a direct effect on politics and both parties by strongly increasing the power of the wealthy and shifting economic policies to the right. At the same time and in conjunction with rising inequality, the offshoring of jobs and automation have deteriorated the economic conditions in many rural areas and small towns. To survive, they have had to change their economies from logging, mining, farming, and ranching to tourism, causing resentment of the newcomers and their second homes (Sherman 2021; Broz et al. 2021). Economic duress has led to fear of the loss of status in many, mostly white communities and among Christian evangelicals (Pally, this volume; see also Jones et al. 2017). From 1999 to 2016, a period of time correlating with increased economic inequality, the number of suicides increased, especially in rural areas (Steelesmith et al. 2019).

Economic duress and fear of status loss do not result in support for redistributive measures, which would require more state intervention in the economy. Since

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the public and particularly the economically most affected groups in rural areas do not trust in government (Macdonald 2020), they become much more susceptible to right-wing populism of the Trump variety and its "us/them" identity politics directed against (urban) liberal elites and the "deep state" in Washington, D.C. This leads directly to the cultural cleavage driving much of the political polarization in the US.

#### Cultural Cleavages and the Us/Them Divide

The second explanation for the deep contestation of the US liberal script follows from inherent tensions between cultural individualism (libertarianism) and community-building (communitarianism). As argued above, the same liberal values that lead to strong preferences for individual lifestyle choices and equally strong community spirits can easily be turned around to identitarian politics and exclusionary visions of what constitutes US society. In this context, it is particularly significant that the US is a country of immigrants (Toro/Covarrubias, this volume). In 2018, for the first time, the majority of American youth under 15 was nonwhite. Census projections predict that the US will become minority white in 2045. Such realizations have fueled insecurity among poorer whites who—under economic duress—feel they have lost their chance at the American dream (Pally, this volume). These issues are about culture and identity: Is the United States a white, Christian country or a multicultural, melting pot of immigrants? Whose country is it? Whose history should be taught in schools? Where do "real" Americans live?

Why have these forces converged and come to boil now in the United States (and in other places around the world)? While patterns of polarization across cultural and identity lines have been documented since the 1960s, in recent years, this has reached a new peak in the United States. Carothers and O'Donahue characterize the current political polarization by its deep societal roots and as the outgrowth of a sociocultural struggle between contending conservative and progressive visions of the country in an us-versus-them dichotomy. Ideological polarization has become reinforced and radicalized by affective polarization (see above). This divide is not something that can be reversed easily by the election of new political leaders. It represents an iron triangle aligning ethnicity, ideology, and religion on each side of the divide of US polarization, creating a vicious cycle by undermining liberal institutions, such as the independence of the judiciary, gridlock in legislatures that make them a rubber stamp, and abuses of executive power (Carothers and O'Donohue 2019).

Norris and Inglehart have extensively documented the increasing cultural divide between social progressives and their preferences for cosmopolitanism, multiculturalism, and diverse lifestyles, on the one hand, and social conservatives favoring traditional values, authoritarianism, and the like (Norris and Inglehart 2019). Cleavage theory has also shown that the political space in many Western democracies is increasingly structured by this cultural divide between liberal cosmopolitanism and authoritarian nationalism (see e.g., Hutter et al. 2016; de Wilde et al. 2019). The US presents ample evidence that the cultural cleavage is structuring the political space

and explains the polarization between the two parties. Geographical sorting exacerbates the cleavage and the resulting polarization (Garner, this volume). While social progressives are concentrated in urban areas and big cities, social conservatives are overwhelmingly living in the countryside and in small towns affected by the economic downturn discussed above. Once politics is defined in in-group/out-group distinctions and in terms of exclusionary identities, political compromises are no longer possible and, in fact, have to be rejected. The right-wing populists that have captured the Republican Party exemplify this trend.

The ideological and affective polarization not only weakens and corrodes democratic norms and processes, it also exacerbates intolerance and divides among and within society, diminishes societal trust, and increases violence—creating a harmful and deep divide with elites and mass population fused into two large opposing camps (Carothers and O'Donohue 2019). These camps differ in their sociocultural outlooks, which goes beyond policy differences. People on each side dislike those on the opposing side such that they cannot peacefully coexist, even in personal relationships as friends, cementing the deep divide between the two rival visions for America. As the elite discourse has become more polarized, so has mass public opinion, which takes its cues from the elite discourse (Abramowitz and Saunders 2008; Levendusky 2009; Garner, this volume). In doing so, the increased polarization strengthens the in-group bond and fosters out-group hate (Heltzel and Laurin 2020; Piazza 2020). As Parolin shows (this volume), the polarization has now reached the arts.

Identity politics, at the root of many of these cleavages, helps explain the depth and persistence of these divides. Kaplan and Weinberg explored how the white radical right in the late twentieth century invoked populist grievance narratives and encouraged hostility against nonwhites and multiculturalism (Kaplan and Weinberg 1998). Parties and leaders who use hate speech to rally their base intensify political polarization and demonization of other groups in society. Whites' mistrust of government correlates directly with racial prejudice (Filindra et al. 2022; Pally, this volume).

Cultural differences and signposts in American society show the prevalence of growing intolerances on the right, but the left faces some of the same criticisms. "Cancel culture" has taken root and, through social media, becomes a deeply contested idea in the nation's public discourse which stymies legitimate discussion. The prevalence of "cancel culture," for people to go online and call out others for their behavior or words, is rampant. For some observers, many social justice movements constitute another form of intolerance that these movements purport to fight against and inadvertently become a barrier to a more equitable world (McWhorter 2021; on Black social justice movements see Ali, this volume).

In sum, we explain the political polarization in the US that has affected both mass public opinion and elite-level attitudes in a vicious cycle (Garner, this volume) with the predominance of a cultural cleavage that has transformed the libertarian as well as communitarian tendencies in the US liberal script into exclusionary identity politics. While more nuanced, the same trends also affect the traditionally strong American

public support for the LIO, with differences particularly visible between the foreign policy elite and mass public (see Anderson/Garrison, this volume). The institutional fabric of the US political system further exacerbates the polarization.

#### Majority Rule vs. Minority Rights

As argued above, the US liberal script has solved the inherent tension between minority rights and majority rule by designing political institutions characterized by a complex system of checks and balances. While the structure of the US polity has not caused the polarization, let alone right-wing populism, it has exacerbated its consequences.

Most democracies either have a proportional representation (PR) voting system that leads to a multiparty system (many continental European democracies) and/or a parliamentary system (such as the UK) whereby the majority in parliament directly elects the leader of the executive. In contrast, the US combines a presidential system, where legislature and president are elected directly, with a first-past-the-post voting system, which leads to a binary system with only two parties for Americans to choose from (Ali, this volume). Moreover, the primary system, where the most activated and often most extreme electorate vote, favor the ideologically purest candidates, thereby strengthening polarization. In addition, the US federal system favors rural areas, meaning that minority rule becomes more likely, especially as voters become either disenfranchised or disenchanted with elections. Furthermore, the 2013 US Supreme Court Shelby vs. Holder decision enabled voting restrictions on the state level by restricting oversight rights at the federal level which, in fact, disproportionately affected minorities including the African American population (Benson, this volume). Here, the court contributed to disenfranchising particular groups of American voters and enabled the challenges to the election system procedures following Trump's defeat in 2020.

The result is a political landscape that is split in half (see Figure 1.1 above) and calcified (Sides et al. 2022). Fifty percent of the (Democratic) voters are concentrated around the urban centers on either coast and the rest of the country (e.g., Chicago, Phoenix, Denver), while the other half (Republicans) populate the vast rural areas of the South, Midwest, and Western states. As a result of gerrymandering and redistricting (Garner, this volume), most electoral districts remain either red or blue. Elections are decided in very few districts with ever closer margins (see the few shaded areas in figure 1.1 above). The 2022 Congressional elections are a case in point. This results in a situation in which stable governance with lasting results is no longer possible, since the majority in Congress might change every two years with the new majority undoing the legislative acts of the former party in power. This has even affected US foreign policy, undermining US leadership in the world, since presidential administrations are increasingly unlikely to get legislative support and govern by executive orders (Börzel/Risse, this volume).

The US political system was not designed for such a situation, nor can American political culture cope with it (Mann and Ornstein, 2012). Taken together, they render government less effective and contestations of the liberal script more dangerous than in other liberal democracies, as pernicious polarization leads to autocratization (Somer et al. 2021). Not surprisingly, Americans are losing faith in their government and institutions. Of course, disillusion with government feeds populism, left and right, increasing external contestations of the liberal script in the US (Deneen 2018).

The institutional inability of the US political system to handle deep contestation and calcified polarization is further exacerbated by the transformation of the US public sphere (Müller, this volume). A viable public sphere is constitutive for a liberal democracy, in particular to articulate and debate the tensions between majority rule and minority rights. Shareable, likeable, and targeted social media ads fuel political polarization (Finkel et al. 2020; Rathje et al. 2021). This is the direct result of the "echo-chambering" effect of social media, which prevents users from accessing alternative views and tends to direct them to those views and "facts" with which they agree. As a result, the "truth regime" upon which a liberal public sphere is built (Adler and Drieschova 2021) evaporates. There is no longer a consensus on basic rules and procedures by which to judge the validity of competing arguments in the public sphere. This constitutes a vital threat to the liberal script.

# Conclusions: The Uncertain Future of the US Liberal Script

This volume documents the deep contestations of the US liberal script from a variety of perspectives. We argue that what makes the US variety of the liberal script exceptional also leads to exceptionally deep contestations that start threatening US democracy at its core (Zürn, this volume). What has started as internal contestations of tensions within and broken promises of the liberal script, has by now led to external contestations challenging core principles of liberal democracy. Moreover, these contestations come with a growing degree of social mobilization that exacerbates and is reinforced by polarization. The various chapters demonstrate the political, social, and cultural polarization of US society and politics. We identify three root causes for the deepening of contestations in the contemporary US:

- 1. economic inequalities and the fear of status loss among particularly rural white populations;
- the emergence and dominance of a cultural and identity-based cleavage of traditional-authoritarian vs. cosmopolitan-multicultural value orientations that are expressed in strong us-vs.-them identity constructions leaving little room for compromise;
- 3. the US political institutions' inability to deal with deep contestations in a productive and compromise-oriented manner, leading to more gridlock.

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So, what are possible futures of the US liberal script? Minority rights, social inequality, and community values have been contested throughout US history. However, in the twenty-first century, these contestations are more dangerous than in the past because Americans are more likely to see each other as the enemy. Americans' messianic tendencies often leads to seeing the world in black and white terms, as good versus evil. Politicians use the term "evil" to label America's adversaries, such as Reagan's referring to the Soviets as the "evil empire" and George W. Bush's the "axis of evil" in order to mobilize the country. Today, these good-vs.-evil distinctions are increasingly used in the domestic context as well to mobilize voters. Coupled with the structural changes described above, deep contestations of the liberal script become part and parcel of the culture wars and couched in terms of existential threat, where the "enemy" is demonized. Dogmatism and intolerance dominate in us-versus-them binary and in-group and out-group politics.

Violence has become a more acceptable means to protest policy. Sweeney and Perliger argue that this violence, most often associated with the right, is a spontaneous reaction to what they view as changes to their community (Sweeney and Perliger 2018). During Black Lives Matter protests, counter-protesters brought guns to assure their safety, often leading to more violence. In the case of the January 6 assault on the Capitol, the GOP declared it "legitimate political protest." With gun sales in the United States surging since President Obama was elected, and ammunition harder to find during the pandemic than toilet paper, we can expect more violence to settle disputes in the future.

What are the consequences of the deep contestations of the liberal script for the US? Is this merely another backlash against the "liberal triumph" of the 1990s, which will ultimately strengthen the liberal script, making it more inclusive? Or are we dealing with the emergence of non- or illiberal ideas and scripts that will shape conflicts and create new cleavages over how to organize the American society for a long time to come, leading to ever more polarization and eventually, the emergence of a new, less liberal variety of the liberal script? Conversely, we could see the beginning of the end of the dominance of the liberal script and its decline. The current contestations may produce an alternative script, which differs not only from the current variety but also abolishes the generic core of the liberal script.

Unfortunately, the contributions in this volume do not lead us to expect a return to "the normal" of internal contestations of the liberal script that are common in liberal democracies and have characterized the US throughout its history including a continuous rise and fall of populist movements (Puhle, this volume). Political, economic, and cultural polarization is deeply entrenched in American society by now and is eroding "mutual toleration" as the basis of American democracy (Levitsky and Ziblatt 2019). Likewise, the political class in Washington and elsewhere is as polarized as ever, despite some rhetorical attempts by the Biden administration to reach across the aisle. Some Republicans have begun to sabotage even a minimum functioning of the US government.

In other words, the resilience of US liberal democracy is at stake. A catastrophic outcome in the sense of large-scale violence and even another civil war is unlikely (but not excluded) in our view. However, it is equally improbable that we experience

a bouncing back of the US liberal script any time soon. This would require that social and political forces emerge that attempt to tackle the root causes of the deep contestations, e.g., economic, social, and political inequalities. Moreover, the cultural wars and essentialist identity constructions would have to recede into the background. Majorities of US citizens still hold rather reasonable views on most political issues (Anderson/Garrison, this volume, on foreign policy attitudes). Further, countervailing forces seek to arrest the erosion of the US liberal script. For example, the Braver Angels, a national citizen membership organization, formed after the divisive 2016 presidential election, is now America's largest organization that brings together conservatives and progressives to understand their differences and to find common ground to help the country find a better way forward.<sup>12</sup> More recently in 2023, the chair of the National Governors Association, Utah's Governor Spencer Cox, formulated the Disagree Better initiative, an effort to address hyperpartisanship and polarization to show all Americans how they can work through their differences to model healthy conflict while moving forward to address shared problems.<sup>13</sup> These organized efforts to strengthen the liberal script notwithstanding, the public sphere and the political system overall remain captured by (mostly right-wing) populist movements on the fringes (Müller, Garner, this volume). There is still little incentive for many political elites to overcome polarization and "negative partisanship." We therefore expect the stalemate to continue for quite some time, which does not bode well for the US liberal script.

The weakening of US liberal democracy has implications for the rest of the world. The deployment of US power after World War II would have been inconceivable without the attractiveness of the US variety of the liberal script. The projection of the "American Way of Life" and its representation in Western culture have been crucial for social and political developments on the national and the international level and imaginations about the "West and the Rest" (Gienow-Hecht 2006). The illiberal tendencies in US foreign policy notwithstanding (Viola, this volume), the US has anchored its democracy in the liberal international order (Ikenberry 2020). While US (military) power still dominates global affairs, the crisis of the US liberal script directly affects its ability to exert global leadership (Börzel/Risse, this volume). The Trump presidency has given us a glimpse of the global repercussions if the US not only withdraws from, but actively undermines the liberal international order from within. It is time for the other liberal democracies around the world to wake up to the challenge.

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# Part I Setting the Stage

American Liberalism and Populism

# Is There Still a Liberal Public Sphere in the US? Was There Ever One?

Jan-Werner Müller

The early twenty-first century has seen a widespread moral panic about the fate of what was long seen as a central feature both of liberalism as a distinct ideology and of the modern liberal script more broadly (Jungherr and Schroeder 2021): a public sphere in which individuals (and groups) exchange reasoned opinions on the basis of accurate information, with a view to forming a shared political will, and to addressing collective challenges rationally—all the while remaining open to a variety of internal contestations of who gets to speak, what claims gain traction in debate, etc. Whether one should regard "truth-seeking" as central to the public sphere is also an issue for internal contestation: Public opinion, one might well hold, is not a matter of true or false; as Hannah Arendt famously pointed out, the truth in politics tends to be despotic, for it would allow for no legitimate disagreement or even just plurality. What one should aim for, Arendt held, is a plurality of opinions constrained by facts (Arendt 1977). One might add that the process of opinion formation is furthered immeasurably by the institutions generally charged with establishing facts, but also with circulating and refining opinions: what used to be known as the press, but what, in the age of electronic media, we might perhaps simply call professional news media organizations.

While understandings of the precise contours of the public sphere differ, there is wide-spread consensus today about one thing: public spheres are in crisis (Rosenfeld 2018). Liberal (again, in the widest ideational sense of that term, as explained in the introduction to this volume) political cultures appear today threatened by "truth decay" (D'Ancona 2017; Kavanagh and Rich 2018) and what in the US has even been declared a "national reality crisis" (Roose 2021). That is to say: a dramatic increase in misinformation and outright disinformation, spread by political actors committed to antiliberalism, as well as those who are just out to make a quick buck. Here we are dealing with an external contestation (and one that has also been aided by external actors such as the Russian and Chinese regimes), and sometimes even a deep contestation, as citizens have started to resent "the media" (which usually means "the liberal media") and, as on January 6, 2021, appeared prepared to use violence against

<sup>&</sup>lt;sup>1</sup> This chapter draws extensively on Müller 2021, Müller 2022 and Müller 2019. I am grateful to Tanja Börzel and Thomas Risse for comments on drafts of the chapter.

journalists. This diagnosis of a comprehensive undermining of the epistemic conditions of liberal democracy has arguably concerned liberal observers more than any other negative global trend in recent years (with the possible exception of the pernicious effects of globalization on the "left behind"). In short, we are dealing not just with an internal contestation of the liberal script; rather, we are facing a fundamental challenge to it—which is not to say that the tensions within the script, as well as the choices of self-declared liberals, for that matter, might not be partly responsible for why this threat has become so grave.

The United States is often seen as exhibit A for these large trends: The disintegration of anything resembling reasoned debate in the public sphere (and "truth" more broadly) brought a manifestly unqualified president to power in 2016; and, as president, that figure then further hastened "truth decay" (and continues the process during the post-presidency). This is not the place to repeat the well-known statistics about Trump's lying; suffice it to say that even among the most hardened realist observers, there was a justified sense of not only a quantitative, but a qualitative change (politicians had always been taking liberties with the truth—but not like this!). At the same time, it was clear all along that Trump was a symptom, not a cause; structural changes had enabled the rise of the aspiring strongman from Queens, a man who both benefited from and further exacerbated pernicious polarization (see also Garner, this volume).

With Trump no longer in office, the structural problems have of course not simply disappeared: just think of the precipitous decline of local journalism (a development that affects many liberal democracies, but that has been particularly pronounced in the US) and the apparent monopoly power of platforms—challenges which the Biden administration has identified clearly enough but de facto proven unable to tackle so far. Hence the worries among observers of many political stripes remain: a highly fragmented public caught in a doomsday dynamic of ever increasing polarization remains deeply vulnerable to tactics inspired by Stephen Bannon's memorable injunction to "flood the zone with shit," as well as other practices which have helped autocrats come to power in many parts of the world (Guriev and Treisman 2022). Lurking behind these US-specific concerns is a deeper anxiety about the fate of the liberal script: Might what was initially touted as a "liberation technology"—social media and platforms enabling peer-to-peer communication—actually contribute to the systematic undermining—and clearly external contestation—of core elements of the script?<sup>2</sup>

This chapter first asks whether the US has ever been as "liberal" (in the sense used in the framework of this volume) as idealizations of previous instantiations of the public sphere would suggest. It has become a cottage industry to demonstrate that Jürgen Habermas's original account of the public sphere was already an empirically implausible take on debate cultures in the eighteen century; I, too, shall cast some doubt on images of information-gathering and unconstrained rational

<sup>&</sup>lt;sup>2</sup> For the view that social media was never going to favor progressive, let alone grassroots, causes, see Schradie 2019.

opinion formation that paint too rosy (if not outright golden) pictures of previous eras (Schudson 1992). I will also highlight, however, that the US really was exceptional in two regards: First, compared to many European countries, it had impressively extensive and dense communications networks by the end of the eighteenth century (and this trend, as well as a general flourishing of the newspaper industry, continued into the nineteenth and twentieth centuries). At the same time, those public spheres (arguably, there never existed anything like a unified national public sphere) were hardly free from what recent analysts of liberalism's decay call "false speak" and "double speak:" Those spheres were wild (to pick up one of Habermas's favorite terms), chaotic sites of gloves-off political contestation, and, overall, prone to generating falsehoods with real political effects: Thomas Jefferson, the great champion of a free press in a democracy, also paid a journalist to spread falsehoods about Washington and Hamilton (Gajda 2022).

Second, the US proved exceptional in generating an awareness of problems produced by a highly commercialized "free market place in ideas." In general, as analysts of media systems put it, the "North Atlantic liberal model"—"liberal" meaning market-oriented in contrast to corporatist approaches elsewhere—privileges the quest for private profit (and, in the US, local, as opposed to national markets) (Hallin and Mancini 2004). But, during the Progressive era, there was also major pushback against journalism as unrestrained commercialism. The supposed "golden age of truth" in the mid-twentieth century (while not nearly as golden as some make it out to be) was based not just on the dominance of the three painstakingly moderate TV networks eagerly providing fairness and balance, but also on the entrenchment of norms for professional news organizations, truth-seeking ones in particular. These norms were not enforced by the state, but by self-governing professional associations, or even, for that matter, just individual news media organizations.

My core claim in this chapter, drawing on recent work by a number of American social scientists, is that the fall from grace was not caused by technological innovations—which is to say: not the internet or social media more specifically—but by regulatory and commercially driven decisions. These decisions were made by actors who sometimes, though not always, understood themselves as antiliberal in the partisan American sense; they did not see themselves as engaged in an external contestation of the liberal script, but they effectively enabled one, as the new media infrastructure of talk radio and cable made space for forces that attack liberal democracy itself. To be sure, right-wing authoritarian populism today is not just a creation of "the media," but its rise cannot be understood without an account of the structural transformation of the US public sphere, and its increasingly glaring vulnerabilities.

Right-wing authoritarian populist success has in turn rendered journalistic practices, the press as a collective agent, and professional news media organizations more fragile—a vicious circle, which I try to elucidate more analytically at the end of the chapter. The systemic nature of the problems makes it likely that challenges to US liberal democracy will persist and quite possibly become worse. At the same time—and this is crucial to underline—we must remember that these problems were not somehow produced by long-lasting features of American political culture: had some

decisions about media regulation by state actors, and some content decisions by media elites, gone another way, it would be by no means obvious that the US public sphere would be in quite the dire situation it is in today. Having said that, the somewhat more heartening upshot is that structural transformations of the public driven by technology evidently have important effects—but it would be wrong to assume that the fragmentation and "truth decay" in the US foreshadow the future everywhere. Elsewhere, the internet and social media come on top of a different media infrastructure.

## A Very Brief History of the American Public Sphere

Obviously, there are very distinct national (and even local) trajectories of the relationship between democracy and professional news organizations as well as particular journalistic practices. These differences are best explained by differing "constitutive choices," as the sociologist Paul Starr has put it: choices, that is, whether to help or hinder the distribution of information, how and how much to regulate, etc. These decisions become entrenched; they open up some pathways of development, while sometimes permanently closing off others (Starr 2004). In addition, there are important transformations in the self-understanding of journalists, who, as a profession, have arguably never had as much certainty about their purposes (and constraints) as other professions such as doctors and lawyers.<sup>3</sup>

As Starr has shown, it was not technology as such, but "architectural" political choices, informed by particular values, which made for the evolution of the American media system. The development of a relatively decentralized newspaper industry was massively helped by the federal government's early decision in effect to subsidize it through low postal rates. In the 1790s, as much as 70 percent of the mail were newspapers; the number rose to 95 percent in the 1830s (Pickard 2020, 16).

There was political thought behind these constitutive (and in a sense even constitutional) choices: Jefferson emphasized the need to give the people "full information of their affairs through the channel of the public papers, and to contrive that those papers should penetrate the whole mass of the people. The basis of our government being the opinion of the people, the first object should be to keep that right" (quoted in Lebovic 2016, 10). No wonder that the press is the only profession that enjoys

<sup>&</sup>lt;sup>3</sup> Following a suggestion by the media critic Jay Rosen, I distinguish between journalism, the press, and media. Journalism is a practice that prescribes particular roles and norms which are fairly well known: seeking out facts to the best of one's abilities, explaining larger political developments, and, already more controversially, holding the powerful to account. Plenty of journalists have nothing to do with democratic politics directly: they cover exotic travel destinations or try as hard as they can to get the facts about celebrities' infidelities right. The press, by contrast, is a collective tasked specifically with a role in a democracy: to seek and provide the information needed by citizens to judge politicians and, more specifically, hold governments accountable (the press isn't just print publications for my purposes here, but includes radio and electronic media oriented to covering political matters). That is the reason why there is an official, accredited press corps in democratic states (which is not to deny that unofficial, unaccredited reporters can also play an important role). See Rosen 2021.

constitutional protection in the United States, and that, time and again, authoritative voices have emphasized the foundational value of a free public sphere for the American political experiment. Brandeis provides just one well-known example:

Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in government the deliberative forces should prevail over the arbitrary.... They believed that the freedom to think as you will and speak as you think are means indispensable to the discovery and spread of political truth.... Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form (Whitney v. California, 274 U.S. 357 [1927])

This did of course not mean that free information flows were realized in practice or that ideals of publicity would remain uncontested. Projections of libertarian notions of free speech—often seen as "typically American" today—onto the founding period obscure the long-term persistence of blasphemy laws, widespread intolerance of supposedly un-American beliefs (such as Catholicism until at least the 1950s or so), and draconian restrictions on political speech (just think of the 1798 Sedition Act, which effectively criminalized criticisms of the sitting president). Social norms also mattered, of course: European observers have long been struck by the curious combination of an American commitment to freedom in the abstract and conformity of opinions, or at least a narrowness of the politics that can be publicly avowed in the US—an impression also articulated in the introduction to this volume.

Jeffersonian ideals of public opinion formation and government accountability also did not translate into American papers necessarily providing accurate information (as mentioned already, Jefferson himself transgressed the ideal): The press was highly partisan, and often directly owned by political parties or other associations (for instance, the *Arizona Republic* used to be the *Arizona Republican*). According to some estimates, up to 80 percent of newspapers were linked to parties in midnineteenth-century America (Ryfe 2017, 50). This led Tocqueville to observe that decentralization of political power, large numbers of associations, and a proliferation of newspapers all went together, forming central elements of the "democracy in America" which so impressed the French aristocrat.

This is also important to note for a more normative discussion: where they did not outright lie, papers and parties *both* fulfilled a double function for democracy of generating information *and* casting that information in a particular perspective to generate partisan judgments (and, of course, votes). As Tocqueville put it, "a newspaper cannot survive unless it reproduces a doctrine or sentiment shared by a great many people" (Tocqueville 2004 [1835/1840], 602). Both papers and political parties served as what has been called "epistemic trustees:" They should provide accurate information, but they also help make sense of that information in light of partisan commitments (White and Ypi 2016). In its inaugural editorial from 1851, the *New York Times* claimed that its "influence shall always be upon the side of Morality, of Industry, of Education and Religion" (it also rejected "passion" in journalism, with

the claim that "there are few things in this world which it is worthwhile to get angry about; and they are just the things that anger will not improve") (New York Times, September 18, 1851).

Eventually, American newspapers cut loose from political parties, relying on private profit, rather than state subsidies (which, of course, had only ever been indirect) or party financing. 4 The "penny press" was long derided by cultural pessimists, but it enabled independence and, in the eyes of its admirers, a broad process of democratization, as traditional notions of journalistic decorum—what could be written about and reported on-broke down (Post 2018). Jurist Robert Post has enthused: "the responsiveness of newspapers to consumer demand was ultimately a political question. The broader the public to which newspapers responded, the more democratic was the public sphere which they created" (Post 2018, 1036-1037). Not everyone saw sensationalism as democratizing, though; here is Brandeis again, who, in his seminal opinion on the "right to left alone" co-authored with Samuel Warren II, claimed:

The press is overstepping in every direction the obvious bounds of propriety and of decency. Gossip is no longer the resource of the idle and of the vicious, but has become a trade, which is pursued with industry as well as effrontery. To satisfy a prurient taste the details of sexual relations are spread broadcast in the columns of the daily papers. To occupy the indolent, column upon column is filled with idle gossip, which can only be procured by intrusion upon the domestic circle (Warren II and Brandeis 1890)

The outrageous practices of some journalists—not just sensationalism and violations of privacy, but stealing content, making stuff up, etc.—eventually provoked a push for professionalism. Progressives sought to codify special roles for journalists to generate "objective" reporting; and they demanded particular training in journalism schools, which started to be set up by the beginning of the twentieth century.

Professionalism, on a very simplistic reading, is just elitism: The well-trained get to exercise power without any broader popular authorization. But, at least in theory, professional standards are also a way of shielding institutions from economic and political power; plus, they can be democratizing, if they enable more people to make a living with writing on the basis of clear normative expectations (as opposed to only the independently wealthy being able to engage in more sophisticated forms of journalism) (Foer 2017).

US reformers were driven by the ambition, as the liberal Walter Lippmann, one of the protagonists of professionalization, put it, of bringing "publishing business under greater social control"—that is to say, exerting legal power over private interests in the name of a conception of the common good (Lippmann 2008, 45). Lippmann had witnessed how government propaganda in support of World War I had flooded the American public sphere; but he did not conclude that state control or shameless

<sup>&</sup>lt;sup>4</sup> In a somewhat similar vein, constitutive choices for privatizing the telegraph (in the 1840s), the telephone, and broadcasting meant that American media operated much more independently of the state, unlike, for instance, public service broadcasters that came to be established in many European countries.

commercialism, which left the "manufacturing of consent" to unregulated private actors, were the only options. Professionalism promised autonomy (from the state and commercial interests dictating a paper's line) without losing accountability—one could fail to observe professional standards and come to be judged accordingly by professional peers. Journalists, Lippmann demanded, should stop acting as "preachers, revivalists, prophets, and agitators"; instead, they ought to report the news and explain the world to the best of their abilities (Lippmann 2008, 4).

After World War II, various commissions of wise elders—above all the group chaired by Chicago President Robert Maynard Hutchins—recommended that newspapers follow a model of "social responsibility" in how they handle information and opinion (Bates 2020). Like the push for "objectivity" during the Progressive era, this amounted to a call for self-regulation. As a result, major American media outlets concentrated almost entirely on information, in contrast to interpretation, let alone advocacy. It is often forgotten that the New York Times did not have a designated oped page until 1970, and that "op-ed" means "opposite the editorial page" (the "op" is not "opinion"—the Times initially encouraged opinions that countered its own official stance). Newspapers "reported" mainly on what various government figures had said and done; there was not much by way of explaining what it meant, let alone anything like judging whether it amounted to anything positive (Pressman 2018). As a journalist covering the witch hunts of Joe McCarthy confessed, "my own impression was that Joe was a demagogue. But what could I do? I had to report—and quote— McCarthy... The press is supposedly neutral. You write what the man says" (quoted in Lebovic 2016, 161).

Many US journalists eventually changed course; mere information was complemented by copious amounts of interpretation; in addition to "who," "where," "when," there was now "why." Asking that question—and packaging interpretation together with ads for luxury consumer goods and high-end jobs—turned out to be highly lucrative (Pressman 2018). What's more, from today's vantage point, the second half of the twentieth century appears to have been the golden age for the notion of the press as a Fourth Power supporting or even furthering liberal democracy: fearless investigative reporting that exposed misdeeds like Watergate formed part of it, but so did high-minded editorializing, or, in the preferred language of today: <code>gatekeeping</code>, which kept demagogues and assorted antiliberal radicals out.

Of course, this is not how it looked in the eyes of critics, from very different parts of the political spectrum: for many conservatives, "interpretation" was merely a form of partisanship: already in the 1950s, such critics faulted the press for supposedly pushing a "liberal"—in the partisan US sense—agenda (Walter Cronkite, the embodiment of trusted establishment media, once replied to such charges: "As far as the leftist thing is concerned, that I think is something that comes from the nature of a journalist's work") (Hemmer 2017).

By contrast, from the perspective of progressives, the era would be seen as a period when new claims for representation of minorities or the long oppressed were very hard to make public, as older white male gatekeepers decided what was newsworthy and how it should be interpreted, and when, overall, media pluralism, in comparison

with today, was very limited; to maximize audiences, broadcasters invariably decided to offer what an NBC executive called the "Least Objectionable Program" (quoted in Poniewozik 2019, 25). In the end, journalism that depended on profits from advertising, in the eyes of radical dissenters, fulfilled a distinctly ideological function: As Sinclair famously claimed, "journalism is one of the devices whereby industrial autocracy keeps its control over political democracy."

# From Partisan Antiliberalism to Erasing the Liberal Script?

Conservative critics had long taken issue with one of the central elements of the postwar public sphere dominated by TV: the Fairness Doctrine, dating from 1949. According to the Doctrine, those given the privilege of broadcasting on what was, after all, a technically limited spectrum had to give space to both sides of an issue of public interest; they also had to allow for responses from citizens who claimed their views or conduct had been portrayed falsely. The Doctrine was abolished in 1987 by a Reaganite deregulator who famously called TV "just another appliance . . . a toaster with pictures." What had been treated as a public utility of sorts was now recast as purely private property fully at the disposal of the property owners.

It was the end of the Fairness Doctrine, combined with the rise of cable and AM talk radio that best explains the emergence of what American social scientists have identified as a distinct right-wing media eco-sphere, where "news" serves primarily as a form of political self-validation—and where disinformation (or even just misinformation) goes largely uncorrected. The reason is this: The audience of a kind of right-wing polit-entertainment complex has hardly any contact even with centerright sources of news and opinion (and, one hastens to add, the common claim that the situation is symmetrical is empirically false: There are conspiracy theories on the left, too, but its consumers are much more likely to have them eventually corrected through contact with publications such as the *New York Times*). The result is that misinformation and especially disinformation—divorced from any checks on veracity—can travel fast and far, amounting to what Lippmann had already termed a "contagion of unreason" (Lippmann 2008, 33).

To be sure, this diagnosis should not legitimate the rearticulation of old prejudices about "the masses." The story is more complicated, though not necessarily more heartening for democratic theorists: The contagion of unreason might have affected some very badly, but a much larger number of citizens, when given plenty of new options through cable TV, actually decided to tune out of politics altogether. The "low-choice" era of three large TV networks had forced everyone to pick up some news in simple language and with interesting images (for there was nothing else on at a particular moment); the post-broadcast environment allows many to opt for continuous entertainment, while political junkies can enjoy their outrage 24/7 (Prior 2007).

The crucial point is this: the emergence of the self-enclosed right-wing eco-sphere predates the internet (Benkler, Faris, and Roberts 2018). Regulatory decisions which only to a limited degree were prompted by new technologies such as FM radio and cable enabled a form of polarization which, it just so happens, turned out to be very big business, especially for self-declared "advocacy journalists" and what might more broadly be termed polarization entrepreneurs on the right (Rosenwald 2019). This is not to minimize the fundamental changes brought by the internet and social media in particular; it is just to remind us that no technology applies itself and, furthermore, that every innovation takes place in an already existing public sphere with a particular shape. The internet revolution happened in the US at a time when there were already major (economic and political) incentives for partisanship which pushed the limits of professional journalistic norms (or outright transgressed them). Conflict not just talking but shouting heads opposing each other on cable TV—and outrage could easily be created (and monetized). Outrage production is of course much cheaper than actual reporting. And all this happened before the age of platform algorithms designed for "outrage optimization" and running on "outrage porn" (Nguyen and Williams 2020).5

Political antiliberalism (with "liberalism" understood here again in the partisan US sense) became partly defined as "anti-professionalism:" "sticking it to the establishment," "pushing back against the agenda of out-of-touch liberal elites," etc. formed core parts of the brand of highly influential "media personalities" and "advocacy journalists" whose capacity for outrage was high, while care for objectivity remained generally low. Professionalism was now explicitly disavowed; as the right-wing talk show host Glenn Beck once declared: "I'm not a journalist. I'm just a dad. I'm a guy who loves his country" (quoted in Peck 2019, 115).

Professional journalism had already become more fragile through what, on this occasion, can broadly be called neoliberalism. What I mean specifically is the suspicion that professionals—be it academics, doctors, or, indeed, journalists—run a kind of closed shop through requiring specialized education and training. Once inside their self-created system, they can relax; unlike those engaged in business, who are mercilessly exposed to the punishments meted out by objective market mechanisms, they can get away with a lax attitude toward their own productivity. Margaret Thatcher evidently assumed that most professors, other than in the hard sciences, were just wasting taxpayers' money by sitting around drinking tea and spouting leftist nonsense. The simulation of markets inside universities and the National Health Service—through a relentless "audit culture" and "tyranny of metrics" which would have given central planners in the Soviet Union the pleasure of instant recognition—was to make professionals compete, work properly, and, above all, become accountable to society at large, i.e. taxpayers (Muller 2018). The latter were assumed to think that the whole game of professionalism was probably always

<sup>&</sup>lt;sup>5</sup> Moral outrage porn, Nguyen and Williams argue, provides immediate gratification, without any costs or consequences—just like the original version of pornography and derivatives such as "real estate porn" and "food porn."

rigged, and that "liberal elites" simply reproduce themselves in a world where in fact there are no real standards.

When Donald Trump revealed his cabinet appointments, some observers pointed with glee to what they thought was an obvious contradiction: How could a supposed "populist" surround himself with corporate bosses and Wall Street figures—all epitomizing the elite, after all? What such critics failed to appreciate was precisely that many cabinet members were *not* professionals: Their success (and "hard work") could be measured objectively, in dollars; they were obviously competent and capable of implementing the real people's will, as uniquely discerned by the populist leader—unlike professionals who would always end up distorting it, while lecturing everyone on how they simply knew better because, after all, they had more education. Right-wing authoritarian populists are not simply "anti-elite"; they target a particular elite—including professional journalists who are accused of being unfair und unbalanced. Here as well, it is important to realize that such negative portrayals of professionalism precede the internet; these are political strategies pursued by those with a broadly speaking antiliberal agenda, not inevitable outcomes somehow generated by technology.

True, it would be problematic to downplay the structural changes brought by the emergence of platform and surveillance capitalism: The business model of professional news media organizations has of course been undermined by Google and Facebook siphoning off enormous amounts of advertising revenue (Zuboff 2019 and Seemann 2021). As a result, newsrooms have become smaller (this is most obvious at local level where the "crisis of journalism" really has resulted in a large number newspaper casualties); less obviously, they have also become subject to a relentless logic of immediate success (what's being clicked on? What might go viral?) dictated by Chartbeat. And there is the problem of a fundamental opacity: With papers and TV stations, one had some sense of where they stood politically and why we are getting what we are getting; with supposed "trends" on social media, we are not sure what we are getting and where supposed shifts in opinion are really originating. Social scientists can only guess what some of the effects of proprietary algorithms might be (Persily and Tucker 2020); citizens themselves can easily be misled by bots; and while the perils of echo chambers and filter bubbles may have been exaggerated somewhat (Guess et al., 2016), the fact remains that online subcultures can reinforce more or less closed publics—from which, to pick up a seminal argument by the social theorist Gabriel Tarde, offline crowds, including extremely violent ones, can eventually emerge (Tarde 2007 [1901]).

## Vicious Circles and Other Consequences

Right-wing authoritarian populists pose dangers to press freedom and democracy more broadly everywhere, but they present particular challenges in a country with a two-party system, an inherited liberal ethos of journalism, and a highly commercialized public sphere—in short: a country like the United States. First, the fact that

at least parts of the Republican Party no longer clearly support the most basic elements of democracy (such as: those who get fewer votes lose an election) has also put standard journalistic practices in question. While both parties remained committed to liberal democracy, traditional professional norms of objectivity and neutrality could be perfectly justified; but, as Jay Rosen and others have pointed out, under conditions of highly asymmetrical polarization, a "both-sides"-approach, suggesting a mere symmetry of different policy positions, actually turns into a distortion (Rosen 2016). Journalists have been afraid to be seen as partisan. Charges of partisanship can easily make them modify their stances, but since, in the eyes of their critics, there is never enough objectivity, they are effectively being pushed along the political spectrum by their critics. To put it another way: Traditional professional journalism has plenty of techniques to deal with internal contestations; it can be completely helpless when the contestation is de facto from the outside by actors who simply no longer accept the basic rules of the public sphere, and democracy more broadly (and, in particular, weaponize journalist norms against journalists).

The other extreme also exists, of course: Journalists have presented themselves as part of "the resistance," thereby falling into the very trap Trump and Bannon had set for them when they called the media "the opposition" (if not outright "enemy of the people"). If journalists declare themselves the opposition, then whatever they say and write can be discredited in advance as partisan as well. No wonder that former *Washington Post* editor Martin Baron famously claimed that "we should not be an activist for anything except fact and truth" (even if his opinion pages, not to speak of the paper's new motto "Democracy Dies in Darkness" often told a different story) (Pitzke and Nelles 2021). With the increased access of journalists to the public outside channels subject to editing (Twitter in particular), the divergence of a news outlet's official line and individual stances by journalists could now easily also become visible in ways unimaginable before social media. It is worth remembering that only 21 percent of Americans are on Twitter—but probably close to 100 percent of American journalists (a fact which Trump also relentlessly made to work in his favor) (Schudson 2018, 41).

Second, there are novel forms of attacking the press.<sup>6</sup> What I mean is the press as a particular *collective agent*—one that is characterized by internal pluralism, but one that also sees itself as an institution tasked with holding politicians accountable. The Trump administration for a while refused to hold *any* press briefings; Trump himself made a point of trying to divide and conquer the press corps by picking on individual reporters. When other journalists failed to show solidarity, his tactic of weakening the press as a collective agent would broadly succeed. While some cohesion has arguably returned, basic problems with journalistic practices—namely, the limits of objectivity and neutrality in the face of threats to democracy itself—continue to have an effect on the press as a whole.

Third, there is the underlying issue of the economic weakening of professional news organizations. While some may have benefited from a "Trump bump," the

<sup>&</sup>lt;sup>6</sup> To be sure, one can debate the novelty of Trumpism in this regard: Nixon would seem an obvious precedent.

long-term trends still point in the direction of shrinking newsrooms and, less obviously, commentary that only speaks to the converted, as media organizations cultivate specialized (and more or less partisan) constituencies, rather than aim at broader audiences. As Osita Nwanevu has astutely observed, the crisis of journalism can become a crisis for democracy—that Walter Lippmann already knew—but the crisis of democracy can also turn into a particular crisis for journalism: both political reporting and commentary simply reinforce what citizens are already thinking and feeling; moreover, a political system not designed for asymmetrical polarization will likely not be responsive even to a fairly attentive and well-informed public in the way democracy textbook wisdom would suggest. As Nwanevu puts it:

It's true that the health of a democracy depends upon the state of its journalism. But the relationship also works the other way: the state of journalism depends upon the health of democracy, and not just in the sense that journalists depend on press freedom. Democracy gives journalism purpose; the journalist brings information and arguments to the public, and the informed public acts, or makes its preferences known to those in a position to act. But if our sclerotic political institutions are less responsive to broad public opinion than to the imperatives of major corporations and the wealthy—and if, as the political-science and social-psychology literature tells us, public opinion isn't reliably responsive to argument and new information to begin with—what are the would-be shapers of public opinion to do? (Nwanevu 2021)

Moreover, news organizations and even those not directly in the news business (such as AT&T) feel the need to hedge by supporting not just conservative, but outright right-wing authoritarian populist actors in order to shield themselves from charges of partisanship (Schiffman 2021).

Finally, it is worth going back to Tocqueville's insights into the decentralized nature of a US democracy relying on parties and largely local newspapers. Today's problems start close to home, with the dramatic decline, and often outright death, of local journalism. The latter, as Jay Rosen has pointed out, "is where a relationship with trusted news providers typically begins" (Rosen 2018). Local journalism has particularly suffered from the restructuring of the economy in the past two decades. Advertising used to sustain serious journalism; as Clay Shirky famously put it, "Wal-Mart might not have any interest in the Baghdad bureau, but de facto they subsidized its staff" (Shirky 2009). As advertising was hoovered up by Google and Facebook, local papers in particular saw their newsroom staff cut dramatically. One in five local newspapers has disappeared in the US since 2004; 5 million Americans have no local newspaper at all, 60 million have only one (Hendrickson 2019).

The growth of such "news deserts" has had profound political effects (Schulhofer-Wohl and Garrido 2009). Corruption increases, as no journalist reports on town council meetings, especially public procurement decisions. Political interest declines: The shuttering of local papers has been associated with lower turnout in elections, fewer candidates running for office, and more incumbents winning. Citizens also

have less effective representation at the national level: As local and regional papers cannot afford a correspondent in the capital, it becomes more difficult to understand what a Congressman or Congresswoman is doing exactly in D.C.—and hence it is harder to hold them accountable.

Less obviously, the shrinking of proper local news reinforces pernicious trends of polarization (Garner, this volume). In their neighborhoods, citizens can often agree on diagnosing concrete problems and respectfully discuss practical solutions—all without getting into extended culture wars.<sup>7</sup> But as local news—and hence local debates—disappear, national news fills the void. And national debates often contain much more partisan posturing and the recoding of conflicts as questions of cultural identity.

### Conclusion

In sum, then, there really is a problem for the public sphere (or public spheres) in the US. But it has nothing to do with irrational masses being unleashed, as advocates of traditional gatekeeping might suggest; rather, it is a matter of different structural vulnerabilities reinforcing each other: The professional ethos of journalists was premised on a particular form of politics; as the latter is being transformed by a radically antiliberal (in the widest sense) Republican Party, so far uncontroversial practices of objectivity and neutrality might actually contribute to the undermining of democracy. In the same vein, novel attacks on the press as an institution will put further fear into individual journalists, making them seek refuge in neutrality, rather than seeking the truth of the matter (I adopt this phrase and thought from Jay Rosen as well). And that in turn will make professional news organizations be deeply concerned about attacks on them and hence also seek refuge, or, in line with a quasi-liberal principle of making money from clashing opinions, also contribute to polarization in various ways.

I conclude, then, that a liberal script might be under pressure in many parts of the world—but that the US is especially vulnerable because of a combination of the following factors: structural changes in the media landscape unrelated to the internet; a long-standing campaign against professionalism; a fateful vulnerability created by particular professional norms of objectivity and neutrality among journalists (which can be hacked by partisan actors); and a fateful interaction of the increasing fragility of the media and political systems.

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<sup>&</sup>lt;sup>7</sup> To be sure, this perspective risks romanticizing front porch democracy; after all, disputes among neighbors can be particularly bitter. In any case, many local problems require more than local solutions.

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# Varieties of Populism in the US

Exceptional, Mainstream, or Model?

Hans-Jürgen Puhle

Talking about the contestations of the liberal script in the United States inevitably implies talking about populism, from at least three different angles: First, populist energies and traditions, from the beginning, have belonged to and formed part of American democracy and of the American liberal script, or better: of the various liberal scripts that have been produced in, by, and for the United States. 1 Both the American political system and populist mobilizations have started out from the same reference: "We the People", and have remained closely related. Second, many of the contestations of the liberal scripts in the US have been driven by populist aspirations and movements. In the course of American history, populists of various kinds have contributed to modifications and extensions of the liberal script, particularly extensions of democracy and of state interventionism, but they have also contributed to many of the concomitant or subsequent backlashes against the ongoing extensions. Extensions have been more the case in the earlier periods, down to the end of the "classical" age of populist upheaval at the beginning of the twentieth century. Backlashes we have seen more through the twentieth and the first decades of the twenty-first century, the more so the more the spectrum of American "populism(s)" has been narrowed down to what people often conceive of nowadays as (mostly right-wing) "authoritarian populism." Some extremist groups of the latter have openly made front against the liberal script, at a broader scale and more systematically than before (when they were rare exceptions). And third, we will have to account for the peculiar role that populism and populist aspirations have played in the United States. We can find a special relationship between populism and American democracy throughout its history.

<sup>&</sup>lt;sup>1</sup> This chapter draws on the comparative assessment of my SCRIPTS working paper "Populism and Democracy in the 21st Century" (2020) and my previous work, since the 1970s, on populism and the debates around "exceptionalism" in the US, notably Puhle 1975, 2009, and 2016. For criticism, comments and suggestions I am grateful to the participants of our various workshops (virtual and in vivo), to Jessica Gienow-Hecht, and to the editors of this volume.

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In this chapter I shall try to show in detail how populism has affected liberal democracy in the US and its particular version of the "liberal script." In the *first* section, the basics of the close relationship between the two will be outlined, sketching the varieties and commonalities of US populism(s), their contesting functions, and the specific (or even "exceptional") "American" characteristics. *Second*, I will attempt to identify significant changes over time and the different stages and periods that various populist aspirations and movements have gone through. Here it will be of special interest to see whether particular populist contestations of the liberal script in a given period have been more internal contestations or external ones, or mixed and "deep" contestations (as defined by Börzel et al., this volume), and mark the points where they may have transited from one quality to the other, or from "deep" to "deeper," and vice versa. The *third* section will be dedicated to the question of what distinguishes American populism(s) from other populisms, and makes it "special," perhaps unique.

Fourth, the changes of the last decades, and particularly the impact of advanced globalization, crises, and the latest "Strukturwandel der Öffentlichkeit" (a structural change of the public sphere) will be assessed. This implies the use of the internet and of social media, the advance of what might be called "populist democracy," and a substantial change of the constellations of political communication and mobilization conducive to more extremist, negative, and polarized contestations. In the fifth and last section I will try to summarize the present trends in the relationship between populisms and liberal democracy in the US, particularly in view of the radicalization and polarization of political contestation (including violence) that has been experienced lately. In their introduction, the editors of this volume have identified four potential scenarios for the future: another backlash; the emergence of new cleavages; a new, less liberal variety of the liberal script; or a new alternative script. The question is which of these might be the most likely outcome in the American case.

Grosso modo, our findings will emphasize four basic points. First, the American political system, from the beginning, has shown strong features of what has been labeled as "populist democracy," referring to the direct-democratic elements (particularly on the executive side) of the political institutions, though it was contained by its embeddedness into the Madisonian framework of checks and balances. Populist mobilizations hence belonged to the American liberal script(s), and their contestations through the nineteenth and most of the twentieth centuries were usually internal contestations. Second, we find varieties of populism which, however, have shared a number of significant characteristics that make American populism "special," and even unique in that the populist potential for contestations of the liberal script has been built into the American liberal script from the beginning. But the constellations of this uniqueness, the institutional design and electoral regimes as well as political priorities reflecting the "American" features of the liberal script, have,

<sup>&</sup>lt;sup>2</sup> As populist contestations usually show a high degree of mobilization, they often tend to be "deep," a quality that can, however, be increased by higher impacts of polarization.

<sup>&</sup>lt;sup>3</sup> Particularly a comparatively weak state, a neoliberal economic orientation and libertarian cultural tendencies. See also Börzel et al., this volume.

third, also contributed to a greater vulnerability of the American system vis-à-vis the impacts and repercussions of the more recent structural change of the public sphere (see also Müller, this volume). Among them, particularly the categorical increase and intensification of the elements of "populist democracy" (at the cost of those of representation, intermediation, and control) have favored populist aspirations and helped to make populist politics more of an everyday business.

Fourth, it appears that the years around and after 1990 have marked a significant threshold after which the constellations of the relationship between populism and democracy in the US, and also between internal, external, and deep contestations of the liberal script, have increasingly changed. Here the repercussions of the structural change of the public sphere have enhanced the process of a substantial reorientation, hollowing out, and disfigurement of the Republican Party which had begun in the Goldwater and Reagan campaigns and triggered an increasing fundamentalization of political discourse. As a consequence, American politics have become much more polarized (see Garner, this volume) and the populist actors more extremist, in their majority more right-wing, and in the end more authoritarian, so that an important segment of the populist mobilizations can no longer be characterized as internal contestations of the liberal script. Particularly the diehard ideologues and fundamentalists, the deniers of obvious realities, and the violent warriors have crossed the line to the anti-system forces; they stand for external and deep contestations.<sup>4</sup>

In the light of January 6, 2021 and its context, it appears that, on the whole, American populisms have become a greater threat for American democracy and the liberal script than before. The majority might still be more likely to opt for a new, less liberal variety of the liberal script than for an alternative illiberal script, but sizable groups and factions have left the liberal ground. It cannot be taken for granted that the momentum will finally remain on the liberal side.

# Populisms and the Liberal Script in the US: Some Definitions and Commonalities

First of all, there is a need to define what we mean by "populism," or better the plural: "populisms." The term here will be used as a specific analytical concept as it has been established for comparative research during the last five decades (since the LSE conference and the Ionescu/Gellner book of 1969). It defines populisms as social movements of protest and resistance against the status quo in the name of the "people" (conceived as a homogenous entity), "the people's will," the "common

<sup>&</sup>lt;sup>4</sup> There have been external contestations of the liberal script by populist actors before the 1990s, but they were exceptions.

<sup>&</sup>lt;sup>5'</sup> See Berlin 1968. For the concept and its dimensions, e.g.: Canovan 1999, Di Tella 1997, Hermet 2001, Mény/Surel 2002, Priester 2012, Urbinati 2014, 2019; the introductions and handbooks Müller 2016, Jörke/Selk 2017, Mudde/Rovira Kaltwasser 2017, Taggart 2000; Rovira Kaltwasser et al. 2017, Heinisch et al. 2017, De la Torre 2019; for economic implications, Rodrik 2017, Manow 2018, Moffitt 2016.

men" (or the underdogs), and not of specific classes or groups, with a corresponding ideology and techniques of mobilization featuring a number of characteristic elements. Among these anti-establishment, anti-intermediary and anti-pluralistic positions and a polarized, dichotomous view of society are the most outstanding. Populists usually argue against elites, institutions, and experts, detest parliaments, parties, courts of law, and independent media, and believe in the fiction of a direct, unmediated relationship and communication between leaders and followers. They usually hold antiliberal and mostly (except some leftist movements) also nationalistic or nativist positions, cherish "Freund/Feind" schemes ("us" vs. "them") and conspiracy narratives and pursue politics of fear and threats driven by sentiments of moralistic indignation (cf. Puhle 2020). This tends to be an ideal-type maximum definition of populism, of which some points would not be compatible with a liberal script. On the other hand, populism and democracy are closely related; they have the same roots, basically in (more or less) equal suffrage. In real-existing populisms, not all of the above-mentioned elements are necessarily present in the same density, or all the time. And many of them, in fact, have either grown out of or compromised with respect to liberal democracy, accepting its institutions and following its rules, cases of "semi-loyalty" (Linz 1978) notwithstanding. Hence our concept of the phenomenon should allow for varieties, for different degrees and mixes, and for changes in the longue durée.

I would, however, insist on a parsimonious use of the concept as a tool for comparative analysis. This implies not only that we leave aside the use of the notion as a political "Kampfbegriff," including its more dignified version which we can find in many inflationary interpretations of populism as (all kinds of) right-wing authoritarianism, or (almost) everything illiberal, e.g., by Pippa Norris and others (Norris and Inglehart 2019).6 It also would make sense to distinguish between populisms (as "-isms") and populist (as an adjective), and concentrate more, though not exclusively, on the former. "Populisms" refer to particular movements with distinctive aspirations that cannot be better characterized otherwise, e.g., by the term indicating their "political family" (like socialists, conservatives, fascists, or nationalists). The adjective, in contrast, would refer to "populist" elements, styles, rhetoric, or campaign techniques that characterize a particular mode of an otherwise defined movement and can be combined with any kind of political intentions from the far right to the far left. Some authors have made functionally similar distinctions by differentiating between strong and weak populisms or-more demanding-between "thick" and "thin" ideologies and assigning the populists to the "thin" or "thin-centered" box (cf. Mudde 2004, based on Freeden 1998, and, e.g., many authors in Rovira Kaltwasser et al. 2017). In day-to-day politics, the adjective usually tops the "-isms": We

<sup>&</sup>lt;sup>6</sup> Most of recent literature tends to understand populism as right-wing authoritarian populism. See, e.g., Schäfer and Zürn 2021.

The "thin-centered ideology" concept also goes beyond this distinction in establishing a particular class of "weak" ideologies characterized by less, less refined and consistent, and fuzzier notions than others. I am not following this "ideational" approach here because I think that populisms should be analyzed as movements (with respective ideologies), and not only as ideologies.

find many more populist elements and mechanisms than full-fledged populist movements. Particularly in a democracy where politicians have to maximize votes, populist elements are an everyday currency, and "populist temptations" are lurking behind almost every corner and have to be controlled and contained. In what follows, our attention will basically focus on populist movements (the "-isms").

Beyond definitions, a key issue here is the relationship between populisms and democracy (and the particular liberal script behind a democratic order). This relationship turns out to be highly ambivalent: Populist movements or regimes can be either democratic or undemocratic, or, in the case of regimes, tend to what we have called "defective democracies" (Merkel/Puhle et al. 2003; Merkel 2004), or what others might call "disfigured" (Urbinati 2014) or "illiberal democracies." According to a broad field of comparative literature, populist impacts on democracies oscillate between "threat" and "corrective" (e.g., Mudde and Rovira Kaltwasser 2012; Decker 2006). In many cases populist politics have damaged the countervailing institutions of democracy, particularly by causing defects in the partial regimes concerning political liberties, horizontal accountability, and the Rechtsstaat/rule of law (in our model of "embedded democracy"), and opened the path for greater manipulation from above, "tutelary" or "delegative democracy," Bonapartism, or worse forms of autocracy.

But there also are other cases in which populist energies have strengthened and reinvigorated existing democratic systems. The most notable has been the case of the "classic" Populists in the United States whose history, despite their internal controversies and their final electoral demise, in the *longue durée* turned out to be a success story, given their lasting influence on the politics and policies of the Progressives in both parties that have informed American mainstream politics down to the 1980s. They have, however, shown a face of Janus, displaying progressive and backward features at the same time which has often led to controversial interpretations (Hofstadter 1955; Goodwyn 1976; also Hicks 1967) that have turned out not to be incompatible (more balanced, e.g., Kazin 1995; Postel 2007). This ambivalence has materialized in a parallel second line of populist legacies: the protest movements of the right (and eventual third parties), from Father Coughlin and Huey Long via George Wallace, Ross Perot, and Pat Buchanan down to the Tea Party movement and to Donald Trump (who may not be a populist in substance, but certainly is in style and behavior).

In the US, populist energies, movements, and politics have developed on a broad scale, practically since the War of Independence. They were favored by the existing social and political institutions and by some of the concepts designed for the future, particularly on the anti-federalist and non-Madisonian side. Emblematic first highlights could already be found in Jacksonian times. And particularly the grass-roots movements of the last quarter of the nineteenth century have become the hotbed of the two lines of populist heritage I have mentioned. These "classic" Populists came to

<sup>&</sup>lt;sup>8</sup> For more details, see the table of the criteria and partial regimes of embedded democracy, in Puhle 2015, 170, based on Merkel/Puhle et al. 2003.

<sup>9</sup> See also Levitsky/Ziblatt 2018; Mounk 2018; Judis 2016; Roberts 2015.

international prominence comparatively early, so that many populists in other countries derived their name from the North American forerunners. They have become one of the two archetypes of twentieth-century populism: protest populisms in more developed countries. 10 And they have shown a high density and a high degree of variance, with regard to their composition, their aspirations, their modes of mobilization and campaigning, along the lines of regimes of production and commercialization, labor and trade, of color and "race," potential allies and imagined enemies, and not least of particular regional and state traditions. Among the "classics" we can, for example, differentiate between the various groups from the Midwest, the South, and the West; from corn, cotton, and cattle; farmers, sharecroppers, laborers, and urban people; white and black (and mixed), with or without stronger commitments to religion, "free silver", or other creeds. A great variance can also be found later among the dissenting groups on the right, many of them generated in the South (cf. Lipset and Raab 1970; Lowndes 2008), and on the left, like a number of minority movements, Occupy Wall Street, and others. In addition, the constellations of American populisms have varied over time, and they have gone through different stages, which will be characterized in the next section.

Nevertheless, all these varieties have been recognizable as US variants when compared within the spectrum of populisms worldwide. The richness and great number of varieties may be one of the outstanding differentia specifica of US populisms. And they have other things in common as well, so that it would be appropriate to recognize an "American" subtype of protest populism. I would, however, not claim an "exceptionalism" here, as has been done so often. In substance, "exceptionalism" tends to be a matter of opinion (cf. Lipset 1997; Hodgson 2010; Puhle 2009; Tyrell 2021; and Börzel et al., this volume). As the varieties of populisms worldwide can be quite different and usually reflect the different trajectories of the respective societies involved, there is no common model from which a case could diverge, and either none of them is "exceptional," or all of them are. So it might be better to address the differences, special conditions, typical characteristics, and typological clusters. And "special" has the relationship of the US with populism(s) been indeed, for more than one reason. The bottom line is that US populisms have been contestations of a particular "American" version of the liberal script (as has been outlined in Börzel et al., this volume), characterized, among other things, by a libertarian grounding and majority rule, strong individual rights and market principles, a weak state with a low degree of state interventionism, rising inequalities, tolerance and openness. Hence most of the traditional populist contestations have been internal contestations around equality, at least until

<sup>&</sup>lt;sup>10</sup> They were followed by various peasant and protest movements in Europe (all more exclusionary). At the same time, the Russian narodniki became (or were written into) the opposite archetype of *project populisms* in less developed and dependent countries. They were later followed by the more inclusionary and mostly anti-imperialist populist (and national liberation) movements in the decolonizing world and in Latin America. Cf. Puhle 2020.

<sup>&</sup>lt;sup>11</sup> I am referring here to exceptionalism as an analytical category for comparison, not to the use of the term as self-description and part of the "American myth," or "creed" which corresponds to features found in almost all nationalist ideologies or fundamentalist belief systems. As a belief "exceptionalism" is of course a fait social that needs consideration.

the 1990s, an important threshold that will need further explanation, which I shall come back to later.

## Varieties, Stages, and Thresholds

That we are dealing with varieties of US populisms we can also find when we look at the various stages that populist energies and movements (and their heritage) have gone through. I have counted at least six:

- 1. It began with local rebellions, the War of Independence and the debates and controversies around the constitution and its implementation. The constituent phase was followed, down to the 1820s, by a first consolidation of factionalism and "party building." Populist aspirations we find particularly on the anti-federalist side and in the Jeffersonian tradition.
- 2. The 1830s were dominated by "Jacksonian Democracy" as concept and practice: a personalized populism from above (but not only from above) in the campaigns and the presidency of Andrew Jackson and in his new Democratic Party. Many frontlines and issues survived, while the antebellum years saw an increased number of new mass mobilizations along various lines, some of which could (at least partly) be labeled as populist. Often they were short-lived or single issue (e.g., Know Nothing, Women's Rights). The years of the Civil War brought different cleavages and "causes." Generally, wartimes tend to "freeze" the usual populist energies (substituting a broader mobilization for war).
- 3. The image of "classic" American populism has been particularly informed by the new grass-roots movements of the last third of the nineteenth century culminating in the Bryan campaign of 1896. They particularly channeled the protests of the Midwestern and Southern farmers and other "common men" against organized capitalism, banks, trusts, railway companies, middlemen, and the political "machines" of the big cities. They lost the national elections, but could conquer a number of states. Despite some obvious commonalities and a number of significant lines of continuity (like, e.g., their anti-elitism, or their "producerist" orientation), these movements, with regard to their characteristic features, their programs and priorities, their social bases and alliances, have shown a high degree of variation and regional and cultural diversity which has been reflected in the *longue durée* in many local and state traditions (for more details, see Goodwyn 1976; Pollack 1976; Postel 2007). Additional lines of conflict (e.g., "race" vs. "class") and varieties in continuity could also be observed in the long-term trajectory of Black populism (see Ali, this volume).
- 4. The twentieth century has been characterized by two parallel lines of development:
- 4.1 Most of the demands of the populists have been adopted by the Progressive groups in both parties, after 1900, which has made them part of the winning agenda and of mainstream American politics for most of the twentieth century, through the New Deal and post–New Deal down to the 1990s.

Besides legislation on bread and butter issues, like railway regulation, trust control, mail savings accounts or environmental protection, also more general populist demands were passed into law: the progressive income tax, female suffrage, popular election of the senators, primaries, in some states initiative, referendum and recall by 1921, the repeal of the gold standard by 1933. Not to speak of the generous institutionbuilding for agricultural state interventionism that began in the 1920s, was perfected in the New Deal and further developed later, particularly by the Truman and Johnson administrations (cf. Puhle 1975). Even if we also account for other causes behind the various reforms (like some more urban and technocratic blueprints of Progressive politics and policies, two world wars, some smaller ones and a Cold War, a Great Depression and several other economic crises, not to speak of the usual factors of political contingency and "bricolage"), the part the populist demands, mobilizations, and pressures have played in formulating and moving forward the reform agenda cannot be ignored. They have contributed to make America more democratic (and a bit more "social"), and also to make "the state" more interventionist and stronger, against the populists' initial intentions. This was a clear deviation from the established US version of the liberal script in the sense of an "extension," producing a different, more progressive variety of the liberal script.

4.2 Besides this mainstream trajectory we can also find at the same time, from the 1920s on, telling continuities of populist right-wing "anti-politics": E.g., nativist movements, "America First," many anti-progressive and anti-New Deal movements, like those around Huey Long, Father Coughlin (and the Union Party) and others, anti-Black movements, Southern identitarianism, the States Rights Party, the American Independent Party, and other groups around Strom Thurmond, George Wallace, and others (cf. Lipset and Raab 1970; White 2006; Kazin 1995; Lowndes 2008; Carter 1996). I would not count here those groups which presented themselves or were labeled as "American fascists" (and mostly lacked a mobilized movement). Also the various leftist Farmer Labor Parties and movements of the Midwest in the 1930s and 40s would not figure here, although they displayed many populist features and traditions and qualified for movements. They did not pursue right-wing anti-politics, but rather belonged to the political mainstream where they led for some time the (in the long run unsuccessful) progressive-to-socialdemocratic left-wing, aspiring at a timely enlargement of the liberal script (Puhle 1975, 176-182). From the 1960s on, we can also identify a new line of continuity marked by an incipient alliance of old ultra-conservatives, States Righters, new anti-Civil Rights Republicans and libertarians and economic liberals, at times complemented by some evangelicals and other fundamentalists, that first became manifest, at the national level, in the (still unsuccessful) Goldwater campaign of 1964 (emblematic already Fred C. Koch and Milton Friedman). It gained momentum in the 70s and 80s, in the campaigns and the presidency of Ronald Reagan,

and has opened the way for the major changes that have affected the course of the Republican Party since the 1990s.

We may have to account for a significant threshold around 1990, for two reasons. The first is the onset of noticeable repercussions of a more general structural change of the public sphere, also in American politics. This is a major point which will be discussed later. The second reason is the beginning of the hollowing out, disfigurement, and what one might call the destruction of the Republican Party (GOP) in (so far) three stages which has had a great impact on the relationship between institutional politics and populist mobilization. By "destruction" I mean the destruction of the GOP as an autonomous, constructive, and credible political actor at the national level and the subversion and bypassing of the authority of its elected representatives in Congress, in the National Committee, and other institutions by influential and powerful factions, movements, ideological sects, interests, and ruthless leaders who have lost respect for fairness and the usual rules, and have produced situations in which the GOP could no longer be considered to stand for democratic goals and procedure: In the end, the party has been captured to the point that Donald Trump could easily hijack it.<sup>12</sup> To be clear: Not all the groups that have contributed to the destruction of the GOP and to the success of Donald Trump have been populist. Many of them were more on the side of corporate interests, with either conservative or libertarian aspirations, like, e.g., the Koch brothers' Citizens for a Sound Economy (CSE). But in the end most of them have also supported the broader right-wing populist movements in their fight against the party establishment. And even within the latter we often can find populist agitators and elitist libertarians working together, as was the case in the Tea Party movement.

- 5. The three decades since 1990 have been marked by the destruction of the Republican Party in three stages and the rise of Donald Trump, both driven by populist mobilization:
- 5.1 The first of these stages are the two decades from 1990 to 2009. The first decade saw the activities of the United We Stand PAC and the Reform Party, particularly the campaigns of Ross Perot and Pat Buchanan (not to speak of the "early" Donald Trump, in 2000), and a sequence of severe contestations of the Clinton presidency, particularly the "Republican Revolution" around Newt Gingrich, Dick Armey and the "Contract with America," from 1994 on (Gingrich 1995). After 2000, the administration of G. W. Bush brought many new ideologues and believers to Washington who mobilized along neoconservative, neoliberal or right-wing libertarian lines and also infiltrated the Republican Party, most prominently the "boys" of Leo Strauss

<sup>&</sup>lt;sup>12</sup> This does not preclude the party's functioning at other levels than the national, or in specific sectors and contexts, mostly depending on the quality of leadership.

and Albert Wohlstetter. Finally, 9/11 and the wars that followed created new fronts for additional mobilization and radicalization. The "War on Terror" became a hotbed for conspiracy narratives, "fake news" *avant la lettre*, and further polarization.

5.2 The second phase of the destruction of the GOP was marked by crises, more structural change (implying new media of communication), and more fundamentalist contestation, radicalization, and polarization, processes that were enhanced by the mechanisms of the primaries favoring the extremes. It began with the financial crisis in 2008/09 and spans the two terms of the Obama administration which, without any reason, was considered to be "illegitimate," in a traditional populist mode, by the new Republican contestants. The spearhead of the new fundamentalism of the GOP and its crusade against "Obamacare" and other "collectivist" ideas was the Tea Party movement, which had been primarily founded to fight against "excessive government spending and taxation," but also endorsed other major objectives cherished by conservatives, libertarians, and right-wing populists. The movement was short-lived, but its program, ideas, and policies, and the conspiratorial mood of its agitation, were soon absorbed by the party rank and file, mass organizations on the ground, and prominent leaders in many states and in Congress (like Michele Bachmann, Ron Paul, Ted Cruz, or Sarah Palin). Among the most important mobilizers backing the campaigns of the groups of the Tea Party were efficient organizations of the old and new right, like the NRA, Freedom Works, or Americans for Prosperity (AFP), with strong financial support of the Koch brothers, media like Fox News, or commentators like Glenn Beck or Rush Limbaugh, to name just two of the first generation (cf. Skocpol and Williamson 2012; Hochschild 2016; Zernike 2010; Armey and Kibbe 2010).

5.3 The third and so far last stage of the destruction of the GOP has been the conquest of the party by Donald Trump and Trumpism, which began in the electoral campaigns of 2016 (for the program, see Trump 2015), and ended when Trump left office. After so many years of destruction and self-destruction it was rather easy for Trump to capture a hollowed out and emaciated party and its various factions. Despite many continuities before and after, it appears appropriate to consider the short time span as a stage of its own, because it essentially differs from the before and after by the fact that it is characterized by the exercise of populist politics from above, from the White House (for the second time since Andrew Jackson), with all its respective paraphernalia, like the compulsive, polarizing, and uncoordinated daily tweets of the former president. All this is unaffected by the question of whether or not we think that Trump, in the end, qualifies as a populist (cf. Kazin 2016; Conley 2020). His campaigning, his communications, his style and behavior are certainly populistic, even if the substance of his politics and policies may give reasons to doubt. The performance of a narcissistic construction tycoon, turbo-dealer, and entertainer aspiring at politics of the rich, by the rich, and for the rich is, in fact, not particularly populistic. But if we see Trumpism at least in great parts as a populist contestation of the liberal script, the trajectory of this movement would provide us with many emblematic examples of further transitions from internal to external and deep contestations.

6. A sixth phase may have begun in 2021 under the headline: Trumpism with Trump out of office. Hence this is no longer populism from above, tweeting from the White House, but once more and again populist mobilization on the ground, by all means, particularly the social media and other new technologies and modes of communication within the new constellations of a structurally changed public sphere, and even more fundamentalist, extremist, and intransigent than before, since disinformation, systematic narratives of lies, "alternative facts," and outright reality denial (cf, "post-truth," "truth decay"; D'Ancona 2017, Kavanagh and Rich 2018) have become integral parts of the game during the election campaign of 2020 and the transition. In addition, polarization of elites and followers has been increased, politically, ideologically, and affectively (see Börzel et al., and Garner, this volume), as have the politics of fear, hatred, and "transgressive rage," the rising violence in the campaigns and the inflammatory rhetoric of Trump, his followers, and imitators, down to the red line on the verge of Civil War, as it materialized in the storm on the Capitol on January 6, 2021 (cf. Jungherr and Schroeder 2021; Carothers and O'Donohue 2019; Lowndes 2017). More than two years later, mobilization along the lines of Trumpism looked a bit different. It appeared to have become more selective, more fragmented, and also more contested, and somewhat polycentric. Additional populist and extremist hopefuls had emerged in the fundamentalist Republican and Trumpista camp, who hoped to play a role in the presidential campaign of 2024, not least because they were younger than the ex-president. So far, however, after the first primaries, Trump has managed to hold almost all Republican factions and candidates in awe of his rage and subject to his will, no matter how much he had come into conflict with the law, or how erratic, detrimental to US interests, irresponsible and 'unhinged' his statements were. In spring of 2024 Trumpism still flourished, and the Republican Party appeared as captured and hijacked as in the years before.

The main thrust of American populisms, from the 1960s on, has on the whole been more rightward than leftward. Nevertheless, we also have to account for some visible lines of continuity of populist mobilizations and a number of protest movements which have been more on the left and have developed parallel to the last stages of right-wing populisms, particularly since the 1980s. These movements were often inspired by populist and progressive legacies on the left wing of the Democratic Party ("liberal" in the American sense), and many of them came as periodic upswells, mostly in presidential campaigns, like 1972 in the McGovern campaign, or in Jesse Jackson's campaigns of the 1980s, which also could benefit from the energies and achievements of the Civil Rights movement. The groups behind the presidential bid of Bernie Sanders in 2020 (and some smaller, mostly regional movements around other members of Congress) would belong in the same category, though in the case of Sanders a significant line was crossed, albeit incrementally, by the candidate's declaration to be a "socialist" (European style), which some decades earlier would have

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been considered "unamerican." Many "minority" organizations also have shown populist features, but not all of them have been so clearly on the left as most of the Black movements were, from the Black Populists and the Civil Rights movements to Black Lives Matter (see Ali, this volume). Many have remained fragmented, divided by "race", gender, profession, ideology, and strategy, and, notoriously in the case of the numerous "Hispanics," by country of origin. One of the few full-fledged "populisms of the left" we can, however, find in the Occupy Wall Street movement of autumn 2011 (the '99 Percent Movement'), which asked for a "new Declaration of Independence" and a "new Continental Congress," clearly striving for a different liberal script (cf. Gould-Wartofsky 2015). But even the Occupiers, despite many international spin-offs and linkages, did not succeed in building structures and remained short-lived.

# What Is So Special about US Populism? Constellations, Proximities, Varieties

What do all these varieties have in common? And what distinguishes American populism(s) from other populisms, makes it "special," perhaps "unique"? Obviously, American populism belongs to the type of protest populism in more developed countries; has in fact been its pioneer and prototype. The American populists have been the first to mobilize in modern times against a particular course of "modernization." But they have also constituted a specific subtype. American populism is indeed different from the others, not only (as has been often observed) because it has neither developed durable populist parties, as happened in Europe, nor established (at least until 2017) a majoritarian control of the government, as did many movements of the other type: project populism in less developed countries, notoriously in Latin America. Nevertheless, the highly personalized and candidate or leader-centered features would not make a case for "uniqueness." I think that the significant differences in the first place have to do with the particular constellations of various institutional and societal contexts and with a genuine proximity, in fact an elective affinity between populist mobilization and the American liberal script(s) from the beginning (as embodied in the identical and multifunctional lema: "We the People").

Populist mobilizations in the US have been part of the country's liberal script(s), and at the same time they have been contestations of it, either triggering extensions of the script or producing backlashes. We can take it as one of the central elements of the uniqueness of American populism that the populist potential for contestations of the liberal script has been built into the American liberal script. As we have mentioned above, the US has been the first "populist democracy," with a populist-friendly institutional set (at least for male whites), on the consensual basis of rebellious and revolutionary beginnings corresponding to the "national liberation" variant. Even if the anti-federalist and Jeffersonian concepts did not prevail in the framing of the constitution, the subsequent institution-building contained enough "populist," i.e., unmediated or direct-democratic elements at various levels, so that

the populists could operate within the established institutional framework. For a large country this turned out to be unique, at least for a long time.

The special relationship between populism and the liberal script in the US has also been favored by a number of important institutional and societal constellations. On the institutional side, besides the diversities of federalism and of local traditions, particularly the constitutional provisions for a separation and fragmentation of power (and parties), electoral majoritarianism (with a high potential for personalization), the absence of campaign finance regulation (through most of the time), and increasingly the radicalizing and polarizing mechanisms of the primaries have helped. Strong political localism, grass-roots organizations, and the permanent need to build alliances have also weakened the political parties which produced durable structures only for smaller units or for shorter periods. This has given populist and other (often "single issue" or ad hoc) agitators or groups more chances to seize their respective "moment" (Goodwyn 1976), initiate "persuasion" (Kazin 1995), and infiltrate party organizations than in most other countries and party systems.

With regard to the social, cultural, and political constellations we may add that, most of the time, the populist mobilizers in the US also lacked competition, perhaps with the exception of some progressive groups in the first decades of the twentieth century. There was no strong political labor movement, not much autonomous socialism, and also no significant fascism. And most of the reasons that have been given in order to explain the weakness of socialism or fascism in the US, from Sombart (1906) to Samson in Common Sense (1934) and beyond, could also be mobilized in favor of explaining the political chances of movements like the populists.<sup>13</sup> In addition, many favorable constellations of the broader context reflect the specific characteristics of the "new nation" and its particular conflictive trajectory: possessive individualism, land distribution, and the longue durée consequences and repercussions of slavery, labor relations, and economic conjunctures, particularly in agriculture, the peculiarities of American industrialization, or the traditional impact of religion on American society and the sufficient supply of religiously inspired agitators for all kinds of populist campaigns. There also were the many mechanisms for integrating newcomers. The "newness" and malleability of many procedures and institutions has been an important factor. American politics, through most of its history, has been moving, in flux, and prone to successive waves of incorporation and integration, be it of territories and states, of ethnic immigrant groups, of new professions, interests, and movements, including those of former underdogs in case they could muster the necessary leverage.

The richness of the varieties of American populism has already been mentioned. The US could be seen as the country of "populisms with adjectives." The existence of many varieties does, however, not invalidate our findings on the special and in some points unique character of "American populism(s)" as a whole, particularly with

<sup>&</sup>lt;sup>13</sup> Samson's particular point was that fascism was "impossible" in the US because significant fascist features like plebiscitary democracy, Social Darwinist thought, and a middle-class orientation had already been institutionally incorporated into the American system. For socialism, see also Lipset and Marks 2000; Puhle 2009.

regard to the American liberal script. By tradition, it has not been anti-system, with the exception of some small extremist groups of the last half century. The populists have usually shared the "American" consensus of the time, which has been a capitalist and "producerist" consensus based on private property and its protection (and eventually regulation), and they have operated within the system, mostly adding specific socioeconomic and institutional demands to the established agenda. For most of the time they have been reformers more than revolutionaries. At a broader scale, and with some early signs from the 1960s on notwithstanding, this may in part only have changed since the significant threshold around 1990 that has been mentioned: The repercussions of the structural change of the public sphere and the onset of what I have called the destruction of the Republican Party, particularly the radicalization of many of its sectors, have produced so much more extremism and polarization that we no longer only find populist reformers engaged in internal contestations and fighting for a different, often extended liberal script, but also significant (and increasingly violent) groups which openly advocate illiberal scripts and "solutions." External and deep contestations have been gaining ground.

# Toward More "Populist Democracy" in the Twenty-First Century

Like other political movements, American populisms have been deeply affected, since the end of the twentieth century, by the structural change of the public sphere and of the conditions and constellations of political communication and mobilization. This "Strukturwandel der Öffentlichkeit 2.0" (to borrow from Habermas 1990/1962) has been triggered by a number of factors that have to do with economic and institutional crises (since the late 1970s), advanced globalization, and the availability of new electronic media (particularly social media), and the various mixes of elements of "collective" and "connective action" (with the network logic) in political communication (Bennett and Segerberg 2013). Among its outcomes have been a comprehensive mediatization of politics and another decisive push, on a broad scale, toward strengthening the elements of "populist democracy," as a real-type structure, opposed to those of "liberal" or "embedded democracy" (for more details, see Puhle 2017). Its basic characteristic is the emphasis on the direct and immediate relationship, and the fiction of a permanent two-way communication between the voters and the leader(s), circumventing and marginalizing the "corps intermédiaires" designed to provide channels of control and accountability. These changes also tend to favor populist actors and politics and give them significant comparative advantages. And they have affected the mode and composition of political agency and intermediation as well as the institutions, and influenced the policy outcomes (cf. Puhle 2020).

The general trend implies that political mobilization has become much easier than before: faster, more comprehensive, better to coordinate, but also more fragmented, less sustainable, more ad hoc, and short-termish. Shit- and shamestorms may eventually be devastating, but they are reliably short. Cooperation and coalitions have

become more fluid. Political campaigning, and the skills required, have substantially changed; techniques of networking, symbolic action, theatrical events, simulation (cf. Blühdorn's "simulative democracy," 2013) and good entertainment are in greater demand, as a higher share of communicators and "showpeople" among the political personnel has demonstrated. Other important characteristics of "new style" campaigning can be found in the politics of permanent mobilization and unmitigated partiality (with all its spin-offs, down to "fake news," "alternative facts," etc.), and, as its correlate, a high degree of emotionalization and scandalization of political communication. The latter has been facilitated by the "easiness" and directness of electronic communication which, on average, seems to favor a less formal and more brutal language, by the fragmentation conditioned by the network logic, and by the fact that traditional filters (like quality journalism or intra-organizational checks) are no longer in place. And it fits well with the populist preferences for "politics of fear," and the Freund/Feind scheme which have favored radicalization and polarization from the start. The idea is that people shall even vote out of fear and be guided by hate. Elections tend to be transformed into acclamations and plebiscites, and campaigning has become increasingly "negative" (cf. the debates on "affective polarization," "negative partisanship," etc.; Iyengar et al. 2018; Abramowitz and Webster 2018).

These trends have been further enhanced by some of the mechanisms governing the new social media which also contribute to disfigure the perceptions of the proportions of political influence and power: The algorithms measuring popularity, intensity, and influence in the social media tend to favor negative emotions, like hatred and rage; hence the candidates and parties emitting them usually appear "bigger" and more influential than they are, and have an advantage (cf. Klinger 2023; van Erkel and Van Aelst 2021; Arguedas et al. 2022). Among the outcomes of the rise of populist democracy in the course of the structural change of the public sphere (and also of the instrumental hegemony of simplified binary structures) we can find greater radicalization, often along fundamentalist lines (or those of quasi-religious beliefs), more basic polarization at all levels, and a concept of politics as outright (and permanent) war, instead of social conflict and the usual contestations. For the liberal scripts this is bad news: Here the logics of populist democracy and the mechanisms of the new media, on the one hand, and populist politics, pressures, and messages, on the other, reinforce one another, triggering a process of "Veralltäglichung" (quotidianization) of the aggressive and dividing mechanisms that populist interactions can contain. These processes and aspirations have also been exacerbated by a general loss of trust and solidarity and a growing disenchantment of the people with their governments and institutions (from "discontent" to "disaffection," in the jargon; cf. Gunther et al. 2007, 29-74), which often appear as if they could no longer deliver as expected vis-à-vis the major problems at hand, such as transcultural migrations, the structural transformation from Fordist economies to knowledge economies, the impacts of advanced globalization for the labor markets, and rising inequalities, not to speak of other crises and catastrophes, like COVID-19 or similar challenges (cf. Atkinson 2015; Piketty 2014; Merkel and Kneip 2018).

## Populism and Democracy in the US: New Constellations

In the third decade of the twenty-first century, American populisms share and reflect most of the general trends that political movements have gone through in the twentieth century, and particularly in the last decades: the tendencies toward more fragmentation, and toward greater mixes and hybrids of old and new movements (even some convergence), an increase in transcontinental and transoceanic mutual learning processes (now even between the original two types), and a growing proliferation of loose parts or molds ("Versatzstücke"), populist elements that are traveling. In the US, these tendencies, which have been enhanced by the repercussions of the structural change of the public sphere, have often been less contained and more varied than in Europe's more "moderate" parliamentary systems, due to the longer history of varieties of populisms and of populist democracy.

The fiction of "immediateness" was advanced and electronically perfected by Obama. Trump has further proceeded to what might be called a tweeting presidency (top-down, not the populist "two ways"). He has also been able to take full advantage of the growing tendencies to assign greater importance to the affective and emotional components of political behavior and strategies, particularly the politics of fear, of hatred, and of polarization. These tendencies had already been observed for some time, as had the growing impact of "simulation," "fake news," entertainment factors, and "decontextualized" populist features, under the spell of George W. Bush, Dick Cheney, Karl Rove, Fox News, and the like. The process was finalized by the Tea Party movement, its propagandists and sponsors, with Koch Industries as a permanent inspiration. The basic characteristics of the new ways of campaigning have been a comprehensive fundamentalization of discourse, outright propaganda lies repeated ad nauseam, combined with prejudice and conspiracy narratives, reality denial, doublespeak, and a strategic resemanticization ("Umdeutung") of a number of key political terms (like, e.g., "democracy," or "the people"), contempt for the institutions and semi-loyalty towards democracy (cf. Mackenthun and Dosch 2023). All this reached a new quality when, during the attack on the Capitol in January 2021, even violent transgressions were encouraged, justified, and condoned. It also showed that the Republican Party could no longer be considered to be a bulwark of democracy.

Even with Trump out of the White House, the United States continues to be particularly vulnerable to the temptations and threats of antidemocratic populist politics, as a number of authors have observed. Some of the causes have been identified in the constellations of political communication and agitation: the changing media landscape, campaigns against journalistic professionalism, an increase of antiliberal actors, "shrinking newsrooms," and the fateful interaction of the media and the political systems becoming more fragile (Müller, this volume). We might add other factors that have been debated, like the populist, and often polarizing potential of the particular design of the "American" institutions (majority rule, primaries, etc.), engrained "anti-establishmentarianism," the fundamentalization and polarization of politics,

the continuous impact of growing inequalities, crises, and structural sociocultural change, and, not least, a captured and instrumentalized Republican Party.

In conclusion, it should be remembered, first, that there have been varieties of populisms in the United States from the beginning, that they have gone through various stages, with a particular threshold around 1990 when the onset of the demise and destruction of the Republican Party coincided with the repercussions of the structural change of the public sphere and new constellations of political communication and campaigning. At the same time, we can observe several lines of continuities through most of the twentieth century and beyond. The strongest has enhanced and expanded democracy and the liberal script: the populist heritage that has been integrated into the political mainstream, particularly through the channels of the "progressive" groups in both parties. Not so strong but eventually also influential and expanding have been the various dissenting groups of (mostly antidemocratic) right-wing populisms. Additionally, we have a weaker line of (mostly, but not always democratic) left-wing populist groups, more divided and fragmented, often single-issue groups or representatives of minorities.

Second, American populism has constituted the prototype of protest populism in more developed countries. Despite its many varieties, it has developed a distinguishable "Gestalt" reflecting many commonalities and a unique character of its own based on a very special relationship between populist mobilizations and the American liberal scripts and institutions. The core of the uniqueness of American populism (formerly called "exceptionalism") can be seen in the fact that the populist potential for contestations of the liberal script has been built into the American liberal script(s). Populist mobilizations have been part of the liberal script(s), and at the same time they have been contestations of it. The populists have been antiestablishment, but not anti-system; they have shared the capitalist and producerist "American" consensus of the time. For most of the time they have been reformers more than revolutionaries.

This appears, third, to have changed during the last decades when the rise of extremism and polarization has also produced significant new groups which have openly advocated illiberal scripts and violence. The events of January 6, 2021, and what led to it and followed, have demonstrated that American populism may have become more of a threat to American democracy and the liberal script than before. Even if the majority of populists may still be more likely to opt for a new, less liberal variety of the liberal script than for an outright illiberal script, a new cleavage has emerged (for or against the "American system"), and a new trend (or transition) has taken up speed: protest, and potentially rebellion, from within the system to anti-system, and from internal contestation to external and deep contestation. It would be interesting to see how much this might have to do with the constellations of the respective liberal scripts, and their ability to adapt to societal and global change and to the major challenges of the twenty-first century. But that would be another story.

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### Part II

# Polarization and Contestations of Liberalism in the US

# Polarization and Contestation of the Liberal Script in US Politics

Andrew Garner

The United States was created as a presidential system that establishes separate elections for the President, members of the House of Representatives, and US senators. The distinct and separate foundations for democratic legitimacy between the executive and the legislative branches combined with separate foundations of legitimacy between the two chambers of Congress. Moreover, each member of Congress is also elected in separate districts or states, giving each member a claim to legitimacy independent from their political party. This situation intentionally prevented consolidation of power in the hands of a single despotic leader or faction, likely a lingering consequence of the Founding Fathers' previous experience with monarchy under British rule, but it also created the likelihood of divided government with the ability of each party to separately control parts of government and have competing claims of authority to speak for the public. The resulting divided government would then force the two sides to work together through negotiations and compromises if they were to pass legislation. In the modern era, this system mostly worked as intended because the minority party acted as a cooperative partner in government that worked with the majority on common policy goals.

In recent decades, however, there has been a rising disconnect between how the American system was designed to function and the rise of extremely polarized parties (and especially the Republican Party) that actively try to block the majority party's agenda (Mann and Ornstein 2012). They write that this represents, "a serious mismatch between the political parties, which have become as vehemently adversarial as parliamentary parties, and a governing system that, unlike a parliamentary democracy, makes it extremely difficult for majorities to act," (ibid., xiii). The dysfunction and gridlock created by this mismatch has put a strain on the system of government amid frequent government shutdowns and even threats of debt default that could have catastrophic economic effects worldwide. And beyond difficulties governing, the emergence of "vehemently adversarial" parliamentary-style parties has resulted in politicians who engage in combative and even dangerous rhetoric that undermines public trust and support for major democratic institutions.

The Founding Fathers were strongly influenced by the Enlightenment and incorporated many of these ideas into the Declaration of Independence and later into the

US constitution. In other words, many of the ideas that have been identified by this volume as the liberal script were embedded by the Founders in the system of government they created. Yet recent changes in American society, the political system, and the media environment have given rise to deep polarization and the opposition-style parties that Mann and Ornstein identify. The consequence of this polarization has created strains and even outright threats to the liberal script in America, including the rule of law, traditional democratic norms, and core aspects of liberal democracy such as democratic elections. It has, in other words, warped the system of government away from the original vision of the Founding Fathers into a system where the ideas embodied by the liberal script have been challenged, sometimes openly, in recent years.

One important aspect of this change is the role of implicit rules, democratic norms, and ambiguity in the constitution and other laws regarding democratic elections. The United Kingdom, for example, does not have a written constitution and strongly relies on elites to follow norms and customs that sustain democracy. As discussed below, while the US constitution is more explicit in these rules and customs, it also has significant ambiguities that can be exploited to undermine aspects of the liberal script such as the rule of law and the administration of democratic elections. Compared with Germany, for example, which created more explicit rules following World War II, the reliance on implicit rules and norms creates an additional vulnerability for countries like the United States that can be exploited by political leaders and other elites to undermine the liberal script. The ambiguity in the constitution, the federal nature of election administration, and reliance on informal rules and democratic norms represents a continued vulnerability in the United States.

The rising polarization in American society discussed below—especially the increase in "affective polarization" or "negative partisanship"—is particularly dangerous because it creates the opportunity and even a political incentive for ambitious politicians to undermine the core elements of democracy for their own electoral gain. Emerging from the complex and interweaving factors driving this polarization is a system of perverse incentives that reward politicians for violating the implicit rules and democratic norms that are necessary for sustaining democracy in America. The societal and political changes outlined below that have given rise to parliamentary-style adversarial parties, in other words, have also created a political reward for politicians to undermine the liberal script in increasingly open and dangerous ways.

This chapter attempts to cast a wide gaze at the major factors driving the polarization in American politics and how that polarization has contributed to challenges of the liberal script. This approach contrasts somewhat with other contributors in this volume who take a deeper and more thorough exploration into many of the important areas or themes on the topic of contestations of the liberal script, and I lean on those contributions to fill in some interesting and important aspects that this chapter overlooks. The next section provides a general overview of why

American political parties have morphed into the parliamentary-style opposition parties noted by Mann and Ornstein. Polarization of the mass public is the result of a restructuring of American society combined with changes in the strength and nature of partisan loyalties, fueled by a changing media landscape. Polarization of elites and politicians is due to an interweaving of mass polarization with institutional factors such as primary elections and redistricting to create perverse incentives for politicians to take more ideologically extreme issue positions, to engage in increasingly extreme rhetoric, and to adopt uncompromising, combative style tactics. These two processes—mass polarization and elite polarization—interact in a vicious cycle.

The following section then turns to the negative consequences of this polarization and how the polarization has driven and facilitated the rise of illiberal and even overtly authoritarian behaviors by political elites. The vicious cycle of mutually reinforcing polarization, in other words, has driven many of the recent contestations of the liberal script. The growing urban-rural divide combined with unique geographical features of the American political system, for example, represents an internal challenge to the liberal script by creating a possibility of permanent minority rule where one party continues to hold power despite losing the popular vote. This obviously relates to the long-standing debate between majority rule in democratic elections and protecting minority rights has long been a source of tension in the liberal script. The other challenges to the liberal script discussed below represent more external contestations. The growing polarization has undermined trust in government and also support for democracy itself among the mass public, which in turn has led to incentives for ambitious politicians to erode democratic norms and attempt to manipulate ambiguities in the constitution and election administration in order to overturn otherwise free and fair elections.

#### A Vicious Cycle: Major Causes and Drivers of Polarization

What follows is not an exhaustive list of all contributing factors to the growing polarization, but instead focuses on the major causes of this polarization and how they feed into a vicious cycle that has warped the US political system away from the Founding Fathers' original vision. Specifically, the American public has restructured itself in ways that combine with a changing media environment to create perverse incentives for political elites to move further to the extremes, including increasingly combative rhetoric. These two trends—polarization of the public and elite/party polarization—feed one another in a vicious cycle that continues to erode core democratic institutions and warp the system of government envisioned by the Founding Fathers that is based on cooperative parties operating within a liberal democracy. The paths of causality leading to a more polarized political system, in other words, are more circular than linear.

#### Polarization of the Public: Partisanship and Geography

One of the most important trends in the American public has been changes in the strength and nature of party identification. Partisanship in America is traditionally more "affective" than policy-based (Campbell et al. 1964), at least compared to European democracies. American citizens have indeed become more ideologically polarized over the past 50–60 years, with party supporters adopting more consistent issue positions (Layman and Carsey 2002; Abramowitz and Saunders 2008; Brewer 2005; Garner and Palmer 2011; 2016; though see DiMaggio et al. 1996 and Fiorina 2017 for alternative views), including issues of foreign policy (Anderson/Garrison, this volume). In terms of "issue distance," or the widening gap in the policy agendas of party supporters, most of the polarization appears to be among the most engaged and informed citizens (Abramowitz and Saunders 2008). A second dimension of polarization involves "sorting," where citizens better align their issue positions with their party identification even if they are not taking more extreme positions, and this appears to be a somewhat wider phenomenon (Levendusky 2009; Fiorina 2017; Garner and Palmer 2011; 2016).

However, arguably the more concerning and consequential trend is yet another dimension of polarization involving the phenomenon of "negative partisanship" or "affective polarization," or how much partisans dislike members of the other party as opposed to policy agreement with their own party (Abramowitz and Webster 2016; 2018). Driving many American voters, Abramowitz and Webster demonstrate, is not policy agreement or even general liking of their own parties, but rather distrust, dislike, and even hatred of the other party and its leaders. While favorable attitudes toward citizens' own party have remained consistent since the 1980s, favorable attitudes toward the other party have fallen by approximately half.¹ "In today's environment," Abramowitz and Webster (2017) wrote, "rather than seeking to inspire voters around a cohesive and forward-looking vision, politicians need only incite fear and anger toward the opposing party to win and maintain power." The deep polarization in terms of negative partisanship also extends to both general and primary candidate preferences (Abramowitz and McCoy 2019).

Beyond negative partisanship, there has also been a demographic and geographical restructuring of the American public. One of the more impactful trends has been the geographic sorting where American citizens move to areas that are more consistent with their underlying party identification, creating neighborhoods that are more homogenous in terms of partisanship (Bishop 2009; Gimpel and Schuknecht 2001; Cho et al. 2013). Citizens usually do not have specific information about the partisan lean of a neighborhood, however, but instead select housing on other factors such as racial and income composition that are strongly correlated with party identification (Cho et al. 2013). Decades of this geographical sorting has created an American public that is more tightly clustered into like-minded neighborhoods and social networks.

<sup>&</sup>lt;sup>1</sup> https://fivethirtyeight.com/features/how-hatred-negative-partisanship-came-to-dominate-american-politics/, accessed September 11, 2023.

Another way that Americans have divided themselves into competing partisan loyalties involves shifting demographic groupings. During the 1980s there was a large shift in the American South where Democrats, especially white conservatives, began identifying with the Republican Party, which allowed the Republicans to win the majority across most Southern states in the proceeding decades (Black 2004; Bullock and Rozell 2013). In these Southern states, the partisan divide primarily consists of urban Democratic strongholds with strong support among racial minorities versus rural Republican strongholds that have strong support among white, Christian, and noncollege educated voters.

These geographic and demographic trends are strongly related. For example, an important part of the restructuring of the American public involves the movement of white evangelical voters to the Republican Party as more secular voters and mainline Christians migrated to the Democrats. Part of this was a concerted effort by Republicans, most notably Ronald Reagan, to appeal to the anti-government and anti-immigrant views underlying the beliefs of many evangelicals (see Pally, this volume, for an extensive discussion of this trend). Moreover, many of these white evangelical conservatives live in more rural areas of the country while the more secular liberal voters reside in urban centers, helping to facilitate the rise of the urban-rural polarization across the country. Rodden (2019, 42-44), for example, shows that the correlation between Democratic presidential vote share and urban population began increasing in the 1970s and has consistently grown through 2016. Rodden's work also points to a shift within the Democratic Party from one focused on economically progressive policies that could appeal to many rural white Christians to adopting policies on social issues such as support for LGBTQ+ rights and abortion that were more antithetical to these voters' religious beliefs, yet that had greater appeal to the more secular urban voters.

It is important to note that there is a complex interconnectedness to all these partisan, demographic, and geographic trends. As voters sorted their partisan loyalties and moved to more homogenous neighborhoods, they increasingly became more entrenched in like-minded social networks. Part of the shift in partisan loyalties is rooted in policies that affect different demographics such as religion, race, and urban-rural areas. The shuffling of party loyalties along demographic and geographic lines began in the 1960's with Civil Rights and the Vietnam War (Carmines and Stimson 1986), but also in the 1970s with other cultural and social issues such as abortion (Adams 1997), accelerating into a general ideological polarization as the two parties began taking consistent positions across both economic and social policies through the 1980s and 1990s (Hetherington 2009; McCarty et al. 2006; Poole and Rosenthal 1997). Moreover, all of these trends were accompanied by a dramatic increase in dislike and even hatred that partisans had of the other side, though it is not known whether this trend is a cause or consequence of the others. Finally, as voters sorted their partisan loyalties along demographic and ideological lines, and moving to more politically homogenous neighborhoods, the clustering of Americans into like-minded neighborhoods and social networks began to be reflected in the electoral landscape, beginning with the Southern realignment around the 1980s and spreading nationwide.

These various trends that have driven the polarization of the American public have undoubtedly been fueled by changes in the media environment. Although these trends started decades before the rise of cable news, let alone the internet and social media, the effect of the new media landscape has helped exacerbate, and perhaps even accelerated, the polarization. Changes in the media landscape, including the elimination of the Fairness Doctrine and the ensuing rise of AM talk radio, restructured the public sphere in ways that undermine traditional professional journalistic practices and allows for increased falsehoods and conspiracy theories (see Muller, this volume). One important way that cable news (and later the internet) would promote polarization was by allowing citizens to select into partisan media sources that reinforced their preexisting partisan views. As Sunstein (2001, 16) famously wrote, "thousands or perhaps millions or even tens of millions of people are mainly listening to louder echoes of their own voices." Yet, it is the most engaged and most partisan citizens who select into these biased sources while those less interested in politics increasingly tune out of all political news, creating a significant amount of informational inequality across the citizenry (Prior 2007). Moreover, Prior's work also demonstrates that this informational inequality creates a situation where the most engaged (and thus most partisan) citizens have become more likely to vote while turnout among the least engaged has declined. The result is an American electorate that is more polarized (but not the overall public) because the citizens voting in elections (including primaries, as will be discussed below) are increasingly the most polarized.

In sum, the polarization among the American public has been the result of a complex interaction of various demographic, geographic, and partisan trends that began decades ago, but has been exacerbated by a changing media environment. The result is an American electorate that is not merely more divided over policy and ideology, but increasingly living in "echo chambers" and like-minded neighborhoods, who increasingly view the other party with fear, disgust, and even hatred. These trends are particularly prominent among the segment of the American public who are the most politically engaged and active, and, thus, who are more likely to vote in both primary and general elections. As discussed in the next section, the result has been an electoral system that creates incentives for ambitious politicians to become more extreme in opposition to the other side and to engage in increasingly combative and dangerously illiberal rhetoric.

## Polarization of Parties and Elites: Societal Changes and Institutions

The shift noted by Mann and Ornstein from relatively cooperative, moderate political parties to more polarized and obstinate parties occurred gradually over the past 50–60 years in America. Sean Theriault (2008) provides one of the more comprehensive efforts to explain this party polarization in America. Theriault identifies four related factors that help explain the ideological polarization of the

parties over the past 40–50 years—the "sorting" or societal restructuring discussed in the previous section, congressional redistricting, primary nominations, and procedural changes.

The process of redrawing congressional districts every 10 years is largely done by state legislatures, though some states have shifted to independent commissions. The societal changes discussed above, especially the geographic sorting into more homogenous neighborhoods, has made it easier for legislatures to draw state and congressional districts that are more heavily tilted toward each respective party, leaving fewer competitive districts across the country (Theriault 2008). The current redistricting cycle, for example, has resulted in only around 40 competitive seats out of 435 total House districts. With fewer competitive districts, candidates in the majority party are far less concerned about winning re-election in the general election.

One of the more unique aspects of the American system is the nomination process that relies heavily on primary elections. In most other countries, candidates are nominated by their respective parties or through a process that is controlled by the party leadership. The US primary system not only allows candidates to run without the backing of party leaders, but sometimes to actually run for office by openly attacking their own party most devoted leadership. One reason why this occurs is that primary elections are often held months before the national election and turnout is often low, with the most extreme partisan and ideological voters more likely to participate. For an increasingly large number of House districts, then, incumbents do not fear winning the general election but do worry about facing a primary challenger, often a challenger who attacks the incumbent from the ideological extreme by using more combative language and promising to more forcefully "fight" against the other party, in order to win over the party base who make up the largest composition of primary voters. A significant portion of the polarization in Congress is due to these primary elections, though the effect of primaries is compounded and enhanced by the redistricting (in the House) and the sorting discussed in the previous section (Theriault 2008, 122-128).

It is important to note that, like mass polarization, the story of elite and party polarization is not simply about ideological differences or issue positions. Theriault (2008) identifies procedural disputes as one of the largest explanations for party polarization in Congress, identifying numerous situations where votes on rules were divided along partisan lines even though the underlying vote on the substance of the bill had almost universal support across the aisle. Similarly, Lee (2009), finds that slightly more than half of congressional voting can be attributed to disputes over traditional left–right ideology, with a large portion of the more polarized voting behavior by members of Congress explained by nonideological factors. Moreover, Lee's study argues for understanding this nonideological conflict in terms of a political interest by the party (and the minority party in particular) to "exploit opportunities to embarrass

<sup>&</sup>lt;sup>2</sup> Competitive here is defined as seats where the presidential margin of victory was less than 5 percent: https://www.washingtonpost.com/politics/2021/11/23/gerrymandering-redistricting-competit ive-house-districts/, accessed September 11, 2023.

[the opposing party's] members and deride its initiatives," (Lee 2009, 9). Similarly, Theriault argues that much of this nonideological conflict can be understood in terms of "political warfare" by the parties. Despite Ted Cruz and John Cornyn having very similar (and very conservative) voting records, Theriault explains, "when John Cornyn shows up for a meeting with fellow senators, he brings a pad of paper and pencil and tries to figure out how to solve problems . . . Ted Cruz, on the other hand, brings a battle plan."<sup>3</sup>

This recent research points to the existence of factors beyond policy disagreement driving a significant amount of the partisan conflict that America is experiencing in recent years. This is likely connected to the increase in "negative partisanship" discussed above—as the party's core voters become more disdainful of the other side, they become more receptive to combative rhetoric based on anger, fear, and hatred toward the opposing party. The plummeting trust in the other side also makes them more susceptible to outright falsehoods and conspiracy theories. The increased receptivity by core party supporters who are more likely to vote in primary elections then incentivizes ambitious politicians to engage in such rhetoric, especially those trying to unseat an incumbent via a primary challenge.

It is important to note that the polarization at the mass level is mostly limited to the more politically engaged, informed, and active citizens, which amounts to approximately 30–40 percent of the public. Thus, elite polarization is more pronounced and extreme than mass polarization generally, but the greater influence that the more polarized segment of the mass public has in American politics, especially in primaries, has helped drive and amplify the elite polarization.

This section has described the major trends and causes that have led to the rise of parliamentary style opposition parties and the increase in combative rhetoric that is prominent in American politics today. There is a link between the various societal and institutional factors, but the process is more like a vicious cycle than a linear, causal relationship. While public opinion itself is "elite-dominated" and confirmation bias leads most citizens to simply adopt the positions of their respective parties (Zaller 1992), the hardening of party loyalties and the restructuring of society interacts with institutional and electoral features (such as redistricting and primary elections) to create incentives for politicians to exploit the situation with increasingly combative rhetoric and "partisan warfare," to use Theriault's term.

One notable example involves former President Donald Trump and the various falsehoods and conspiracy theories regarding the 2020 elections. When Trump spreads falsehoods about the 2020 election results, his supporters believe him. Before the 2020 election, only about 35 percent of Republican voters believed the election would be not free and fair. Just days after the election, when Trump refused to concede and then amplified his false "rigged" elections claim, that number jumped to around 70 percent. 4 What was a minority view among Republican voters that could

<sup>&</sup>lt;sup>3</sup> https://www.washingtonpost.com/news/monkey-cage/wp/2014/01/10/polarization-we-can-live-with-partisan-warfare-is-the-problem/, accessed September 12, 2023.

<sup>&</sup>lt;sup>4</sup> https://www.politico.com/news/2020/11/09/republicans-free-fair-elections-435488, accessed September 11, 2023.

safely be ignored by party leaders and candidates quickly morphed into the prevailing view among the party base, the voters whose support Republican incumbents and candidates need most in primary elections. This creates strong incentives for ambitious politicians to promote those falsehoods to win primary elections, realizing that for most districts and even states their party is virtually guaranteed to win the general election. And as more candidates promote these falsehoods around the country in primary elections, and eventually make their way into higher office, their rhetoric in turn hardens the false beliefs among Republican voters about the 2020 election.

### **Polarization and Undermining Democracy**

This section discusses some of the more pernicious consequences of the trend toward more combative, oppositional-style parties. First, the extreme polarization has made it increasingly more difficult for elected officials to work across the aisle and even to fulfill the basic functioning of government such as paying debts and passing budgets. Working on legislation with members of the other party, or simply praising them, can provoke backlash among the party base and become fodder in future primary elections, even though the general public prefers cooperation instead of confrontation. What has emerged, put simply, is an electoral and political incentive for members to constantly attack the other side and oppose everything the other party promotes, both inside Congress as well as on the campaign trail. It has created a strong electoral disincentive to cooperate on legislation to find mutual benefits, leading to gridlock as the minority party uses parliamentary tactics and takes advantage of their systemic powers (such as control over one or both chambers of Congress) to create government shutdowns and even threaten to default on the national debt (see Mann and Ornstein 2012 for numerous examples).

In addition to problems governing, the incentive for ambitious politicians to engage in increasingly combative rhetoric has led to additional problems, including undermining support for democracy itself. Incivility and hateful rhetoric are not new to American politics, nor to democracies around the world, but recent research has shown that the current levels of polarization can present serious dangers for democracy. McCoy et al. (2018, 25-26), for example, lay out a causal chain that begins with polarizing discourse by elites that leads to an increasing polarization of society into in-groups and out-groups, resulting in perceived threats from the other side that gives rise to conflict and eventually tolerance by the different sides of illiberal or antidemocratic behaviors (see Pally, this volume, for additional discussion). Likewise, McCoy et al. (2018) examine several case studies to show how the effect of ambitious politicians (or "political entrepreneurs," to use their term) and the divisive rhetoric they use to achieve their political ends can eventually erode democracy. Similar to the trends in the United States, such "pernicious polarization" produces gridlock and other government dysfunctions which can undermine trust in democratic institutions (McCoy et al. 2018, 25-30). In the United States, Uslaner (2015) finds that gridlock and congressional polarization undermine public trust in government generally while Jones (2015) finds that partisan conflict on legislative votes significantly lowers trust in Congress specifically.

Gridlock and dysfunctional governance can also create larger problems for democracies. An older literature on democratization argued that presidential systems are especially susceptible to democratic backsliding due to various institutional features that can inhibit the ability of the executive and legislative branch to act in a unified way to national crises as well as the ability of an independently elected executive branch to engage in antidemocratic or extraconstitutional actions (Linz 1994; Lijphart 1994; Linz and Stepan 1996; though see Cheibub and Limongi 2002 for a rebuttal). Linz and Stepan (1996, 19-20), for example, argue that presidents elected separately and for a fixed term can create a false sense of democratic legitimacy, "that allows him or her to ignore, dismiss, or alter other institutions—the legislature, the courts, the constitutional limits of power," while a prime minister's ability to engage in this antidemocratic behavior is, "more likely than a president to be checked by other institutions: votes of no confidence by the opposition, or the loss of support by members of his own party." In the United States, the ability of the opposition to stop a president's abuse of power is mostly limited to impeachment and requires a supermajority of Congress to support removal from office. The extreme polarization of the political parties and the increased affective polarization in the modern era, however, makes it virtually impossible to remove a president from office even for egregious abuses of power.

Turning now to the impact of the increasingly combative and even toxic political rhetoric described in the previous section, such rhetoric had led to the undermining of democratic norms—both among elites and among segments of the public—that sustain democracy and protect it against authoritarian tendencies. As McCoy and colleagues have shown, often overt attempts at overthrowing democracy are preceded by increasingly antidemocratic and authoritarian rhetoric by political leaders and their supporters (McCoy et al., 2018). The political discourse in America has, in recent years, pushed into dangerous violations of several of these basic democratic norms and implicit rules of democratic governance, including efforts by the losing party to delegitimize the election outcomes, increasing calls to criminally prosecute political opponents (including accusations of "treason"), and attempts at undermining trust and confidence in coequal branches of the government as well as the media.

One of the most important democratic norms is that the losing party accepts the outcome of the election and views the winning party as legitimate. Yet there has been increasing use of delegitimizing language following election losses by both Democrats and Republicans over the past few decades. The contentious outcome of the 2000 election, for example, was followed by some Democrats arguing that President Bush was appointed by the Supreme Court or to declare without evidence that there was significant election fraud in Florida. Even after a convincing re-election victory in 2012, some Republican members of Congress and, more prominently, Donald Trump, spread false accusations that Obama was not an actual citizen of the United States and therefore was not a legitimate president. The more egregious

manifestation of this delegitimizing rhetoric, however, was seen during both the 2016 and 2020 elections where Donald Trump spread conspiracy theories about nonexistent widespread election fraud to argue that he won the 2016 popular vote and later the 2020 election.

Another vital democratic norm is respect for the rule of law and the freedom of political opponents to criticize the governing party. Calls for violence against political opponents and support for criminal prosecution of the other party are dangerous violations that undermine democracy. Just one example out of many is Trump leading his supporters in 2016 in a "lock her up" chant in reference to his opponent, Hillary Clinton. That chant would become something of a campaign mantra throughout the campaign, with Trump calling for Clinton to be criminally prosecuted on numerous occasions. After becoming president, Trump continued such rhetoric and even escalated it to accuse his perceived enemies, including Democratic members of Congress, of "treason" on at least two dozen occasions (Basu 2019).

Finally, in a presidential system with separation of powers like the United States, respect for and trust in coequal branches of government and support for a free, independent press are essential democratic norms. Some of the calls for political prosecution described above appear to be efforts to undermine confidence in Congress, but Trump has also attacked the legislative and judicial branches in other ways. He attacked judges overseeing lawsuits challenging his executive orders and other presidential initiatives, often with personal attacks. More recently, Trump and some Republicans have openly criticized the Department of Justice and other law enforcement entities that are prosecuting him and his allies for various alleged criminal conspiracies, undermining trust in the legal system itself. Simultaneously, Trump has increasingly promised to prosecute some of his political opponents, including saying that he would appoint a special counsel to "go after" Joe Biden and his family. Moreover, the Heritage Foundation has proposed a plan to reshape the executive branch itself, including by eliminating career protection for career employees and replacing many of them with political appointees. 6 His open attacks on the free press have been well documented, including his dismissal of accurate and factual news reports critical of his policies as "fake news," attacks by him and White House officials against specific members of the press, and his efforts to have some reporters, whose coverage was critical of him, banned from White House briefings. These and other efforts risk undermining and eroding the separation of powers and the independence of certain democratic institutions such as a free press or independent federal law enforcement agencies.

These various violations of democratic norms and implicit rules, as well as attempts to erode core democratic institutions, are having an insidious effect on Americans' trust in the elections. Numerous polls have shown that large majorities of Republicans believe the false conspiracy theory that Trump won the 2020

<sup>&</sup>lt;sup>5</sup> https://thehill.com/homenews/campaign/4045934-trump-vows-to-appoint-special-prosecutor-togo-after-biden-if-former-president-wins-in-2024/, accessed September 11, 2023.

<sup>&</sup>lt;sup>6</sup> https://apnews.com/article/election-2024-conservatives-trump-heritage-857eb794e505f1c6710eb03fd5b58981, accessed September 11, 2023.

election, for example. A Morning Consult poll tracked citizens' trust in elections from October 2020 through January 2021, finding that, immediately after the November election, trust among Republicans dropped from 66 percent to 34 percent in just a little over a week. The same poll showed that belief that the election was "free and fair" dropped from 57 percent on November 1 to only 26 percent on November 9. Both numbers remained below 30 percent for Republicans throughout the rest of the year. Moreover, this tendency extends beyond trust in elections to support for outright authoritarian actions. A YouGov survey in November 2020 also found that almost half of Republicans supported the idea of state legislatures overturning their state elections and sending pro-Trump delegates to the Electoral College even though Biden won those states. B

The consequences of polarization described thus far are more general in nature and represent more long-term trends and challenges to the liberal script in America. However, there are a couple of more immediate dangers arising from America's deep political polarization. The first involves the urban—rural polarization that has become one of the most important cleavages in American politics and the fact that the basis of representation in the United States provides outsized influence to rural areas. As the parties continue to divide between rural and urban bases of support, elections for both the presidency and in Congress will provide a systematic advantage to the party that appeals most to rural voters. Both the Senate elections and the Electoral College, for example, give more representation to small rural states such as Wyoming or South Dakota relative to their populations. And even in the House of Representatives and state legislatures, districts can be drawn in a way that provides more seats for rural areas than urban ones.

This raises the possibility that the Republican Party will consistently win congressional and state legislative majorities, and even presidential elections, despite losing the popular vote, raising concern about a permanent "minority rule." We should acknowledge that systematic biases have always existed in congressional elections, and, in the past, there have been several elections where Democrats were advantaged, meaning that they won more seats in Congress than their popular vote share would warrant. The concern for future elections, however, is that such systematic advantages will consistently favor one party for the foreseeable future and create a situation so lopsided that one party is able to maintain long-term control of national and statewide legislatures despite the majority of the public consistently voting for the other party.

The bias in the electoral system in favor of rural voters, along with aggressive gerrymandering and other structural features described in the previous section, has already created situations similar to this in several states. This does not suggest that Democrats do not engage in aggressive gerrymandering nor are Democratic states immune to these types of biases. The point is that there is a growing bias in favor of

<sup>&</sup>lt;sup>7</sup> https://morningconsult.com/form/tracking-voter-trust-in-elections/, accessed September 11, 2023.
<sup>8</sup> For a discussion and additional comparison of 2016 and 2020 confidence in elections, see: https://www.washingtonpost.com/outlook/2021/06/24/polls-conservative-distrust-election-results/, accessed September 11, 2023.

Republicans nationally and at the state level that has become more consistent across several recent election cycles. During the 2018 Texas congressional elections, for example, Democrats won about 47 percent of the popular vote share, but only won 36 percent of the congressional districts in the state. Likewise, in Ohio that same year, Republicans won about 50 percent of the vote share across legislative election and about 52 percent of the vote share for congressional races, yet ended up with 63 percent of legislative seats and 75 percent of congressional seats.<sup>10</sup> And at the presidential level over the two decades, Republicans have increasingly won the presidency despite losing the popular vote or, as was the case with the 2020 election, came surprisingly close to winning the presidency despite losing the popular vote by about 4.4 percent. I would note that in terms of congressional elections, some of this bias is mitigated or offset by similar biases in Democratic states and that Texas and Ohio are admittedly fairly extreme examples. Yet this has already created a situation where Democrats in some parts of the country must win large majority vote shares in order to have a chance at gaining majority control of government. While acknowledging that neither party is innocent when it comes to gerrymandering, the point here is that the bias generally favors Republicans nationally, that some states have extreme biases at the congressional and legislative level, and that the trend arises from a combination of the urban-rural polarization and aggressive gerrymandering that could create a long-lasting minority rule that increasingly favors the Republican Party.

Finally, one of the most serious and immediate threats to American democracy that has resulted from the polarization described above involves the attempted manipulation of election administration, including the certification process for the Electoral College and oversight of state and local elections by partisan elected officials. The US constitution confers significant power to the states over how to administer elections, and many states in turn delegate this power to localities such as county or city officials. For example, states are responsible for certifying the results of the presidential election for their own state, a process that is required for the counting of the Electoral College votes that determines the presidency. If states fail to certify the results by a particular day or if there is a dispute over the results, the House of Representatives might wind up choosing the president while the Senate would choose the vice president (see US Congressional Research Service 2020 for an overview of the procedures). Moreover, the US constitution provides a unique process of counting the votes in the House that does not rely on a simple majority vote by members, but instead provides each state with a single vote where the candidate with the majority of state votes wins. In 2020, for example, even though Republicans were the minority party in the House, because of the rural bias and redistricting trends discussed above, they held the majority of state delegations. Had enough states refused to certify their results or presented competing slates of electoral college delegates, the election could have resulted in a situation where Joe Biden won the clear majority of the popular

https://www.dallasnews.com/news/politics/2018/11/24/texas-democrats-won-47-of-votes-in-congressional-races-should-they-have-more-than-13-of-36-seats/, accessed September 11, 2023. https://www.cleveland.com/news/erry-2018/11/0f32e762411182/ohio-democrats-outpolled-repub.html, accessed September 11, 2023.

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vote, and also won the clear majority of Electoral College votes at the state level, but ended up losing the presidency to Donald Trump.

This was precisely the strategy behind many of Trump's post-election behaviors, including making personal calls to Republican governors and secretaries of state in states that he lost (such as Georgia) pressuring them to change the vote count, call a legislative session to appoint an alternative slate of electors, and other similar attempts to prevent a fair counting of Electoral College votes so that the election would be decided by the House of Representatives. Beyond pressuring state and local officials to disrupt the Electoral College certification process, one of the more brazen tactics that Trump allies attempted involved selecting alternative (and fake) slates of pro-Trump electors in seven states that they attempted to present instead of the officially certified ones from the state officials. Some of these electors even signed official-looking certificates declaring that they were the duly selected electors and presented these certificates to the National Archives. This might have allowed Republicans in Congress to object to the official results, or to allow Vice President Pence (who oversees the Electoral College count) to declare the official results were disputed, with the hope of forcing the House of Representatives to decide the presidency (which would favor Trump).11 Trump would also pressure Vice President Pence, who would oversee the counting of the Electoral College votes, to reject the official electors that Trump falsely claimed were "fraudulently chosen." The success of this strategy, however, does not require participation by the vice president; it only requires enough state-level officials to refuse to certify the results or state legislatures to present competing slates of electors or to take any other action that would nullify the state Electoral College votes. In the 2020 presidential election, for example, it would only have required a few states such as Georgia, Pennsylvania, or Arizona to have successfully overturned the election.

On this point, Donald Trump focused significant attention on the 2022 midterm elections and specifically endorsed primary challenges to many of the same Republican state officials who refused to cooperate with his 2020 strategy. This includes endorsing primary challengers against both the Georgia governor and secretary of state, as well as other primary challengers for similar positions across the country. A large number of these primary challengers have campaigned on the falsehoods and conspiracy theories about the 2020 election, with some having openly claimed that they would have refused to certify the state results. Thus far, the results have been mixed: Trump's candidates failed to defeat the governor and secretary of state in Georgia, for example, but election deniers have won primaries in other prominent states such as Pennsylvania, Arizona, and Michigan. Many of these Republican

<sup>&</sup>lt;sup>11</sup> For an overview of this strategy, see: https://www.usnews.com/news/politics/articles/2022-02-21/explainer-how-fake-electors-tried-to-throw-result-to-trump, accessed September 12, 2023.

https://www.politico.com/news/2021/01/05/trump-pressures-pence-election-results-455069, accessed September 12, 2023.

<sup>&</sup>lt;sup>13</sup> https://www.politico.com/news/2022/01/24/trump-secretary-of-state-campaigns-00000473, accessed September 12, 2023.

<sup>&</sup>lt;sup>14</sup> https://www.pbs.org/newshour/show/election-deniers-are-winning-primary-races-raising-the-stakes-for-novembers-midterms, accessed September 12, 2023.

nominees have claimed they would have refused to certify the presidential election results in 2020 had they been in office. While these efforts have not been as successful, mostly due to Republican nominees in these states being unacceptable to a general electorate, it does show how the polarization in American politics discussed above have made primary elections a potent mechanism for translating illiberal and antidemocratic rhetoric (itself the result of the polarization trends described above) into the realistic potential for illiberal and antidemocratic actions that threaten the core of democracy in America.

#### Conclusion

This chapter has attempted to identify the major trends driving American polarization and trace them to contestation and threats to the liberal script in America, particularly those related to classic liberal ideas such as the rule of law, separation of powers, traditional democratic norms, and democratic elections. The explanation for the rising polarization and subsequent contestations to the liberal script in America involves a complex set of nonlinear causal links connecting widespread societal changes, shifting psychological attitudes (notably partisanship), and core institutional features of our complicated, decentralized system of government. What has emerged is a political system that operates very differently from the one envisioned by the Founders for a system of checks and balances where political actors negotiate and compromise in good faith with the opposing side to address issues of national importance. In other words, it was designed as a system where good-faith actors competed in democratic elections within the framework of an agreed upon and mutually respected liberal script. What has emerged instead is a system where a significant portion of one party is overtly contesting the liberal script itself through illiberal rhetoric and openly authoritarian efforts to undermine the core tenants of democracy. Put simply, at this moment in time, America has a party system where one party mostly operates within the liberal script (with some notable exceptions) while the other is increasingly turning to serious and dangerous external contestations of that liberal script.

While the trends discussed above continue to move the country toward increasingly extreme and combative political parties that undermine core democratic norms and institutions, there do remain a few factors that somewhat mitigate these trends. First, as noted above, most of the mass polarization has been among the most politically engaged citizens whereas the general public remains relatively moderate, both ideologically and in terms of temperament. The problem is the more engaged citizens are obviously the ones most likely to vote in general and primary elections, giving their voices outsized influence over the parties. Yet there still remains enough moderate voters who reject the combative, extremist rhetoric to influence some general elections. This appeared to be the case in 2020 and 2022, where Trump's illiberal rhetoric turned off many suburban swing voters and helped contribute to his loss in states like Georgia and Pennsylvania, and also was likely a factor in Republicans

performing well below historical expectations in the 2022 midterm elections. In swing states and districts, then, the political parties can still experience backlash if they nominate candidates that are outside the mainstream, both in terms of policy and rhetoric. The problem, as noted previously, is that the political system continues to shift the composition of political elites to favor the more uncompromising and extreme politicians. Moreover, the number of such politicians has now grown large enough to create gridlock, dysfunction, and a dangerous level of illiberal and antidemocratic rhetoric which continues to erode trust among the public and threatens core democratic values and institutions.

I would echo a point made by many of the contributions in this volume that Donald Trump is a symptom, not the cause, of the problems facing America. Even the overtly authoritarian attempt by Trump and his allies to overturn the 2020 election was only possible due to the polarization that preceded his presidency by decades, including the receptivity of his followers to falsehoods about a "rigged" election, and ambiguities in federal election laws combined with the decentralized nature of election administration rooted in the US constitution itself. Casting a broad gaze at the complex and interweaving causes of polarization and their consequences, in other words, shows that the problems cannot be attributed to one person or even one party. The ways in which the political system has been warped away from the Founders' original vision involve deep societal, structural, and institutional features of American government. These features combined with the stronger reliance in the United States on implicit rules and democratic norms create a persistent threat to the liberal script by ambitious politicians of any party who seek to exploit vulnerabilities in the system in order to gain power through illiberal and even outright antidemocratic actions.

While the problems facing the American political system predate Trump and cannot be attributed to him or even the current Republican Party, it should be noted that the specific types of illiberal threats do appear to vary based on specific actors and the context of their individual goals. In 2020, for example, Trump and his allies attempted to exploit the federal nature of election administration along with ambiguities in election law (such as the Electoral Count Act of 1887) to overturn the outcome of the presidential election. More recently, however, Trump and his allies have shifted their focus toward restructuring the executive branch and undermining the traditional independence of the Department of Justice and other federal law enforcement agencies. The specific type of threat to democratic institutions, norms, and informal rules will vary over time, in other words, and according to the specific goals of the actors involved. And the mass polarization discussed in this chapter has resulted in a disturbingly large number of citizens in both parties who accept or even support the dangerously illiberal rhetoric and actions from their party leaders.

In sum, in a political system like the United States which relies heavily on implicit rules and democratic norms, the type of extreme polarization America has experienced creates an ever constant threat from politicians who see political gain in violating those norms and informal rules. Any attempt at reversing these trends or alleviating the consequences of them, and particularly in protecting American democracy from the rising illiberalism seen in recent decades, requires examining the broader political system itself. Some of the trends discussed above are probably irreversible, especially those related to geographic sorting and the changing media environment. Others, like primary elections or redistricting, could be addressed through party rules and legislation, although that would require politicians to change a system that currently benefits many of them. Yet, whatever steps are possible to address the challenges to the liberal script in America requires first that we understand the full scope and complexity of the problem.

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# The Supreme Court of the US and the Liberal Script

Robert E. Benson

On April 9, 2021, President Biden issued Executive Order 14023 forming the Presidential Commission on the Supreme Court of the United States. The bipartisan commission was tasked with assessing the "current debate over the role and operation of the Supreme Court" including, "the principal arguments... for and against Supreme Court reform." A venerated American institution, the Supreme Court has recently suffered a cascade of legitimacy concerns. Critics point to a partisan Court with expansive powers and only limited oversight (Bowie and Renan 2022; Huq 2022; Karlan 2021). Others defend the Court as a constitutional ballast, steadying the ship of state amid competing political interests (Dahl 1957; McCloskey and Levinson 2016). In recent years, however, the Court's composition has been subject to heightened scrutiny, particularly in the wake of blistering nomination hearings (Vieira and Gross 1998; Collins and Ringhand 2013; Benson 2023). The debate over the role of the Court has therefore taken on a new urgency, with voices on the left lamenting norm violations and those on the right decrying partisan hypocrisy. Against this background I ask whether the US Supreme Court is a defender or contester of the liberal script? How has the Court's jurisprudence evolved historically? And what does the current composition of the Court mean for the liberal script in the years ahead?

This chapter will argue that the Supreme Court, at various points in its history, was both a defender and a contestant of the liberal script. A script, as defined by Börzel and Zürn (2020), is a shared understanding about the organization of society, encompassing both prescriptive and descriptive statements on societal structure and ideals. In this volume, the liberal script emphasizes principles of individual freedom, self-determination, adherence to the rule of law, and the universal recognition of human rights. Economically, it champions market mechanisms, property rights, and meritocracy. Societally, it highlights the importance of pluralism and a tolerance for varied lifestyles (Börzel and Zürn 2020; Börzel et al., this volume). Although not dispositive, the liberal script deeply informs the American system

<sup>&</sup>lt;sup>1</sup> White House. (2021). Presidential Commission on the Supreme Court of the United States. White House. https://www.whitehouse.gov/wp-content/uploads/2021/12/SCOTUS-Report-Final.pdf, accessed August 2022.

of government, guiding its separation of powers and shaping its foundational normative commitments.

The US constitution can be viewed as a semi-codified script. While it lays down a foundational framework, much of our constitutional canon, as argued by Akhil Reed Amar, remains unwritten and rooted in customary practices (Amar 2012). This built-in ambiguity, coupled with the constitution's brevity (encompassing just over 4500 words), implies that constitutional interpretations can often be subjective, or, at the very least, open to multiple valid interpretations. The mechanisms that connect the liberal script to various legal doctrines involve a balance of judicial interpretation, precedent-setting, and the application of constitutional principles. Ultimately, to defend the script means to champion its foundational values, ensuring that individual rights are safeguarded, state power remains in check, and public goods are equitably distributed. While the constitution provides the foundational script, it is the interpretation and application by institutions, particularly the Supreme Court, that breathe life into its principles and ideals.

American legal scholars have long noted the important role of the Court as a defender of liberty; both in terms of negative liberty, protecting core political rights against undue state intrusion, and positive liberty, advancing (some would say engineering) progressive social and political rights. Consider, for example, how the civil rights movement of the 1960s sought to expand the franchise. Here, campaigners petitioned the Court to redress their grievances by invoking the very language of the liberal script, often in deeply spiritual or aspirational terms.

Similarly, the Court has rejected external or alternative scripts it deemed unconstitutional. Canonical cases like *Brown v. Board of Education* (1954) and *Loving v. Virginia* (1967) reiterated the founding creed that all men are created equal, while denouncing the scourge of racial segregation as inconsistent with the principles of ordered liberty. Yet these legal triumphs were often met with backlash, as the Court itself increasingly became an object of contestation. Although the Supreme Court may have willed rapid societal transformation, it was made to contend with countervailing political forces that mobilized against it. Here, it is important to recognize that the US constitution was never intended to be a truly emancipatory document; it made deeply flawed compromises, especially concerning slavery and the rights of indigenous people. Time, and time again, there was a breakdown in the application of rights and duties, as the letter of the law was wielded to obscure or even subvert the intended spirit of the law, leading to outcomes that radically diverged from professed liberal values.

Others would argue that the liberal script has long been mired in social and political domination and cannot be so easily disentangled from its racial antecedents (Mills 1997). In the eighteenth century, liberal theorists, including John Locke—who notably influenced the US constitution—defended slavery as an inherent aspect of the imperial social order. Contradictions within liberal ideology—and by extension, the US constitution—have historically distorted the allocation of rights and duties, sometimes grievously so. As the lawyer Chase Strangio notes, "one of many the reasons that US law is not a path to liberation is that there will never be robust notions

of liberty and autonomy in a system that was created to maintain chattel slavery."<sup>2</sup> Indeed, laws, molded by compromise, societal norms, and power dynamics, often fall short of the ideals expressed by the liberal script.

Within the framework of the constitution, contestations can arise when justices interpret laws in ways that pit certain rights against one another, creating tension between legal principles. Such contestations, while inherent to the judicial process, become problematic when they lead to the abridgment of fundamental rights, thereby undermining the very essence of the liberal script. Consider the Court's role throughout the late nineteenth and early twentieth centuries, where it entrenched racial segregation in the United States by invalidating landmark civil rights legislation. Infamous rulings such as *Plessy v. Ferguson* (1896) have since become part of what legal scholars term the "anti-canon"—decisions that are widely regarded as antithetical to the spirit of the law (Primus 1998; Greene 2011). In such cases, the Court actively subverted the rights of petitioners, invoking pseudoscience and racialized tropes to deny equal protection.

Contestations are not relics of the past. Recent judgments have shown that the Court is still renegotiating the liberal script. This is manifest in the pivotal case of *Dobbs v. Jackson Women's Health Organization* (2022), which effectively nullified the constitutional right to an abortion. When unpacking these decisions, the concept of "deep contestation" proves instructive. As described in the introduction to this volume (Börzel et al., this volume, 6), deep contestations "can be both internal or external" to the liberal script and "always involve a high degree of social mobilization." Drawing from this logic, the highly charged controversy over abortion in the US exemplifies a deep internal contestation. It pitches the bodily autonomy and health of women against the right to life of the unborn child.

Yet not all contestations are internal to the liberal script. That is, not all contestations amount to a renegotiation of liberal values. Some emerge from the outside. These so-called external contestations strike at the very core of liberal democratic principles, challenging the foundational tenets upon which the system rests. Attacks on voting rights, for instance, are emblematic of such external contestations. The right to vote is not merely a procedural aspect of democracy; it is its lifeblood, ensuring representation, participation, and the legitimacy of governance. When the Court retreats from safeguarding this fundamental right, as has been evident in recent decisions, it is not merely tweaking the parameters of the liberal script but potentially undermining the very essence of democratic governance. Such actions raise questions about the Court's commitment to the principles of representative democracy and its role as the guardian of constitutional rights.

The Supreme Court is currently at the center of numerous challenges facing American democracy. How the Court addresses these challenges will not only determine the future of legal frameworks but also impact the public's faith in democratic institutions. Anne Swidler's text "Culture in Action" (1986) suggests that culture, including

<sup>&</sup>lt;sup>2</sup> Strangio, C. Twitter post, 4 September. https://twitter.com/chasestrangio/status/15421162 35869130754?lang=en, accessed June 2022.

legal culture, offers a "tool kit" from which actors can craft strategies. In the judicial context, this tool kit comprises precedents, legal theories, and societal norms that help judges make sense of the world around them. Yet the translation from legal doctrine to public policy is not always seamless. At times, the mechanism bridging doctrine and policy can fracture, leading to interpretations that might not align with societal needs or constitutional intent. This raises pressing questions: How has the Court straddled societal fissures before? What factors shape the Court's decision-making? And in an era marked by polarization, what does the future hold for a multiracial democracy under the stewardship of a divided Court?

In addressing these questions, the chapter will proceed in three distinct sections. The first section delves into the origins of the Supreme Court, describing its role as a coequal branch of government and charting its evolution and significance within the liberal script. In section two, the focus is on landmark rulings where the Court has defended and contested the liberal script with reference to the constitutional canon and anti-canon. In section three, the chapter transitions to the present era. Amid deep contestation over societal values and the role of the judiciary, it reflects on the pivotal role of the Court in a multiracial democracy.

#### The Supreme Court and the US Liberal Script

The US liberal script is rooted in the Enlightenment ideals of individual freedom, rule of law, separation of powers, and economic liberalism. While the constitution is a foundational document that enshrines many of these principles, it is not synonymous with the broader liberal script. The constitution is fundamentally a framework for governance, whereas the liberal script encompasses a much broader set of societal values. Despite its universalist claims, the liberal script was not always extended to all members of society. Marginalized groups, especially Black, indigenous, and other people of color, were often denied the very rights and freedoms that the script championed. This selective application not only exposed the inherent contradictions within liberal societies but also highlighted the challenges of translating lofty ideals into governance, especially in a nation grappling with deep-seated racial hierarchies.

Against this backdrop, the United States constitution is organized along two essential principles. The first principle is the separation of powers. Here, authority is dispersed between the legislative, executive, and judicial branches. These checks, as they are commonly called, ensure that no single institution can dominate the next. The second governing principle can be described as a cautious antimajoritarianism. The founders were preoccupied with the political power of the masses, whose intemperate passions, James Madison warned, could lead to a tyranny of the majority. The early republic, therefore, adopted constraints on popular sovereignty that ensured both political stability on the one hand and democratic accountability on the other.

The Supreme Court derives its authority from the classically liberal assumption that democratic procedures are detrimental to minority rights (McCloskey and Levinson 2016). As John Hart Ely argues, correcting for the excesses of democracy

is a manifestly liberal idea. Ely went on to suggest in his political process theory that courts should guard against patently unjust laws (Ely 1980). Indeed, the Supreme Court was envisaged as a last line of defense against state encroachments on personal liberty. Alexander Hamilton wrote in *Federalist No. 78*: "A limited Constitution . . . can be preserved in practice no other way than through the medium of courts of justice, whose duty it must be to declare all acts contrary to the manifest tenor of the Constitution void" (1961, 468).

Free from electoral constraints, the founders believed the Court would be a natural check on self-government. The Court was therefore conceived as an institution insulated from public opinion. Its justices, nominated by the President and confirmed by the Senate, would serve lifetime appointments and rule on matters of constitutional controversy. It was some 15 years after the constitution was written that the Supreme Court established the principle of judicial review in *Marbury v. Madison* (1803). The seminal case granted the Court expansive powers to strike down acts of Congress it deemed unconstitutional, effectively ensuring that the federal judiciary would have the last word on key constitutional debates. In practical terms, judicial review meant that the Supreme Court would remain a formidable institution on par with the other two elected branches.

The Supreme Court, especially during its formative years, was instrumental in delineating the separation of powers and consolidating the role of the federal government (Balkin 2013). In decisions such as *McCulloch v. Maryland* (1819), the Court firmly upheld the federal government's power to establish the Second Bank of the United States, thereby boldly asserting the doctrine of implied powers. The ruling in McCulloch played a crucial role in the early nation-building process. Indeed, by actively delineating the role of the federal government in relation to the states, the Court helped establish truly national competencies. The challenge that remained for the Court was determining how and when the federal government could use them.

While the Court was proactive in defining the early contours of American federalism, it was markedly more conservative when it came to the expansion of civil rights. One of the Court's first and most significant challenges was navigating the issue of slavery. The early American Republic was a nation divided between slave states and free states. The unresolved issue of slavery, particularly its expansion into the newly acquired territories of the United States, presented a formidable test for the Union. The Fugitive Slave Act of 1850, which mandated the return of escaped enslaved people to their captors, was a stark reminder of the nation's unresolved moral and legal quandaries.³ By upholding the Act in *Ableman v. Booth* (1859) and asserting its sole authority to interpret the federal statutes, the Court not only reinforced the institution of slavery but also used its power of judicial review to foreclose any possibility of emancipation.

<sup>&</sup>lt;sup>3</sup> Some scholars have drawn parallels between the post-Roe landscape and historical contexts, noting that women seeking abortions in certain states today face threats like those experienced by fugitive slaves, potentially being prosecuted in their home states. For a detailed discussion on this analogy, refer to Mystal's article titled "Anti-Abortion Politicians Are Now Taking Inspiration from the Fugitive Slave Act." *The Nation Magazine*, March 11, 2022, accessed August 2022.

Yet, it was the *Dred Scott v. Sandford* decision in 1857 that laid bare the Court's most profound failure. In ruling that people from African descent, irrespective of their status as free or enslaved, were not American citizens, the Court effectively denied them their basic human rights. Chief Justice Taney's assertion that slave owners, rather than the enslaved, were entitled to compensation under the Fifth Amendment's Due Process Clause pitted property rights against freedom from bondage. This decision, more so than any other, epitomized the Court's departure from the liberal script's ideals of self-determination.

The Court's early jurisprudence presents a stark contradiction. While it expanded federal powers (and its own constitutional remit) it simultaneously reinforced and perpetuated systems of racialized state violence. Black and indigenous populations, and women, among other marginalized groups, were conspicuously excluded from the purview of liberal principles. Instead of being seen as equal bearers of rights, they were relegated to positions of inferiority. This selective embrace of the liberal script not only tainted the Court's legacy but also laid bare the contradictions within the nation's foundational legal and political structures.

### **Defender or Contestant of the Liberal Script?**

The Taney Court gave first expression to what legal scholars call "the constitutional anti-canon," decisions that violate the intent or spirit of the law (Primus 1998). The anti-canon stands in stark opposition to fundamental tenants of the liberal script, namely individual self-determination. Crucially, the anti-canon is not relegated to the antebellum period. In the tumultuous decade after the Civil War(1861-1865), a segregationist majority on the Supreme Court fought Congress on the application of the Reconstruction Amendments (Foner 2012). Here, as before, the Court sought to negate fundamental civil and political rights and used its powers of judicial review to do so. Rather than upholding the liberal script's commitment to equality, the Court appeared to give precedence to states' rights and the preservation of the existing social order.

Decades after the Civil War had ended, the Supreme Court ran pitched battles with Congress on the application of the Reconstruction Amendments, a series of reforms that guaranteed equal protection under the law to all citizens, including the formerly enslaved. Among the most egregious example comes after the Civil Rights Act of 1875. The legislation mandated equal treatment of citizens in public accommodations, transportation, and other services. The Court acted aggressively to stop them by consolidating five cases known collectively as the *Civil Rights Cases* (1883). Here, the Court said that Congress had no power to pass an anti-discrimination law because the Fourteenth Amendment only applied to the states and not individuals; it held that the Thirteenth Amendment, which empowered Congress to eliminate the remnants of slavery, did not authorize them to prohibit anti-Black lynch mobs; and stipulated that private persons and their entities were free to discriminate at will (Bowie 2021; Robinson 2017). States, under the banner of preserving their

autonomy, often enacted laws that directly contravened federal mandates on civil rights. As a result, Black Americans were subjected to violent terror campaigns as authorities looked on.

Remarkably, while the Court upheld the liberal script's principle of devolved federal powers, it simultaneously obstructed the realization of another core liberal tenet: equality before the law. Eric Foner, in his seminal work "Reconstruction: America's Unfinished Revolution, 1863–1877," details how Southern states resisted federal efforts to ensure civil rights for newly freed Black Americans (Foner 1988 [2014]). They implemented Black Codes and later Jim Crow laws, effectively circumventing the Fourteenth and Fifteenth Amendments. The Supreme Court, in decisions like the "Slaughter-House Cases" (1873) narrowed the interpretation of these amendments, thereby limiting federal intervention in state affairs and indirectly sanctioning racial discrimination.

If the Court did intervene, it was to further entrench racial segregation. In *Plessy v. Ferguson* (1896), the Court codified segregation when it held that separate rail accommodations were compatible with equal protection. In its reasoning, the Court argued that segregation was not inherently discriminatory, and that the Fourteenth Amendment was designed to enforce political equality, not social equality. In balancing a state's right to regulate public facilities against an individual's rights to equal protection under the law, it ultimately prioritized the former. Infamously, the Court contorted itself to deny full citizenship to emancipated people and their descendants. Their stance not only undermined the spirit of the Fourteenth Amendment but also set a dangerous precedent that would have lasting implications for civil rights in America.

The anti-canon also extended beyond the civil rights realm to social and economic rights. Between the turn of the twentieth century and the late 1930s, the Court used the principle of substantive due process to invalidate federal and state laws that it deemed contrary to free market principles. The Lochner Court derives its name from the case *Lochner v. New York* (1905), where the state of New York sought to regulate the working hours of certain trades. The Supreme Court found that the law interfered with the rights and liberties of individuals to pursue private contract (Vile 2010). Lochner, and the free-market era it came to represent, is widely considered an archetype of judicial activism that according to conservative jurist Robert Bork: "[was] the quintessence of judicial usurpation of power" (1990, 44). The Lochner Court not only crafted right-wing economic policy but used its powers of review to criminalize organized labor at a time when wealth inequality threatened American democracy.

Remarkably, the enumerated rights of the constitution and their constraints on state action regularly served as barriers against the enforcement of other implied social and political rights. In the early days of the twentieth century, the Court repeatedly thwarted progressive social and economic legislation. The so-called Lochner era saw the Court annul laws on the minimum wage, the 40-hour week, child labor and workplace safety, national insurance schemes, and the regulation of the banking and transportation industries (Wall 1976). It was the Lochner Court of the 1930s

that invalidated New Deal legislation on wage regulation and agricultural policy meant to mitigate the worst effects of the Depression. As Americans grappled with the combined legacies of Gilded Age disparities and unprecedented unemployment, the Court appeared more committed to preserving laissez-faire economic principles than addressing the pressing socioeconomic crises of the time. Indeed, the Court drew on one subset of liberal values, economic liberalism, to undermine another, social solidarity. By violating its role as a neutral arbiter, the Lochner Court not only exposed the inherent tensions within the liberal script but also highlighted the dangers of selective interpretation. By prioritizing economic freedoms over societal well-being, the Court disrupted the interpretive mechanism that translates legal norms into public policy, opting for sheer ideology over analysis.

The Court, however, has also shown a remarkable capacity for leadership. Collins and Ringhand refer to the pantheon of cases that have advanced our legal thinking and reaffirmed our founding creed as the constitutional cannon (2013, 4–7). Decisions like *Brown v. Board of Education* (1954), *Griswold v. Connecticut* (1965), and *Loving v. Virginia* (1967) each exemplify a normative theory of law that privileged individual self-determination and sought to bridge the gap between the constitution's text and its application. Here, the Court not only affirmed key tenets of the liberal script but also sought to radically transform the social order.

The Warren years cast a special mystique around the high court. It began with Brown v. Board of Education, the 1954 landmark decision that desegregated public schools in the United States. Brown was a seminal moment for the Court. In the absence of Congressional leadership, nine justices courageously asserted that separate was inherently unequal. The decision today is rightly lauded as a constitutional triumph and a vindication for democracy. Over the next two decades, the Court under Earl Warren radically reshaped American life: It expanded protections for criminal defendants, established a constitutional right to privacy, defended political speech, and challenged the entrenched role of religion in public spheres. The Warren Court also took significant steps in addressing issues of voting rights, ensuring representation through the "one person, one vote" principle in Reynolds v. Sims (1964). By the late 1960s, the Court had consolidated its reputation as a liberal institution fiercely committed to minority rights while contesting the boundaries of traditional American life, from challenging established gender roles, to questioning religious instruction in public schools, and championing a more expansive understanding of implied personal freedoms, including the right to privacy.

The Court's progressive decisions during the Warren era were not merely the product of liberal justices but were influenced by the broader political context of the time. The Democratic Party's electoral dominance from the 1930s to the 1960s played a pivotal role in shaping the Court's composition. This dominance allowed Democratic presidents to appoint a majority of the justices, leading to a Court that was more

<sup>&</sup>lt;sup>4</sup> Political scientists such as Huntington (1996), Tilly (2003), Fukuyama (2012) have long noted the threat posed by economic inequality to democracy—an observation shared by Associate Justice Brandeis, who a century ago, warned of the dangers of oligarchy. The full quote reads "we can have democracy in this country or we can have great wealth concentrated in the hands of the few, but we can't have both"

receptive to progressive causes. For instance, of the 22 open Supreme Court seats between 1933 and 1968, 17 were filled by Democratic presidents.<sup>5</sup>

The political landscape has since shifted. The Democratic dominance that characterized the mid-twentieth century has waned, and the Court has steadily moved in a more conservative direction. Indeed, by the 1970s, the Court found itself under significant duress as backlash percolated on the margins. A liberal Court, so the argument went, should not be permitted to rule through judicial fiat. Seemingly overnight, the Court became "monarchical," "anti-democratic," and "elitist," assuming the role of a catch-all bogeyman (Engel 2011). This sentiment was further fueled by the rise of the Moral Majority, a political movement led by conservative Christians that sought to influence public policy in line with evangelical values. The rise of the religious right, among other movements, were emblematic of a broader conservative resurgence that aimed to counteract what they perceived as the Court's liberal overreach.

Yet the accomplishments of the Warren Court mostly persisted. Why? One of the great strengths of the Warren Court was its ideological pluralism. Indeed, the Chief Justice himself was once the Republican Governor of California. Other jurists, including Felix Frankfurter and Robert Jackson, were, if anything, committed legal pragmatists, whose meticulous deliberations challenged Warren to write among the Court's most forceful opinions (Newton 2006). Such ideological pluralism bolstered the Court's jurisprudence and provided the necessary political cover to defend critical constitutional rights more aggressively, especially on social issues.

The collaborative spirit that characterized the Warren Court has long ebbed. Recent appointments have notably tilted the Court's balance, with figures such as Justice Amy Coney Barrett contributing to a 6–3 conservative supermajority. This pronounced ideological shift holds significant implications. As the Court leans more conservatively, there's potential for established precedents to be revisited and societal fissures to be reopened. The rise of deep contestation on seminal issues such as abortion, affirmative action, gun violence, and voting rights threatens to further polarize an already divided nation. Such profound disagreements, if not judiciously handled, could erode public trust in the Court as a neutral arbiter of justice. To emphasize the risk more acutely, the legitimacy of the Court, which has historically been based on its perceived impartiality and fidelity to the constitution, could be at risk if it appears to be merely an extension of partisan politics.

#### The Roberts Court as Deep Contestation

For many Americans, the story of the Supreme Court as a deterrent to democracy will come as somewhat of a surprise. There is, as previously mentioned, a mythology that surrounds the Court as an emancipating legal force. Bowie (2021) argues that the

<sup>&</sup>lt;sup>5</sup> "The Supreme Court and the End of the Democratic Century." *Politico Magazine*. https://www.politico.com/news/magazine/2022/05/13/supreme-court-end-democratic-century-00032171, accessed April 17, 2024.

legacy of the Warren and Burger Court of the late 1960s, did much to solidify its image as a progressive institution. In particular, the Court's embrace of civil rights is one of the dominant legal narratives of the last century. For years, the Court polled as the nation's most trusted institution (see Franklin 2019). There are two reasons for this period of relative stability. The first is respect for precedent. The Burger (1969–1986), Rehnquist (1986–2005), and early Roberts Court (2005–2016), although increasingly conservative, partially reaffirmed the Warren consensus on fundamental rights from personal intimacy matters and abortion access to the procedural revolution in criminal defense. Second, the Court regularly sought compromises on highly contentious issues. This institutional dexterity helped insulate the Court against charges of partisanship. Indeed, as late as the Obama presidency, the Roberts Court upheld the Affordable Care Act in *National Federation v. Sebelius* (2012)—electing not to overturn the landmark healthcare legislation that expanded coverage to millions of Americans.

In recent years, the Supreme Court appears to have become less tethered to the principle of stare decisis, or respect for precedent. A 2018 study by the Congressional Research Service found that the Court has been more willing to overturn constitutional precedents than statutory ones (Murrill 2018). What accounts for this departure? The Court, wielding vast powers with minimal democratic oversight, has been accused of engineering certain outcomes to satisfy ideological precommitments (Murray and Shaw 2024; Huq 2022; Karlan 2021). For instance, in *Dobbs v. Jackson Women's Health Organization* (2022), the Court's decision to take up a case challenging Mississippi's restrictive abortion law was viewed by some legal scholars as an indication of its willingness to potentially overturn the precedent set by *Roe v. Wade* (1973)—a concern that was ultimately validated (Murray and Shaw 2024). These decisions, among others, have fueled perceptions that the Court is prioritizing ideological objectives over long established constitutional precedents.

Exacerbating this situation is the diminishing effectiveness of the legislative branch. As Congress becomes more gridlocked and less capable of addressing pressing social and political challenges, the Court becomes the primary, if not the only, branch of government weighing in. This dynamic creates a vicious cycle: The more polarized Congress becomes, the more the Court feels compelled to intervene, which in turn can further polarize public opinion. The dynamic places the Court in a more activist role, making decisions that, in a more functional political environment, would be the purview of elected representatives (Chafetz 2017). The increasing reliance on the Court to resolve key policy debates amplifies the stakes of each nomination and decision, initiating a form of deep contestation that further entrenches societal divisions.

Indeed, in the absence of congressional legislation, the Court has inserted itself into contentious policy disputes either by prematurely ending constitutional debate,

<sup>&</sup>lt;sup>6</sup> As late as 2019 polling presented at Marquette Law School found that a majority of Americans trust the Court more than the executive or congressional branches. These numbers have since precipitously declined.

as seen with McDonald v. Chicago (2010) and New York State Rifle & Pistol Association v. Bruen (2022) on gun rights, or by gratuitously rehashing them, as with Dobbs v. Jackson Women's Health Organization (2022) on abortion rights. In these instances, the Court's decisions extend beyond narrow legal implications, they help shape the nation's sociopolitical fabric. By not adequately considering the interplay between legal principles and the broader societal interests they impact, the Court risks breaking the interpretive mechanism that bridges legal doctrine and public policy. This disconnect not only undermines the Court's credibility but also diminishes its role as a mediator between the constitution's ideals and the nation's evolving societal values.

The translation of legal norms and principles into public policy is a complex endeavor that requires a delicate balance between judicial interpretation and societal needs. Anne Swidler, in her seminal work "Culture in Action" (1986), posits that culture, including legal culture, is not a static entity but a "tool kit" from which actors select different pieces for constructing lines of action. Applying Swidler's analysis to the realm of judicial decision-making, one can argue that judges, when interpreting the constitution and other legal texts, draw from a cultural toolkit filled with precedents, legal theories, and societal values.

For judges to "do the right thing" by society and the constitution, they must be adept at navigating this toolkit, selecting the tools that best align with the evolving needs of society while staying true to the foundational principles of the constitution. This requires not only legal acumen but also a deep understanding of societal dynamics and the potential ramifications of their decisions. A judge's ability to effectively translate legal norms into public policy hinges on their capacity to bridge the gap between the abstract world of legal principles and the realities of everyday life.

However, the challenge lies in determining which tools to use and when. In a rapidly changing society, the risk of misalignment between judicial decisions and societal needs can be daunting (Barak 2006). When judges rely too heavily on certain tools, such as strict originalism or narrow interpretations, they risk alienating segments of the population and exacerbating societal divisions. Conversely, a too progressive approach might be accused of judicial activism, where the Court is seen as overstepping its bounds. In essence, the judiciary's role is not just to interpret the law but to also ensure that its interpretations resonate with the broader societal context (Barak 2006). Striking the right balance between these two poles is crucial for the Court's long-term legitimacy and for the public's trust.

One way to ensure a healthy interpretive pathway between principle and policy is by cultivating ideological pluralism on the bench. As Litman, Matz, and Vladeck argue, ideology matters (2019). The composition of the Court reflects both the cases they take and, ultimately, the precedents they set. Although the Court is not meant to mirror majoritarian values, it is also not meant to operate in isolation, disregarding the broader societal consensus or acting unilaterally against established democratic norms. Here, the Court is more likely to contest fundamental rights when under the sway of an ideological supermajority—irrespective of its political persuasion.

The reason for this is multifaceted. Firstly, when a Court is dominated by a single ideological perspective, it diminishes the need for justices to seek consensus. In a

more balanced Court, justices are often compelled to engage in deliberations, negotiate, and sometimes even compromise to reach a majority decision. This process of negotiation and compromise can lead to more nuanced and balanced rulings. However, in the presence of an ideological supermajority, this deliberative process can be short-circuited, as the dominant faction can easily secure a majority without needing to engage with dissenting views.

Secondly, a Court lacking in ideological diversity loses its dexterity in interpreting and applying the law. The richness of diverse perspectives brings a depth to judicial reasoning, allowing the Court to consider a wider range of legal interpretations and societal implications. Without this diversity, the Court's decisions can become more predictable and rigid, potentially failing to account for the complexities and nuances of evolving societal contexts.

Consider the Roberts Court, with a dominant conservative bloc, the Court can now make determinations without needing to forge wider consensus. Their comfortable 6–3 majority could, potentially, dilute the rigor of their legal analysis and reduce the broader resonance of their decisions (Coyle 2013). Furthermore, ideological capture makes it more likely for the Court to revisit and potentially renege on previously decided fundamental rights. A move that a more ideologically balanced Court might undertake with added caution. Indeed, this very dynamic was on full display when the Court tackled the contentious issue of abortion.

In its decision to overturn *Roe v. Wade*, the Roberts Court fundamentally renegotiated central tenets of the liberal script, seemingly without broad societal consensus. A 2022 Pew Research survey found that 62 percent of Americans believed abortion should be legal in all or most cases, underscoring the potential disconnect between the Court's judgment and public sentiment (Pew Research Center 2022). In Dobbs, the majority weighed the state's interest in protecting fetal life against a woman's right to make decisions about her own body. The decision was shocking to many legal scholars and observers, not just because of its implications for abortion rights, but also for what it signaled about the Court's willingness to depart from long-standing precedent. Precedent, in the legal field, is the principle that decisions of the Court should stand as binding in future similar cases, ensuring consistency and predictability in the law. By overturning a precedent as established as Roe, the Roberts Court signaled its willingness to challenge others. 8

The end of Roe marked a profound shift in the Court's trajectory and served as a clear warning that other well-established rights might also be in jeopardy. The majority's reasoning in Dobbs, penned by Justice Samuel Alito and accompanied by a concurrence from Justice Clarence Thomas, was particularly revealing. The opinion questioned the validity of all implied due process rights—those rights not explicitly enumerated in the constitution but deemed essential for a free and open society.

<sup>&</sup>lt;sup>7</sup> With Dobbs, the Court is widely considered to have scorned precedent. See Linda Greenhouse, "Requiem for the Supreme Court." *New York Times*, June 24, 2022, on the overturning of *Roe v. Wade*.

<sup>&</sup>lt;sup>8</sup> Some called Roe a "super precedent." The term refers to a legal precedent that has been upheld multiple times through subsequent Supreme Court decisions and has become so ingrained in the legal framework that overturning it would be particularly disruptive.

Such a stance suggests a broader skepticism toward rights that have been recognized and protected by the Court in the past, hinting at a more restrictive interpretation of individual liberties moving forward.<sup>9</sup>

Whereas the Roberts Court is curtailing some individual rights, it is championing others. Consider the issue of religious liberty. The relationship between religious liberty and the US Supreme Court has evolved over time, reflecting broader societal shifts and the changing composition of the Court itself. Historically, the Court has shown deference to plaintiffs who have raised objections to the official endorsement of state religion. This was evident in cases such as *Torcaso v. Watkins* (1961), which invalidated religious tests for public office, and *Engel v. Vitale* (1962), which controversially ruled against state-sponsored school prayer. In recent years, the Roberts Court has exhibited a hostility to the Establishment Clause. Landmark decisions such as *Kennedy v. Bremerton* (2022) on collective school worship and *Carson v. Makin* (2022) on state-funded parochial schools, indicate a departure from earlier precedents. These decisions suggest that the Court, rather than safeguarding against religious encroachments in the public sphere, is privileging them.

The Court's evolving stance on religious liberty is reshaping the boundaries between individual rights and collective religious practices. This shift not only reflects the changing composition of the Court but also mirrors broader societal debates about the role of religion in public life. Secularism, as conceived within the US liberal script, emphasizes the separation of church and state, ensuring that religious beliefs do not unduly influence public policy or infringe upon individual rights. This principle is rooted in the First Amendment's Establishment Clause, which prohibits the government from establishing an official religion or unduly favoring one religion over another.

The issue of collective worship, particularly in public settings such as schools, touches upon the *imposing* elements of religious practices. The concern is that state-endorsed religious practices can marginalize nonadherents, subtly pressuring them into conforming to the majority's religious norms. The reversal of decades-old establishment clause precedent suggests that the Roberts Court is increasingly privileging religion in the public sphere, potentially at the expense of other fundamental rights (Coyle 2013). This transformation of religious liberty from a "shield" protecting individual conscience to a "sword" wielded to carve out exemptions from general laws has profound implications. The *Creative LLC v. Elenis* (2023) case, which centered on the clash between state antidiscrimination protections for LBGTQ+ people and First Amendment artistic expression, not only redefines the scope of religious freedom but also establishes a fresh benchmark for how the constitution addresses the rights of protected classes. These decisions highlight the ongoing struggle between safeguarding individual religious freedoms and upholding a broader commitment to equal treatment, particularly for marginalized communities.

<sup>&</sup>lt;sup>9</sup> Justice Alito noted in the majority opinion that his holding in Dobbs pertained only to abortion rights. However, in a widely circulated concurrence, Justice Thomas called for revisiting Lawrence, Griswold, and Obergefell. These three cases legalized same-sex intimacy, contraception, and same-sex marriage in that order.

If these examples represent a renegotiation of the liberal script or, said differently, represent an internal contestation, one might wonder if there are instances in which the Court has externally contested liberal principles. That is, sought to undermine core principals inherent to the script itself. A prime example can be found with voting rights. Voting rights are foundational, preserving all other constitutional rights within a democracy. As articulated by the late John Lewis, they are "the rules of the game." Any alteration or restriction to these rights can be seen as a challenge to one of the core precepts of the liberal script: self-determination.

So, what are the rules of the game? In the United States, it starts with the Voting Rights Act of 1965. Among the most sweeping legislative achievements in American history, the Voting Rights Act prohibited racial discrimination at the ballot box and empowered the US Department of Justice to supervise state and local municipalities with a history of racial discrimination. The act enforced the Fifteenth Amendment to the US constitution nearly 100 years after its ratification and in the words of the *New York Times*, "marked the first time the nation could call itself a truly representative democracy." Litman and Shaw (2022) argue that the Roberts Court has undermined the very predicates of democracy by eroding voting rights.

Consider Shelby County v. Holder (2013). In this landmark decision, the Court invalidated a key provision of the Voting Rights Act: Section Five, which required certain jurisdictions with a history of racial discrimination in voting to obtain federal preclearance before changing their election laws. The aftermath of Shelby saw a surge in states implementing restrictive voting measures, such as strict photo ID requirements, purging of voter rolls, and curtailing of early voting periods, which disproportionately affected minority voters.

This trend was further exacerbated by the Court's ruling in *Brnovich v. Democratic National Committee* (2021). The decision significantly weakened Section Two of the Voting Rights Act, which prohibits voting practices or procedures that discriminate based on race. Justice Alito, writing for the majority, opined that mere "disparity in impact," such as lower minority turnout, does not necessarily indicate that a voting system is not "equally open" (Alito 2021, 18). The ruling came at a particularly sensitive time, following the contentious 2020 elections, and emboldened Republican-controlled state legislatures to enact even more restrictive voting measures. Rather than upholding the principles of the liberal script, which emphasizes broad democratic participation, the Court's decisions in these cases have facilitated the narrowing of American democracy. Grumbach's "Laboratories Against Democracy" (2022) underscores this point, suggesting that the combination of state-level voting restrictions and an assertive Supreme Court could tilt the electoral landscape in favor of the Republican Party, undermining the very essence of a competitive democratic system.

<sup>&</sup>lt;sup>10</sup> John Lewis, a prominent civil rights leader, and US Congressman, was fond of repeating the phrase. Notably, there was a legislative proposal named the "John Lewis Voting Rights Act" which, despite its significance, never successfully passed through Congress.

The Roberts Court's approach to voting rights, particularly in its decisions in *Shelby County v. Holder* and *Brnovich v. Democratic National Committee*, bears striking resemblances to the contestations of the late nineteenth century. During that era, the US witnessed a systematic rollback of the Reconstruction-era gains, with the Supreme Court often providing legal cover for state actions that disenfranchised Black Americans. The reasoning of the Roberts Court, which emphasizes a formalistic view of equality while downplaying the practical implications of voting restrictions, mirrors the late nineteenth-century Court's narrow interpretations that prioritized states' rights over individual protections. Both periods reflect a judiciary that, rather than acting as a bulwark against democratic erosions, appears complicit in facilitating them.

That the Roberts Court would become synonymous with precedent-smashing decisions represents somewhat of a surprise. After all, Chief Justice John Roberts is a well-known institutionalist. As Balkin (2013) notes, Roberts bucked his own party and voted to uphold the Affordable Care Act. Such an outcome would be difficult to imagine today, primarily because the Court's composition and the political climate have dramatically shifted. The appointments of Justices Gorsuch, Kavanaugh, and Barrett have solidified a conservative supermajority, making it less necessary for the Court to seek broader consensus.

There are reputational costs associated with a newly assertive Court. Polling from Gallup shows approval for the Supreme Court is down to just 25 percent—the lowest number recorded since Gallup started tracking (Gallup 2022). How the Court will repair its image is an open question. However, the specter of democratic backsliding amid an emboldened Court should give us pause (Huq 2022). Short-term stability rests in large part on the willingness of the Supreme Court to show some humility. Yet with blockbuster cases on voting rights, abortion, affirmative action, and religious liberty in the rearview mirror, there are no signs the Court is slowing down.

What is assured is that the Supreme Court will continue to be a focal point for contestation in the years and decades ahead. Although the Court has proven remarkably resilient before, its current fortunes depend on assuaging public concerns and rebuilding institutional trust. Amidst these challenges, the nomination and confirmation of Justice Ketanji Brown Jackson by a Democratic president and Senate stands out.<sup>12</sup> For the Court to flourish amid polarization, its conservative majority would be wise to seek common ground with the liberal justices. Indeed, Justice Jackson garnered a reputation as a consensus maker in her previous role on the DC Circuit.

A more consensus-orientated Court would help mitigate perceptions of partisanship. After all, the stakes could not be higher. The direction of the Court and how Congress may choose to respond, will shape American democracy for decades to come.

<sup>&</sup>lt;sup>11</sup> Gallop Poll available here: news.gallup.com/poll/394103/confidence-supreme-court-sinks-historic-low.aspx (accessed July 2022).

<sup>&</sup>lt;sup>12</sup> For an excellent commentary on the Jackson hearings, see, Leah Litman, Kate Shaw, and Melissa M. Murray, *Backwards and in High Heels*. strictscrutinypodcast.com/episodes (accessed March 2022).

#### Conclusion

So, is the Supreme Court a defender or contester of the liberal script? The answer, in true academic fashion, is: It depends. The Court has, at times, struck out against fundamental rights, with the infamous anti-canon of the nineteenth and early twentieth centuries serving as a stark reminder. Conversely, the Court has also demonstrated remarkable leadership on civil rights, championing and expanding protections for minorities in a period aptly termed the "rights revolution." Most of the time, however, the Court has navigated the delicate balance of renegotiating rights and duties within the framework of the liberal script, ensuring that the constitution remains a living document responsive to the evolving needs of society. Today, legal pragmatism is in desperately short supply. The Roberts Court seems poised to venture further than any modern American Court has before. The legal advancements of the past half-century are now precariously positioned. Indeed, with its recent decisions, the Court has signaled a willingness for a wholesale renegotiation of the constitutional canon, aiming to profoundly reshape American law. The most pressing area of concern in this reshaping will be voting rights.

On voting rights, the Court has retreated from its most sacred obligation, access to the ballot, leaving millions of Americans without federal protections and at the mercy of state governments. This abdication of responsibility not only undermines the foundational principles of representative democracy but also exacerbates existing sociopolitical divisions. As the Roberts Court continues its trajectory, it risks further eroding public trust in the judiciary. The Court's recent decisions, particularly those that challenge long-standing precedents, suggest a willingness to prioritize ideological leanings over the broader societal consensus. While the nomination and confirmation of Justice Ketanji Brown Jackson offer a glimmer of hope for a more consensus-driven Court, the overarching trend remains concerning. The balance between individual rights, collective interests, and the very essence of the liberal script, self-determination, is at stake.

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# When Is White Evangelical Politics Illiberal?

The Effects of Duress and Strong Populism on the Liberal Script

Marcia Pally

Since the 1980 election of Ronald Reagan and more so since the 2000 election of George W. Bush, much attention has been paid to the growing support white evangelicals have given to the American political and populist right (Hout and Greeley 2004, A 17). Support for Donald Trump by white evangelicals increased from 81 percent in 2016 to 84 percent in 2020 (Igielnik et al. 2021). How much of this support is inimical to liberal democracy itself—or, in the framework of this volume, how much is an *external* contestation to the liberal script (see Börzel et al., this volume)?

Much activity by the white evangelical right falls within the liberal script and its lively internal contestations, including participation in political parties, in election and media campaigns, in peaceful protest for/against specific policies, etc. Mouffe calls such debate the "agonism" that strengthens democracy (2016). Mudde and Kaltwasser (2017), Grattan (2014), and others note also that "soft populist" activities (like that of Bernie Sanders or the nineteenth-century People's Party) are productive responses to societal ills and are on a continuum with other democratic efforts. This chapter, however, focuses on two challenges to the liberal script by white evangelicals that are both external and "deep," in that they have animated strong social participation and mobilization (see Börzel et al., this volume). First is the refusal to accept the peaceable transfer of political power when it is certified by independent government offices and courts. Second are claims that certain members of society are not legitimate members of the vox populi and so should be afforded disproportionally low participation in democratic processes (fair access to public debate, voting, proportional representation, etc.). One example would be voter restrictions or gerrymandering such that minority populations are not given proportional representation and political voice.

Substantial documentation in scholarly work and on-the-scene reportage finds white evangelical participation in both contestations, transfer-of-power rejection and exclusionary politics (see descriptions, below). But why have white evangelicals been moved to external contestations in the first place and why these two? As we understand external contestations as instances or expressions of strong populism, we will begin with a look at that Not all strong populism reaches the point of external contestation, but external contestation is one possible outcome of populism.

In a minimal definition (Pappas 2016; Puhle, this volume; Pally 2022, Ch. 1), strong populism occurs where accumulating economic, way-of-life, and status-loss duresses seek solution in strong us—them binaries. Strong binaries are characterized by ambiguity intolerance, the sense of an irreparable divide among parties, and the belief that the fight at hand is existential, between good and evil. In such binaries, notions of "us" and "them" are drawn from historico-cultural notions of society (who's in, who's not) and government (its proper size and role). These historico-cultural resources offer facilitated pathways, so to speak, in identifying "us" and "them."

The purpose of this chapter is to follow white evangelicals through each step duress, us-them shift, through historico-cultural resources-in order to better understand why many have come to external contestations and why these two specifically. First, we'll look at instances of both external contestations: (i) the January 6, 2021 riot to prevent the transfer of political power from Donald Trump to Joe Biden contra repeated certification by bipartisan officials and over 60 courts (Cummings et al. 2021), (ii) efforts to limit the political voice and representation of certain "outsider" groups (new immigrants, minorities) on the belief that they are not legitimate members of the vox populi (they are cheats, lazy and undeserving, criminals, terrorists, etc.). To better understand these contestations, we will trace the specific white evangelical experience from duress to us-them shift through historico-cultural resources such that populist politics and external contestations are more fully understood. Elsewhere, I've discussed American populism on the political left and the views and activism of white evangelicals not in the ranks of the right (Pally 2022, 2020, 2011). Requiring in-depth studies of their own, these arenas exceed the scope of this chapter.

Finally, no chapter on white evangelicals can proceed without a brief definition of evangelicalism and its specific US forms. American evangelicalism is neither a distinct confession nor denomination but an approach to Protestantism. Many evangelical churches today are nondenominational (Burge 2021) or if *de jure* denominational, include a significant range of worshippers *de facto* (Pally 2011).

Our definition of "evangelical by belief" begins with the Bebbington Quadrilateral of biblicism, crucicentrism, conversionism and activism (Bebbington 1989, 2–17). Emerging in the seventeenth and eighteenth centuries from Europe's "free-thinking" and pietistic movements, evangelicalism sought a more personal relationship to Jesus and a less state-run religion than was generally the case in Europe of the time. Its emphases included an inner, individual relationship with Jesus and Scripture (biblicism); the mission to bring others to that relationship (conversionism); the cross as a

symbol of salvation and service to others (crucicentrism, activism); and Bible reading and moral reckoning by ordinary men and women rather than adhering to priestly authority (biblicalism). The Gallup polling group has developed similar criteria for identifying those holding to evangelical belief (Menendez 1978, 42).

Under this umbrella definition are many theological traditions and communities of practice, from Methodists to Dispensationalists to Southern Baptists. Embrace of populism or external, deep contestations is not confined to one tradition or set by faith tenets. If it were, support for Trumpist populism could not have reached a sweeping 84 and 81 percent of white evangelicals in 2020 and 2016, respectively.

# White Evangelical External Contestations to the Liberal Script

# The January 6, 2021 Riot at the US Capitol: From Populist Suspicion of Government to Insurrectionary Violence Glossed in Christian Voice

At the January 6, 2021, riot at the US Capitol building, white evangelicals joined other Americans in the use of force against the government, derisively called the (tyrannical) "deep state" and "the regime." While voting for Donald Trump in 2016 or 2020 was not illiberal—many did so out of concern for lower taxes, tariffs, etc.—storming the Capitol and routing Congress took aim at core principles of liberal democracy. We may also distinguish those who were in Washington on January 6 to express their disapproval of Joe Biden—as the 2017 Women's March in Washington expressed disapproval of Trump—from those who sought to prevent the peaceful transfer of power in a multiply-certified election and thus to undermine democratic government.

This section will not investigate the actions of Trump, his staff, or congressional allies but will rather focus on the white evangelical experience, melding sociopolitical, economic, and religious convictions into external, deep contestation. In 2021, 55 percent of white evangelicals held that Trump was "being called by God to lead at this critical time in our country" (Edsall 2021). Even before the January 6 riot, the Jericho March group, along with white evangelical radio-host Eric Metaxas and Trump's former national security adviser Michael Flynn, organized a December 2020 Jericho Rally to circle the Capitol seven times as the ancient Israelites had circled Jericho until its walls fell (Joshua 6). The event symbolized the marchers' purpose to fell the government they believed to be corrupt and tyrannical for certifying Biden's election (Dias and Graham 2021). In short, populist *wariness* of government (well within liberal democracy) had become the intention to *overthrow* the independently certified government.

In this Jericho event, external contestation was glossed in a particular reading of the Bible. Similarly, in December 2020, at the populist Proud Boys rally, Ethan Nordean (known as "Rufio Panman") likened "sacrificing ourselves for our country"

(by opposing Biden's election) to the crucifixion. Again, government-wary political animus—resisting Biden's election—was expressed through the Proud Boys' specific understanding of Jesus resisting Rome. They refused to bow to the "deep state" as Jesus refused to bow to Caeser and they were prepared, like Jesus, to take the self-sacrificial consequences. One rally attendee prayed that "God will watch over us as we become proud," and the Proud Boys responded, "We love you, God!" In this call-and-response, reminiscent of church worship, the effort to overthrow a certified government is part of loving God, who is understood as protecting ("watching over") pride in the overthrow. It should be noted that this is an unorthodox view of the faith as in most readings of Christianity, pride is a grave sin, as is the violent overthrow of governments (Romans 13: 1–7).

On the morning of January 6 itself, the Proud Boys held not a political gathering but a prayer session. Later, among the supporters gathered to hear Trump speak at the White House were groups waving Trump's "America First" flags while chanting "Christ is King." Supporting Trumpist populism ("American First") is here linked to Christ's Kingdom (Jenkins 2022). This too is an unusual reading of Christianity as Christ's Kingdom is traditionally and strictly distinguished from earthly powers.

At the Capitol Building riot, Christian flags flew alongside American flags, a campaign-like banner for "Jesus 2020" was unfurled, and a white cross emblazoned with "Trump won" was propped up in the crowd. Waving above the group that first broke into the Capitol was a flag with the words "Proud American Christian," suggesting pride in being the first, as Christians, to use force against the government. Here, one again finds an unorthodox reading of the faith as Jesus strongly rejected not only pride but violence and refused to use it even to save himself from crucifixion. One woman, identifying herself as (white) evangelical, explained that her pastor had urged her congregation to "stop the steal" of Trump's presidency—external political contestation expressed as Christian obligation. She received, she said, a "burning bush" sign from God to do so (referencing God's message to Moses through the sign of a burning bush, Exodus 3). In religious voice, she expressed a strong populist sense of the existential battle at hand: "We are fighting good versus evil, dark versus light" (Dias and Graham 2021; for more on the white Christian presence at the January 6, 2021 riot, see, *Uncivil Religion*, 2021).

In corroborating testimony from the 2021 congressional hearings, Washington, D.C. police officer Daniel Hodges reported, "It was clear the terrorists perceived themselves to be Christians. I saw the Christian flag directly to my front. Another read, 'Jesus is my savior, Trump is my president.' Another: 'Jesus is king.'" Hodges described clothing melding Christianity with the use of force, including T-shirts with the imprint, "God, Guns, and Trump" (Jenkins 2021a). In the twists of expressing political contestations through particular readings of Christianity, "God, Guns, and Trump" replaces God, the "prince of peace" (Isaiah 9:6).

Our final example from the January 6 riot is a horn-helmeted, bare-chested "shaman" figure, Jacob Chansley, who was among those storming the Senate chamber. While he has expressed a number of religio-political views, on that day, he led the rioters in the following prayer:

Thank you heavenly father for gracing us with this opportunity . . . to allow us to exercise our rights, to allow us to send a message to all the tyrants, the communists, and the globalists, that this is our nation, not theirs. We will not allow America, the American way of the United States of America to go down . . . Thank you divine, omniscient and omnipresent creator God for blessing each and every one of us here and now . . . . In Christ's holy name, we pray. (Mogelson 2021)

Among the things this prayer expresses is the long-standing, white evangelical fear that tyrannical government (including communists) and its elite, globalist allies are destroying the American way of life and must be stopped ("we will not allow . . . to go down"). The prayer is Christian in form and in its address to God while the life defended is political and American ("the American way of the United States of America"). It glosses populist fears about government as Christian purpose.

Similarly Christianized external contestations of the liberal script are found in both mainstream social media and more radical platforms such as Gab, CloutHub, Natural News, and Brighteon. Gab founder Andrew Torba writes of "the greatest Spiritual war . . . for a new parallel Christian society." He envisions either the recreation of America as "a Christian nation" or seceding, calling his support for the January 6 riot part of a "Silent Christian Secession" (Jenkins 2021b). The right to publish these views is firmly within the liberal script, but their aim comes to an external contestation in seeking to dismantle American democracy and replace it with a theocracy grounded in a particular understanding of Christianity.

While Eric Metaxas compared those who fail to fight Biden's election to Germans who failed to fight Hitler (Dreher 2020), other evangelical leaders condemned the January 6 riot. Robert Jeffress, pastor of the influential First Baptist Dallas church and Trump supporter, made clear that the riot "has absolutely nothing to do with Christianity" (Dias and Graham 2021). On January 7, 2020, *The Baptist News* ran an article culling together condemnations by many evangelical pastors (Wingfield 2021a). Much of the rank-and-file, however, did not agree. At the end of 2021, 60 percent of white evangelicals held that the 2020 election was stolen from Trump compared to 31 percent of all Americans; no other religious group came within 20 points of the white evangelical position. Among those Americans who believed the election was rigged, 39 percent held that "true American patriots may have to resort to violence in order to save our country"; 26 percent of white evangelicals held this view, more than any other religious group or the unaffiliated (Public Religion Research Institute 2021a).

# Racism and Xenophobia: From "Outsider"-Wariness to Illiberal Exclusion in Christian Voice

Like populist antigovernment animus, populist "outsider" animus too poses an external contestation to the liberal script as it segregates certain groups (minorities and new immigrants) from the *vox populi* and hobbles their participation in the nation's

social, economic, and political processes. In their 2022 study of Christian Nationalism (which includes white evangelicals as well as others on the populist right), Perry, Whitehead, and Grubbs find that us—them binaries underpinned by "outsider"-wary readings of Christianity are significantly associated with voter suppression, a concrete external challenge to liberal democracy (Perry et al. 2022).

Current outsider wariness builds on a long, well-documented history of Christianized racial animus (Balmer 2006; Balmer 2021; Butler 2021; Carter 2008; Copeland 2009; Cox 2003; Jones 2020, among others). I'll mention just a few key moments, beginning with the 1845 founding of the Southern Baptist Convention (SBC) as a church where members could preserve their chattel holdings. Basil Manly, a key SBC founder, argued not only for the slave system but also for secession from the Union (Fuller 2000, 291), in one flourish pointing his Confederate pen at America's foundational "them"s, federal government and African-Americans. The double-barreled aim continued postbellum in the South's response to defeat, where a Christianized white supremacy and resistance to Washington *together* became markers of white identity, celebrated in Christian catechisms glorifying the Confederacy and in statues and stained-glass church windows throughout the South (Jones 2020; Richardson 2020).

Importantly, discrimination and voting restrictions throughout the US targeted not only African Americans but citizens of Asian, Mexican, Catholic, and Jewish backgrounds in a direct contestation to liberal democracy. Voters as a percentage of the voting-age population declined from 81.8 percent at the end of Reconstruction (1875) to 48.9 in 1924 owing to an array of racist, religious, and xenophobic restrictions (American Presidency Project, "Voter Turnout"). In 1960, Ross Barnett won the governorship of Mississippi on the slogan, "God was the original segregationist" (Pearson 1987). The slogan joined Christianized "outsider" animus with antigovernment animus to attack the populist's gravest nightmare: government Civil Rights mandates for race integration.

While the 1960s Civil Rights movement at first did little to dislodge suspicion of government and minorities among Southern white evangelicals, a political shift began in the 1990s, when the SBC took an important, if far too late, step in issuing its 1995 apology "to all African-Americans for condoning and/or perpetuating individual and systemic racism in our lifetime" (Southern Baptist Convention 1995). In 2010 the National Association of Evangelicals (NAE) and the SBC, among other organizations, called for comprehensive immigration reform including a path to citizenship for undocumented migrants (National Association of Evangelicals 2010; Banks 2010). In 2015, Albert Mohler, Southern Baptist Seminary president, called "racial superiority" a "Christian heresy" (Mohler 2015), and in 2022, the NAE hired Mekdes Haddis, an Ethiopian immigrant, to head its new its Racial Justice & Reconciliation Collaborative, which provides resources and training for churches in its forty member-denominations (Banks 2022).

Yet, it has been an uneven reckoning as "outsider" wariness is deeply rooted and has remained something of a white evangelical brand. Even as the SBC was issuing its 1995 apology, the 1996 *Southern Slavery: As It Was*, by Doug Wilson and J. Steven

Wilkins, offered a whitewash of the slave system. Wilson's 2005 *Black & Tan* made a scriptural argument for the slave system and described the Confederate general Robert E. Lee as "a brother in Christ." Phyllis Schlafly was the most influential white evangelical woman from the 1980s through the early twenty-first century. In response to Obama's election, she suggested reducing access to voting in order to limit the election of nonwhite candidates—a proposal that is both minority disenfranchisement and external contestation. "The reduction in the number of days allowed for early voting," Schlafly said, "is particularly important because early voting plays a major role in Obama's ground game" (Brantley 2013; Schlafly 2012).

In 2016, Russell Moore, then head of the SBC's Ethics & Religious Liberty Commission wrote in *The New York Times* that the Trump candidacy, "has cast light on the darkness of pent-up nativism and bigotry all over the country" (Moore 2016). Moore left the SBC in 2021, explaining: "My family and I have faced constant threats from white nationalists and white supremacists, including within our convention. Some of them have been involved in neo-Confederate activities for years. Some are involved with groups funded by white nationalist nativist organizations. Some have just expressed raw racist sentiment behind closed doors" (O'Donnell and Smietana 2021). Also in 2021, the influential author Beth Moore (no relation to Russell) caused significant alarm as she too left the SBC owing to its nationalism and practices on gender and race.

Over the last 30 years, white evangelical "outsider" animus has turned also to Muslims, both American citizens and those overseas. Starting with the 1990 Gulf War and more so after the September 11, 2001 terrorist attacks and the 2003 Iraq War, animus against the Islamic faith (rather than against Islamist terrorism) appeared in the preaching and politics of white evangelical leaders such as James Dobson (founder, Focus on the Family), Oliver North, and Ted Haggard (founder, New Life Church, Colorado Springs). Franklin Graham, son of Billy Graham (father of postwar evangelicalism), called Islam a "very evil and wicked religion" (CNN 2003). Pat Robertson (founder, the Christian Coalition) held that Islam is worse than Nazism (Robertson 2002).

In 2002, 77 percent of evangelical leaders held unfavorable views of Islam; just 30 percent believed that *American* Muslims hold to democratic values (Ethics & Public Policy/Beliefnet 2003). The 70 percent who considered Muslim-Americans to be *un*-American helped to cast suspicion on this group's inclusion in societal and political life. White evangelicals gave strong support to Trump's 2017 "Muslim bans" (Smith 2017), prohibiting or limiting entry to the US from seven, Muslim-majority countries (Iran, Iraq, Libya, Somalia, Sudan, Syria, Yemen).

Importantly, the link between "outsider" animus and self-identification as Christian is strongest among faith groups that have historically been dominant: white evangelicals in the South, white Catholics in the Northeast (Jones 2020, 170–184). These findings echo what Reicher and Ulusahin call "dominant group victimhood" (2020, 290–291), where it is not status but status *loss* that provokes populist exclusionary activism to restore "the rightful order of things." Efforts to "restore" often look to nonmainstream politics (Lee 2020, 378) as the mainstream seems ineffective in

addressing the status loss. Together, these findings suggest that those most suffering way-of-life losses shift most to strong us—them binaries and potentially to exclusionary, illiberal politics. Reflecting this trajectory, in 2022, (Public Religion Research Institute 2022):

- 65 percent of white evangelicals said newcomers threaten traditional American customs and values, compared with 40 percent of Americans overall;
- 61 percent of white evangelicals held that discrimination against whites is as big a problem as discrimination against racial minorities; 57 percent of Americans overall *disagreed*;
- 51 percent of white evangelicals held that "immigrants are invading our country and replacing our cultural and ethnic background," the "great replacement" theory.

In sum, holding such views is a right protected by the liberal script. But policies and practices that seek to hobble citizen participation in sociopolitical and economic venues are not. Moral Majority cofounder Paul Weyrich took aim at the liberal script as early as 1980, in his voter suppression plan: "Now many of our Christians have what I call the 'goo-goo syndrome.' Good government. They want everybody to vote. I don't want everybody to vote . . . As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down" (Blades 2012). In 2018, Brian Kemp, the Republican candidate for the Georgia governorship expressed a similar concern that the Democrat get-out-the-vote effort, including absentee ballots and early voting, "continues to concern us, especially if everybody uses and exercises their right to vote" (Lockhart 2018). Like Schalfly's 2012 remarks about limiting voter access in order to defeat Obama, these constitute both minority disenfranchisement and external contestation.

Description of these events returns us to the questions: Why is the extreme of external contestation embraced by those who say they are defending the "American way of life" (as our January 6 shaman figure did) and why are these particular contestations persuasive enough to garner substantial support (deep contestation)? Consistent with our minimal definition of strong populism, the next sections explore American and white evangelical duress and then trace the white evangelical experience from that duress to us—them shift through historico-cultural resources to present politics.

### **American and Evangelical Duresses**

In this section, duress is explored from the white evangelical experience and perspective as that, rather than outside assessments, is what motivates political views and activism. To begin, American evangelicals face the broad range of pressures that other Americans face. Their politics emerges from political and economic concerns in a

composite with religious ones. Nonreligious duresses include economic, status-loss, and rapid way-of-life shifts.

Economic duress includes un- and underemployment, especially in "old-industry" regions, prodded by globalized trade (Autor et al. 2020) and more recently by automation and productivity gains (Irwin 2016), accounting for 88 percent of job loss (Hicks and Devaraj 2015). These pressures disproportionately burden those without college degrees (Bartscher et al. 2019). Way-of-life shifts entail changes in technology, gender roles, demographics, etc. Non-Hispanic whites, for instance, will comprise less than 50 percent of the US population by 2044 and comprised less than 50 percent of American children in 2020.

Status loss entails loss or fear of losing one's respectable place in society and falling "below" those one is currently "above." Those most attracted to the Republican Party between 2010 and 2018 were high school-only, white, middle-income earners concerned that, in a "knowledge based" economy, their horizons were dimming and their middle-class status was precarious (Kitschelt and Rehm 2019). "Young adults," Mitrea et al. write, "who expect to do worse than their parents in the future are indeed more likely to locate themselves at the extreme ends of the ideological scale" (Mitrea et al. 2020). Echoing analyses of "dominant group victimhood" (Reicher and Ulusahin 2020), Diane Mutz writes that the wounds to well-being, dignity, and authority among "traditionally high-status Americans (i.e., whites, Christians, and men) as well as by those who perceive America's global dominance as threatened combined to increase support for the candidate [Donald Trump] who emphasized reestablishing status hierarchies of the past" (Mutz 2018).

Together, these duresses yield the sense that life is less easy, familiar, and *fair* than a generation or two ago, that one works hard yet can barely get by, and that fast-changing conditions are determined by those who care little about one's circumstances and whom one cannot reach or influence. This leads not only to "representational deficiency," where citizens feel unheard by their political representatives (Mair 2013; Rahn and Lavine 2018), but also to "efficacy deficiency." People feel ineffective in bettering their lives and are thus open to us—them thinking in order to feel they are doing at least *something* on their own behalf. While addressing the complex, powerful sources of economic and way-of-life duress may seem daunting, efforts against a group traditionally accepted as "them" has path-dependency advantage, may seem "natural" and more do-able, may elicit more societal support, and may thus provide ready-to-hand feelings of effectiveness (Pally 2022, 14–15).

In addition to these duresses, pressures bearing specifically on white evangelicals include a sense of marginalization and fear that their way of life is being trounced by a secular government in an increasingly secular, multicultural, and socially progressive country (Horowitz 2019; Shimron 2021). White evangelicals have decreased as a share of the population, from 23 percent in 2006 to 14.5 percent in 2020. The median age is 56, making it America's most aged religious group (Public Religion Research Institute 2021b). "A real visceral sense," Robert Jones notes, "of loss of cultural dominance' has set in" (Goldberg 2021). In the white evangelical experience, this loss may be felt as discrimination. In 2020, 66 percent of white

evangelicals felt that Christians face "a lot" of discrimination in America today (Public Religion Research Institute 2020).

Aggravating matters, the sense of marginalization has been accumulating since the late nineteenth century, spurred by industrialization, urbanization, changes in social norms, Darwinism, and by the new, German Historical-Critical school of biblical exegesis. With its new philological and archeological interpretive methods, this scholarly approach threatened to unseat America's grassroots, democratic, but untutored Bible reading. In short, in both religious and secular arenas, white evangelicals, who had in the nineteenth century been at the forefront of much American culture and development, found themselves in a rearguard position. Part of the evangelical response was the embrace of apocalyptic forms of the faith, including Premillenarianism, Dispensationalism, and the Keswick and Pentecostal movements. Apocalypticism reflected evangelical anxieties about the future in a rapidly changing world even as it reinforced sociopolitical marginalization.

The sense of evangelical dethronement continued in the twentieth century, as evangelicals lost the court battles over teaching evolution and holding prayer services in the public schools (Scopes 1925; Engel v. Vitale 1962). The Sixties youth counterculture, Civil Rights legislation, "big government" anti-poverty programs, and the feminist and gay rights movements furthered white evangelical concerns that they were losing sway in the nation's norms and practices. On their view, "big government" was interfering in local law and siding with the "special interest" claims of the poor, people of color, and women—all of which animated America's traditional "them"s: government and "outsiders." Alarmed by these concerns, many white evangelicals were persuaded by Richard Nixon's 1968-1972 "southern strategy" to bring Southerners and white evangelicals to the Republican Party by promising to address white evangelical fears. As the 1970s progressed, Washington threatened to end the tax-exempt status of racially segregated religious schools, a potentially crippling loss which united white evangelicals in protest against what they considered government interference in internal, church matters. When this was resolved at the end of the decade, the evangelical leadership and Republican Party turned their attention to ending legal abortion as the banner cause that would keep white evangelicals in the Republican tent (Balmer 2006).

Resistance to "big government" interference in the economy and local law (especially regarding race and gender) brought white evangelicals to the New Right: small-government economics, religio-moral conservativism, resistance to "outsider" disruptions of local ways of life, and anticommunist foreign policy to defeat the biggest of big (atheistic) governments. In 1980, two-thirds of white evangelicals voted for the first "New Right" presidential candidate, Ronald Reagan (Haberman 2018). Since then, white evangelicals have given strong majorities to the Republican Party, from a low of 62 percent in the 1996 presidential race to a high of 84 percent in 2020 (Hout and Greeley 2004, A 17; Igielnik et al. 2021).

In the twenty-first century, Barack Obama increased government's role in business regulation and social services *contra* the small-government preferences of government-wary white evangelicals. Obama, the first African American president,

placed women and people of color in decision-making positions. His 2010 health insurance program, the Affordable Care Act, mandated that employers offer birth control in employee health insurance plans, which alarmed Catholics and evangelicals though the law provides an exception where the government, not the religious employer, pays for employee birth control. In 2015, the Supreme Court ruled same-sex marriage constitutional (*Obergefell v. Hodges*). By 2021, 70 percent of Americans and 55 percent of Republicans supported the legality of same-sex marriage (Wingfield 2021b).

In sum, a century or more of accumulating losses in "cultural dominance" (Goldberg 2021) combined with economic and way-of-life duresses left many white evangelicals with fears of economic threat and a drubbing by secular government in an increasingly multicultural, progressive society.

#### **Us-Them Shift**

One frequent response to accumulating duresses is us—them shift. Loss or anticipation of loss triggers efficacy and representational deficiencies such that democracy looks to be already dismantled by "them" to the disadvantage of "us." Indeed, Braley et al. (2021) find that people are more prone to vote "away the democracies they claim to cherish" when they fear "that their opponents might dismantle democracy first."

Gilligan and Snider (2018) note that with loss or threat, one psychologically separates me-from-you or us-from-them as a defense mechanism of first resort to protect against repeated vulnerability. Amira et al. find that under distress or fear of distress, the usual focus on one's own group(s) shifts self-protectively to constraining an "other" believed to be the source of duress—that is, to forms of us—them thinking and "harming the out-group" (Amira et al. 2019). Analyzing 800 elections in 20 advanced democracies from the 1870s to the present, Funke et al. (2016) found that "financial crises put a strain on democracies . . . far-right parties see strong political gains." Left-wing populism also gains, as Tooze notes, "the financial and economic crisis of 2007–2012 morphed between 2013 and 2017 into a comprehensive political and geopolitical crisis . . . a dramatic mobilization of both Left and Right" (Tooze 2018).

Moreover, Jeanne Knutson explains, feelings of loss or danger are wounds that persist, leaving a focus on "them" long after the duress is alleviated (cited in Volkan 1997, 160–161). "Large groups," Volkan writes, "like individuals, regress under shared duress . . . The more stressful the situation, the more neighbor groups become preoccupied with each other" (Volkan 1997, 27, 111).

But which neighbor to be preoccupied with? Proposals for the duress-causing "them"s must be understandable, and while new ideas are not precluded from understandability, the most easily grasped are often familiar, drawn in mediated ways from historico-cultural notions of government (size and role) and society (who's in, who's not; Sunier 2010). Drawn from this background, proposals for "them" have not only

the ring of familiarity but, as Judith Butler teaches, the imprimatur of authority (Butler 1997, 51). They feel "natural" and "right." Moreover, groups identifying similar "them"s may become "us," providing members with emotional, ideational, and often material support.

The next section looks at the historico-cultural resources that white evangelicals may in mediated ways draw upon in identifying "us" and "them." This pool of inherited resources creates facilitated pathways, so to speak, suggestions of "us" and "them" that carry the force of the familiar.

# Historico-cultural Background for "Us"—"Them" Identification: American and Evangelical

This short review is not meant as a full account of American or evangelical politicocultural history or ideas about society and government. It is rather to highlight key points in the pool of ideas often drawn upon in populist politics and external contestations to the liberal script.

#### The American Contribution

White evangelicals, as Americans, are informed not only by evangelical history but by the historico-cultural resources undergirding *American* notions of society and government, importantly, suspicion of "outsiders" and government/elites (Nye et al. 1997). This wariness began with Reformed Covenantal Political Theory, brought to the colonies by the Puritans and other dissenters who did not conform to Europe's state-sponsored faiths. Covenantalists understood the polity as a reciprocal covenant among persons and with God (Henreckson 2019; Scott-Coe 2012). A ruler who violates covenant with the governed may legitimately be removed from office (Althusius 1995 [1603]). Covenantalists, as religious dissenters, were also persecuted by Europe's states and state churches. All told, they were wary of government, elite authorities, and "others" who might disturb their way of life. The 1620 "Mayflower Compact" sought to establish not only a covenantal government for early Massachusetts but control over non-Puritan "outsiders."

The second contributor to American notions of society and government, Aristotelian republicanism, also emphasized the community, the *polis*, and the role of the virtuous citizenry in running it. Reflecting the colonial meld of covenantal and republican ideas, Samuel Langdon, president of Harvard, held in 1775 that, "the [ancient *covenantal*] Jewish government" was "divinely established" as a "perfect *republic*" (Langdon 1775, 11). The third contributor, liberalism, sees the individual not so much embedded in covenant or republic as free to leave them to pursue opportunity. Alexander Hamilton spoke for this position, defining liberty as a means to private ambition that must be shielded from government interference (Hamilton 2001, 30, 100). The idea of the person at liberty and unburdened by government

oversight was persuasive in early America as many immigrants had fled oppressive political, religious, and economic systems. "The settlers departed England," Breen writes, "determined to maintain their local attachments against outside interference" (1975, 4).

The harsh frontier further advised self-reliance, trust in one's local community, and wariness of distant authorities, fostering an anti-Federalist ethos. The Shays (1786–1787) and Whiskey (1791–1794) rebellions against government regulation and taxation began almost as soon as the country did. So too, the 1790 Naturalization Act, limiting citizenship to white immigrants, followed by the anti-immigrant Alien and Sedition Acts (1798). The anti-immigrant Know Nothing Party won 22 percent of a five-party race for the House of Representatives in 1854/5. "Outsider" wariness continued in the restrictive immigration laws of 1873, 1882, and 1924 and in the internment of Japanese-Americans during World War II on (false) suspicion of spying for the Japanese government.

Government-wary localism saw its most tragic fruition in the Civil War, fought over both the slave system and Washington's role in state/local governance. The Southern response to defeat was also, as noted above, grounded in localism and anti-Washington animus. Postbellum, the Confederacy was imagined into a "lost cause" of noble resistance to interloper "Yankee vandals" (Janney 2013, 147; Jones 2020). Christianized white supremacy and suspicion of Washington formed the spine of white pride, reinforcing wariness of America's foundational "them"s, government and "outsiders" (Richardson 2020).

Though with industrialization, federal government grew along with the nation, this double wariness has retained a vaunted place in American identity and practice. It has fostered, on one hand, suspicion of government programs and racist/nativist wariness of "others." On the other, it has spurred a democratic critique of authority, robust civil society, and policies across the political spectrum, including, for instance, both tight and lax gun control laws and strict and lax environmental protection statutes.

## The Evangelical Contribution: Double Duress, Government and Outsider Wariness

The forebears of today's evangelicals were informed by this history and contributed to it. They left Europe with the heritage of covenantal community responsibility, the dissenter's wariness of government and outsiders, and at least two additional beliefs, both theological: the fallenness of human government and personal responsibility to come to truth (rather than adhering to priestly authority). As all human governments are imperfect and may not be confused with the Kingdom of God, each individual must work out how to witness God's vision, a belief that encouraged individual moral reckoning and, again, wariness of authorities and outsiders.

Today's white evangelicals, one might say, are bequeathed a two-fold source of duress, both early modern religious persecution and current economic/way-of-life stressors. *And* they are bequeathed a double source of government and outsider

wariness, not only from American history and culture but also from evangelical tenets.

With this double caution, they became prime builders of America's governmentand outsider-wary, self-reliant ethos and republic (Bebbington 2005). Evangelical Methodists and Baptists in particular, America's most influential nineteenth-century denominations, spurred anti-authoritarian, localist anti-Federalism, and Jeffersonian and Jacksonian politics, with ministers as central figures in anti-landlord and anti-banker protest (Hatch 1989). The largest US government office in antebellum America was the postal service; by 1850, evangelical churches had double the employees, twice as many facilities, and raised three times as much money (Noll 2002, 182, 200-201). Northern evangelicals were often vocal abolitionists, and Southerners, defenders of the slave system in Christian voice, both advocates for their local communities. While postbellum, Southern evangelicals fueled the white supremacist and government-wary "lost cause" of the Confederacy, others supported William Jennings Bryan's three-time run for presidency on an anti-elite, pro-worker, pro-farmer platform (1896, 1900, 1908). In his 1887 utopic novel Looking Backward, the Baptist preacher Edward Bellamy argued for the redistribution of national resources away from authorities and elites towards ordinary Americans

# From Historico-Cultural Background to the American Populist Right: Irony and Tragedy

The evangelical trajectory from persecution to cultural vibrancy was followed by the last century of dethronement (see, American and Evangelical Duresses, above). While government and "outsider" wariness had been present since the seventeenth century, the duresses of the twentieth and twenty-first aggravated the sense of multipronged losses and the appeal of the us–them frameworks that Volkan (1997) and Gilligan and Snider (2018) describe. As white evangelicals, like others under duress, draw upon cultural resources in identifying "us" and "them":

- (i) Commitment to building community, foundational in the American and evangelical experience, may become a self-protective, my-community-instruggle against "outsiders" (new immigrants, minorities), who are threats to be constrained. "My community" may refer to physically proximate and online communities.
- (ii) Wariness of oppressive government/elites, also central in American and evangelical history, may become suspicion of government/elites *per se*, whose activities should be limited—except to constrain "outsiders" as required by (i).

The irony of American populism is that the very anti-authoritarianism and community building that contributed much to American vitality and that are bequeathed to evangelicals by history and doctrine may under distress turn to self-

protective us-them worldviews and at times to external contestations to liberal democracy. These contestations are often deep, garnering substantial support, precisely because they draw on notions of society and government that are foundational to the American and white evangelical worldview.

# Concluding Thoughts: The Effects of Duress on the Liberal Script

In answer to our original question, what aspects of white evangelical politics are external contestations to liberal democracy, this chapter suggests that much white evangelical activity—from participation in election campaigns to media activism—is not illiberal. Strong populism, however, with its essentialist us—them binaries, may become external contestations either by undermining liberal, democratic political processes or by seeking to exclude certain societal groups from them. This chapter has sought to explain the development of these contestations—why external contestation and why specific ones—by following the white evangelical experience from duress to us—them shift through historico-cultural resources suggestive of who is "us" and "them."

While Gilligan and Snider note that us—them shift is a frequent response to distress, it may nonetheless have a tragic cast. First, it proposes solutions to duress that emerge from the *distortions* that duress produces—solutions drawing not from community building but from exclusionary communities and not from wariness of oppressive government but from wariness of government itself. Second, solutions born of distortion deform our understanding of heritage and present circumstances. Duress turns our vision of past and present into its own image of embattled pain and self-protective anger, and we see neither past nor present clearly. The third tragic moment is perpetuation of the very duresses that prod populist responses and external contestations. As populist proposals draw from culturally traditional "them"s—the facilitated pathway—empirical sources of duress may be obscured or overrun by the force of the familiar. Left in place, these sources continue to prod distress, populist us—them responses, and external contestations.

For instance, much economic and status-loss duress in the US today emerges from technological and productivity changes such that fewer workers are needed in "old industry" jobs. Immigrants and their children are disproportionately entrepreneurial and job creators, leading The National Academies of Sciences, Engineering, and Medicine to conclude, "Immigrants' children—the second generation—are among the strongest economic and fiscal contributors in the population" (Blau and Mackie 2017). Sound economic policy suggests not us—them border closings but increased immigration, to boost new jobs, along with programs for through-life job training for US residents, involving federal, state, and local governments along with business. Indeed, America's greatest economic challenge for the foreseeable future is a dearth of workers, hobbling innovation and economic growth (Porter 2017). Xenophobic policy will not address this drag on economic development and may worsen

it. Continuing economic distress will prod representational and efficacy deficiencies, further us—them shift, and will bolster the appeal of strong populism as mainstream policies seem ineffective precisely because the duress remains.

A fourth tragic moment lies in sociopolitical polarization, which hobbles government functioning such that addressing societal problems becomes yet more difficult. Left unresolved, the original duress persists, and we are back at the beginning of the circle, prodding frustrated people not only to strong populist policies but to illiberal ones.

External contestations to the liberal script are not the beginning of a sociopolitical process but at the end, with duress at the beginning followed by increasingly strong populist platforms that contest the liberal script. While strong populism may not warrant support, the duresses at the beginning of the story need attention. John McCormick writes that populism is first of all a "cry of pain" (McCormick 2017). We might begin with that, lest frustrated citizens, in an effort to find relief from duress, become willing to throw over liberal democracy, which, unlike illiberal systems, offers the possibility of relief. In its aims and when it functions well, it provides a means for the vox populi to effect change.

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## **Independent Black Political Movements**

### African Americans Contesting the Liberal Script

Omar H. Ali

Independent Black political movements in the United States have been vital to the development of democracy since the late nineteenth century.¹ Their challenges to the authority and rule of the Democratic and Republican parties—the two major private organizations that have taken over the nation's government—are challenges to the liberal script. Fighting for the expansion of civil and political rights in the face of bipartisan (sometimes single-party) rule, these independent Black political movements have taken a range of forms, including as electoral parties, labor unions, and associations—often in combination. The largest of these independent movements include the Black Populist movement of the late nineteenth century, the Civil Rights movement of the mid-twentieth century, and Black Lives Matter in the twenty-first century.

While these internal contestations of the liberal script have been firmly located within the US, at times they have received external gestures of solidarity and support from sympathizers in other areas of the world. The results of these independent Black political movements include legislative changes, such as the Civil and Voting Rights Acts, among other progressive reforms. Still, most Black people in the nation remain largely poor and disempowered. Increasingly, however, African Americans are among an emerging group of voters who do not identify with either the Democratic or Republican parties. Rather, these African Americans identify as independent voters, forming the beginnings of a new movement, partially expressed through Black Lives Matter, but tied to longtime efforts by African American leaders challenging two-party dominance of the nation, the electoral system, and public policy (Reilly et al. 2023; Gallup 2024; Bositis 2005; Black Futures Lab 2019, 7).

¹ I want to thank both Thom Reilly, Jacqueline Salit, and my colleagues from the University of Chicago "Race & Populism" workshop—a series of virtual discussions spanning 2020–2021, initially organized as a two-day workshop "Populist Politics: Race, Youth, and Political Transformations," but extending into a vibrant cross-Atlantic conversation over the next year and a half with Cathy Cohen of the University of Chicago, Andreja Zevnik of Manchester University, Andrew Russell at the University of Liverpool, and Joe Lowndes of the University of Oregon, among other participants. I would also like to thank Stephanie Anderson and Jean Anne Garrison of the University of Wyoming as well as Thomas Risse and Tanja Börzel of Freie Universität Berlin for reading through the chapter and offering insightful comments and suggestions.

The current Black Lives Matter movement—protests in response to anti-Black racism, especially police brutality toward African Americans, most potently and dramatically expressed during the summer of 2020 with mass marches across the US, and overseas, including South Africa, Colombia, Germany, and England—is the latest in a history of contestations of the liberal script. The nationwide protests (Black-led, but with widespread non-Black support) reveal the Black community's lack of confidence in the ability of the US's governing institutions, controlled by the two major parties, to effectively address the long-standing impoverishment of Black communities, anti-Black racism, and a criminal justice system that disproportionately affects African Americans. The Black Lives Matter movement is therefore part of a much broader history of independent Black political movement-building (Reilly et al. 2023, 2–3, 18–28; Ali 2020).

Black Populism—the nation's largest movement of Black farmers, sharecroppers, and agricultural workers in the South—took discernible form in the decade following the collapse of Reconstruction in 1877 (Foner 2014). Hans-Jürgen Puhle's notion of populism (this volume) that at least one of the "essentials" of populist movements are that they protest. Black Populism, whose Black leadership embodied a politic that was "against the status quo in the name of the 'people,'" expressed itself politically by helping to create alongside white Populists a third party, the People's Party, which protested the inequitable practices of the largely single-party South under Democratic control. To be sure, as Marcia Pally notes (this volume), specificity of historico-cultural context is key. In this case, key to understanding independent Black political movements in advancing, or attempting to advance, American democracy, were the political and economic conditions out of which it was organized and emerged.

### Black Populism in the New South

In 1877, following the collapse of Reconstruction with a political deal cut between leaders of the Democratic and Republican parties over contested electoral college votes, where Democrats conceded the US presidency with Republicans having promised to end Reconstruction, African Americans began building organizations and associations of their own to support their communities. In the post-Reconstruction period, African Americans in the South were increasingly de facto denied the right to vote, despite the Fifteenth Amendment to the US constitution, and remained impoverished with little access to land, plummeting cotton prices, and rising debt. By 1886, a discernible movement of Black farmers, sharecroppers, and agrarian workers emerged through the organizing efforts of leaders of the Colored Farmers' Alliance. The movement challenged the policies and dominance of the Democratic Party (with its commitment to exploitative financial lenders and large land-owners), and at times allied with white Populists, as with the formation of the People's Party; they also ran shared candidates via the Republican Party to challenge Democratic rule.

By the turn of the century, in reaction to the growth of Black Populism, including some electoral successes in North Carolina and Texas, the movement was brutally crushed (Ali 2010, 150–167). The independent Black movement was effectively divided and destroyed through a combination of lynching, the assassination of leaders, and other forms of violence and intimidation toward African Americans, which was then reinforced through Jim Crow. Control over southern Black labor—the reason behind the discrimination of African Americans (whose emancipation via the Thirteenth Amendment and enfranchisement of Black men threatened the wealth of the old plantation class which was generated through the previous super-exploitation of enslaved African Americans)—extended into many areas of African American life. Attacks on Black civil and political rights deepened already existing forms of poverty and economic marginalization among African Americans who only recently gained their freedom, producing deadly consequences (including higher infant mortality and lower life expectancy rates among African Americans compared to the US population as a whole—legacies which persist to this day).

The independent movement of Black Populists working with white Populists, many of whom were elected to office, led to some brief legislative gains. However, most of the advances (including key electoral reforms) were reversed with the advent of Jim Crow, the *de jure* disfranchisement of African Americans. It would take subsequent independent political movement-building efforts to revitalize democracy, especially in the US South, namely with the rise of the modern Civil Rights Movement in the mid-twentieth century.

### **Independent Black Leadership**

African Americans have catalyzed movements for the expansion of democracy and political reform using a range of organizations: Black churches, Black labor and agrarian associations—such as the Colored Farmers' Alliance in the 1880s or the Student Nonviolent Coordinating committee in the 1960s—and different political parties—from the People's Party in the 1890s to the Reform Party in the 1990s. In these ways, African Americans have used independent political organizations to build movements in order to advance their civil and political rights. Drawing from their networks, they created or joined existing third parties, supported insurgent candidates, lobbied elected officials with the backing of various alliances, or leveraged support by running fusion campaigns with one or the other major party out of power (as in the case of the People's Party-Republican fusion campaigns in the South). That is, there has been an undercurrent of organized political independence among African Americans, even as most Black voters have aligned themselves with one of the two major parties: the Republican Party from the time of the Civil War to the New Deal; and the Democratic Party since the New Deal, and especially since the height of the modern civil rights movement (Foner 2014; Ali 2020; Marable 2007).

The Black Populist movement of the late nineteenth century developed in the wake of the collapse of Reconstruction—the federal effort to rebuild the infrastructure in the South as well as its political institutions in the region from 1863 to 1877. The movement grew parallel to the more widely known white-led Populist movement of the same period. However, Black Populism remained largely independent of it, with its own leaders, organizations, and tactics—such as the Cotton Picker's Strike of 1891, in which African Americans struck for higher wages. At other times, Black Populists worked alongside white Populists, as they did two years before the cotton picker's strike during a boycott of jute (the coarse material used to wrap cotton bales). When Black Populist leaders turned to the electoral arena in the early 1890s, African Americans such as Walter A. Pattillo of North Carolina and John B. Rayner of Texas helped to form the People's Party. The independent political party challenged the white-supremacist Democratic Party by fielding candidates of its own and working in coalition with the Republican Party through fusion (where two parties run a shared slate of candidates against a dominant party). But with its rise and modest electoral success—in places such as North Carolina and eastern Texas—came counterattacks, via the Democratic Party and its paramilitary terrorist organizations, including the Red Shirts and the Knights of the White Camelia (Ali 2010, 126).

In the decades to come, the mass outpouring of rural Black southerners into northern urban centers would reshape the economic, political, and cultural contours of cities such as Chicago, Detroit, New York, and Philadelphia. Meanwhile, in the South, it would take another generation for African Americans to begin to organize another movement. That movement would culminate in what became the modern Civil Rights Movement and the legal dismantling of Jim Crow in the mid-1960s. Its independent Black leadership ranged from "outsiders," namely, the indefatigable grass-roots activist Ella Baker, to "insiders," such as Congressman Adam Clayton Powell, Jr. The insider–outsider interplay allowed for movement pressures from without to make their way into legislation by allies in office.

### **Bipartisan Rule**

While there is nothing in the US constitution about political parties, bipartisanship (distinct from nonpartisanship) would come to dominate the electoral and governing systems of the nation, public policy, and the law. Indeed, several of the nation's newfound leaders expressed a deep distrust in partisan formations. Famously in 1796, George Washington warned against "the baneful effects of the spirit of party" in his Presidential Farewell Address (Avalon Project at Yale Law School 2008). For him, and others, partisanship was corrosive to the Republic. As the political theorist Robert Dahl has written, "Political 'factions' and partisan organizations were generally viewed [in the era] as dangerous, divisive . . . and injurious to the public good" (Dahl 2000, 87). However, what emerged was a two-party system, first in the form of the Federalists and Democratic-Republicans (Anti-Federalists), followed by

the Democratic and Whig parties, and then since the mid-nineteenth century, the Democratic and Republican parties (Gillespie 2012).<sup>2</sup>

The rise of the Republican Party in the mid-nineteenth century would establish the bipartisan structure which remains in place today. However, in 1854, the Republican Party, which grew out of the networks established by the anti-slavery Liberty Party, dating to the 1840s, in conjunction with northeastern industrialists who opposed the expansion of slave labor in the new western territories, captured a plurality of congressional seats (among other third parties of the era were the American, a.k.a. Know-Nothings, and Constitutional Union parties; Green 2010). In doing so, they supplanted the Whigs as the other dominant party in the US alongside the Democratic Party, whose origins in the late 1820s lay in the extension of suffrage to poor white males, while maintaining the exclusion of African Americans, among other groups of people, including all women. Since the mid-nineteenth century a bipartisan monopoly of the Democratic and Republican parties has been in place.

As the political scientist David Gillespie describes, "The American polity has become a *duopoly*: a system in which the electoral route to power has been jointly engineered by Democrats and Republicans. They have done it by gravely disadvantaging outside challengers" (Gillespie 2012, ix). How have these "outside challengers"—independent Black voices, among other marginalized groups—been disadvantaged? Beyond outright force and the use of the criminal justice system, control has been affected by making rules, regulations, and laws shielding them from structural political reforms that would make elections more democratic and allow for the most robust participation among African American voters (Muhammad 2011). Despite the regular "voter registration drives" by Democrats during election season, which are really about registering more African Americans, and others, into the Democratic Party, to increase that particular vote.

In a September 1, 2020 op-ed, Black Lives Matter leader Jessica Byrd describes the movement's Black National Convention held the week prior (Byrd 2020). In the op-ed she discusses how the focus of the convention was on ordinary Black people including the poor, women, trans, and queer, and states "For Black voters the feeling of being used without being listened to is pronounced," expressing how African Americans are regularly taken for granted by the Democratic Party. As the Black Census Project notes, "Nationally, Black voters are a key part of the American electorate, making up about 11 percent of registered voters overall and 19 percent of voters who are registered as Democrats or say that they lean Democratic, and about 2 percent of the Republican party base." Fully 57 percent of respondents to their national survey describe being unfavorable or indifferent to the Democratic Party (Black Futures Lab 2019, 7). Their analysis draws out tensions between generations of Black voters, with young Black voters in swing states, saying they are reluctant to cast ballots because both their grandparents and parents did it religiously while receiving little in return.

<sup>&</sup>lt;sup>2</sup> This section draws from Chapter 2 of Reilly, Salit, and Ali (2023).

At a National Action Network rally the same week Byrd's op-ed was published in the *New York Times*, Rev. Al Sharpton spoke passionately about the importance of voting. Notwithstanding the large number of Black Democrats in office, the question of what little the Black community as a whole has gotten out of voting for the Democratic Party was not addressed. As the Harlem-based physician Dr. Jessie Fields, who was at the rally, and is a leading proponent of independent Black politics articulates,

There is a conflict here which I think [independent political leaders] can address by expanding voting rights and political reform. The heart and soul of the fight for expanding voting rights is to enfranchise independent nonparty Blacks and other people of color and this is the most threatening and the most potentially transformative freeing of the Black community which the Democratic Party will fight tooth and nail against and which also threatens the Republican party establishment in terms of the maintenance of the two party control.<sup>3</sup>

This is the way the two parties come together in opposition to the "outsiders." As Byrd's op-ed goes on to discuss, through the campaigns she worked on and in the formation of the Electoral Justice Project of the Black Lives Matter movement, she writes, "We knew that for more of us to participate in elections, we would need more than new faces. We needed a new process... The solution, as we see it, is not in traditional party politics... Parties want our votes while promising little and delivering less. That is because the electoral system was designed as binary" (Byrd 2020).

### **Reflecting Back through History**

While the independent political movement of Black and white Populists of the late nineteenth century was destroyed, the democratic impulse that propelled the movement was not. Other movements arose, as would other third parties, in response to the demands made by independent Black leaders. These included revolutionaries, such as Cyril Briggs and his African Blood Brotherhood; Black Nationalists, such as Marcus Garvey and his hugely popular Universal Negro Improvement Association; and socialists, such as W. E. B. Du Bois and his followers in the first two decades of the twentieth century (Ali 2020, 103–135; Goldberg 1992, 4). The independent Black political activism that grew out of these earlier networks in the 1930s took broad form.

Precipitated by low wages, large debt, a struggling agricultural sector, bank loans that could not be liquidated, and excessive speculation, the stock market crash of 1929 and the Great Depression that followed would fuel mass movements for reform. African Americans helped to organize unemployed councils, the Congress of Industrial Organizations, and the Black-led Sharecroppers Union (reminiscent of the

<sup>&</sup>lt;sup>3</sup> Many thanks here for conversation with my colleague and friend Dr. Jessie Fields.

Colored Farmers' Alliance a generation earlier and making some of the very same demands regarding cotton picking wages). Each of these labor and agrarian organizing efforts, in turn, fueled support for independent political parties. In Alabama, the Communist Party mobilized tenant farmers; and in New York, the American Labor Party elected three congressmen, including the early Black Power advocate, Adam Clayton Powell, Jr., who soon assumed the role of elected, insider, but allied to the movement that brought him into office.

Pressured by growing support for these independent forces, the Democratic Party, made important political concessions. In 1935, President Franklin D. Roosevelt and Congress enacted laws that limited the workday to eight hours, established a minimum wage (however, to the exclusion of service sector jobs that tended to have large proportions of Black women, such as domestic workers), protected child labor, guaranteed social security and unemployment insurance, and gave labor unions the right to organize. However, in the South, African Americans were discriminated against when state officials were charged with carrying out federal mandates, such as giving out loans and agrarian subsidies. Black farmers began losing land to neighboring white farmers, whose loans were regularly given in a timely fashion, along with agrarian subsidies. Nevertheless, the overarching commitment from government to support poor and working people under, in part, independent Black political pressure resulted in African Americans breaking with the Republican Party (the party of Abraham Lincoln) and joining the Democratic Party. They did so mostly in the North where Jim Crow had not disenfranchised African Americans. Along with organized labor, Black voters would form part of the Democratic Party's New Deal coalition (Rosenstone et al. 1996).

However, not all African Americans went into the Democratic Party (or stayed with the Republican Party). By 1939, over five thousand African Americans joined the Communist Party in major northern cities, specifically New York City, as well as in parts of the South, including Alabama, Georgia, North Carolina, Texas, and Virginia. Three years earlier, a Black Communist Party congressional candidate from Norfolk, Virginia, received five hundred votes. In 1943, the Harlem-based attorney and Communist Party newspaper editor Benjamin J. Davis Jr. was elected for the first of three times to the New York City Council. Meanwhile, a number of other African Americans ran on the American Labor Party ticket, including the Brooklyn-based community activist Ada B. Jackson, and soon the scholar and Pan-Africanist W. E. B. Du Bois ran for US Senate in New York. Throughout the late 1930s, the concert artist, stage actor, and African American political activist Paul Robeson aligned himself with labor movements in the US.

But there were tensions within the New Deal coalition. Two notable splits, one from the left, the other from the right, emerged in the years following World War II. In 1948, one of Roosevelt's former vice presidents, Henry Wallace, ran for president on the Progressive Party—which carried the same name, but was different from La Follette's Progressive Party. Meanwhile, the "Dixiecrat" segregationist Strom Thurmond broke away from the Democratic Party with the States' Rights Democratic Party. Both Wallace and Thurmond received over one million votes. Wallace eventually returned

to the Democratic Party and Thurmond joined the Republican Party. So as African Americans moved into the Democratic Party, white southerners began allying with the Republicans.

Just as FDR had been pressed to adopt several of the positions taken by independent forces, specifically his pro-labor opponents, Democratic Party standard-bearer Harry S. Truman would likewise be forced to adopt positions taken by independents to his left. However, once elected to office, the new president joined the Wisconsin Republican Senator Joseph McCarthy in attacking these independents. Under the banner of the anticommunist Red Scare, a litany of state election laws were enacted to keep such "outsiders" off the ballot. By the end of the 1950s, these discriminatory and undemocratic rules and regulations devised by elected officials of the dominant parties prevented most independent candidates and parties from even participating in elections. Still, activists continued to demand voting rights for the disenfranchised. They organized boycotts, sit-ins, and other forms of protest, forming the modern Civil Rights movement. The Congress for Racial Equality, the National Association for the Advancement of Colored People, the Southern Christian Leadership Conference, the Student Nonviolent Coordinating Committee, and the Black churches, mobilized support for civil and political rights. Together they challenged the unconstitutionality of Jim Crow and organized grass-roots support on the streets and in the countryside.

In the summer of 1964, independent Black organizers Victoria Grey, Annie Levine, E. W. Steptoe, and Fannie Lou Hammer led the Mississippi Freedom Democratic Party to challenge the seating of the all-white "regular state party" at the Democratic Party's national nominating convention. Appearing on national television while offering testimony of the beatings she faced for trying to register to vote, Fannie Lou Hammer asked "Is this America, the land of the free and the home of the brave where we have to sleep with our telephones off of the hooks because our lives be threatened daily because we want to live as decent human beings, in America?"(The American Yawp Reader n.d.). The Mississippi Freedom Democratic Party was eventually awarded two at-large delegates in a compromise orchestrated by Senator Hubert Humphrey of Minnesota. Four years later he would lose the presidential election to the Republican nominee Richard Nixon when the Democratic governor of Alabama, George Wallace-who famously declared "Segregation now, segregation tomorrow, segregation forever!"-ran on the American Independent Party line and received 6 million votes from southern white Democrats, denying the presidency to the northern Democrat.

As in the 1930s, the Democratic Party-dominated bipartisan federal government in the 1960s was pushed to pass key legislation. This time, it was in support of Black civil and political rights—namely, the 1964 Civil Rights Act and the 1965 Voting Rights Act—which came about through the interplay of insider forces, such as Congressman Adam Clayton Powell, Jr., and outsider forces, namely the leaders and foot soldiers of the Civil Rights movement that captured the imagination of the nation. Soon, a new generation of activists would demand more radical, farther reaching changes.

### **Post-Civil Rights Independent Political Activism**

Inspired by the Civil Rights movement, several statewide independent political parties with a Black presence formed in the late 1960s. These included the Puerto Rican Young Lords in Chicago and New York City and the Black Panther Party, first established in Oakland, California but soon with chapters across most northern cities. The Black Panthers, inspired by communist forces overseas, took more militant stances than Civil Rights activists. Theirs was more revolutionary than reform-minded; more culturally nationalist than integrationist in character—inspired by revolutionary movements in Africa, Asia, and Latin America. Meanwhile, other independent parties grew out of the antiwar movement in response to the war in Vietnam. These included California's Peace and Freedom party, which partnered with the Black Panther party in 1968 to run Black Panther Eldridge Cleaver as an independent for president in 1968.

But each of these parties, whether reform or revolutionary in their goals, either came under attack or its leaders were coopted. Except for Peace and Freedom, one of only two left-wing political parties in the country with permanent ballot status (the other one being the Workers World Party in Michigan), the Young Lords and the Black Panthers were violently suppressed by the police. Leaders, like Black Panther Fred Hampton, were murdered, while others, famously Angela Davis, were imprisoned with state intervention, as it was later revealed through the FBI's COINTELPRO projects.

Dr. Martin Luther King, Jr. had considered an independent presidential run just before he was murdered in 1968; meanwhile, Malcolm X, in his "the ballot or the bullet" speech a few years earlier, recognized that African Americans had to develop a strategy for the exercise of Black power in the face of Democratic dependency (Goldberg 1992). African American leaders from across the nation decided to gather and try to chart out an electoral course for the Black community as a whole. In 1972, following a Black convention tradition going back to the first half of the nineteenth century, nearly 8000 African Americans came together for the National Black Political Convention in Gary, Indiana. There, Richard Hatcher, the city's mayor who was hosting the convention, spoke of a third path beyond either trying to elect more Black people via the Democratic Party or forming an all-Black party. He imagined the coming together of a multiracial third party that could mobilize broadly. In the end, however, the convention opted to elect more African Americans to office via the Democratic Party, with a small number of convention attendees deciding to form an all-Black party (Moore 2018).

In 1980, Black nationalists and socialists, including Manning Marable, Ron Daniels, and Queen Mother Moore, convened in New Orleans to form the National Black Independent Political Party. Within two years, however, the independent Black party dissolved, urging instead for a "Black revolt within the Democratic Party." But others were forming broader independent alliances. By the late 1970s, some Black leaders had begun looking to new strategies to create something independent of the major parties in coalition with others. One was the product of the Labor Community

Alliance for Change, a coalition of grass-roots activist, rank and file trade unionists, and progressive elected officials. In 1979, the New Alliance Party was established as a Black-led, multiracial progressive party, attracting Black and Latino elected officials marginalized by the Democratic Party who were seeking to make progressive changes.

The possibility came in 1984 with the Rev. Jesse Jackson's first run for US president via the Democratic Party. However, after garnering an impressive three and a half million votes, Rev. Jackson was denied the Democratic Party presidential nomination. Following the election, upward of 57 percent of Black voters reported that they would have voted for him in the general election as an independent had he decided to run according to a poll by the University of Michigan's Institute for Social Research. Jackson, however decided to stay with the Democratic Party.

Three years later, in 1987, Black voters in Chicago challenged the Democratic Party by creating their own party, the Harold Washington Party, named after the first African American mayor of Chicago, in order to represent the political interests of the city's Black population. With Washington's sudden death by heart attack, however, the local movement which had propelled him to office fell apart. Meanwhile, the New Alliance Party, which was formed in New York but had a presence in Chicago, went national. Running multiple presidential campaigns, its leading figure, developmental psychologist and educator Dr. Lenora Fulani, became the first woman and the first African American to appear on the ballot in all 50 states in 1988. She accomplished this only after getting over 1.2 million signatures and winning 11 lawsuits against state election boards (Ali 2020).

Building on Rev. Jackson's two presidential campaigns, first in 1984 and then again in 1988, Fulani's own 1988 campaign was run under the banner "Two Roads Are Better Than One" As she stated, "I am an independent candidate for President of the United States. Like Reverend Jesse Jackson, I am the product of a resurgent movement in our country for peace, for economic and social justice, for fairness and inclusion" (Lenora Fulani Archive 1988). She urged voters to support Jackson in the Democratic Primary but use the independent road if he is denied the nomination. This outsider-insider strategy bore a family resemblance to the fusion runs by the Black Populists who ran shared Republican and People's Party candidates and won a number of seats in North Carolina this way. Jackson was denied the Democratic nomination, but the Fulani campaign in 1988 influenced the emergence in 1992 of Texas billionaire H. Ross Perot, who received nearly 20 million votes running as an independent. Not only had her grass-roots organizing efforts brought attention to pursuing an independent political option among poor and working-class Black communities, and other communities of color, Perot had consulted Fulani's legal team to learn how to get on the ballot in all 50 states. Perot sought her help given the challenging set of rules and regulations that make it extremely difficult, logistically and financially, to get on the ballot in all 50 states—even for a billionaire not tied to either major party.

In 1992, Fulani ran for a second time for US president as an independent. Her Committee for Fair Elections was designed to continue challenging bipartisan control of the political process. She also supported independent candidate Ross Perot, reaching out to his 20 million voters in the wake of the watershed election which saw the largest electoral break from the two major parties to build a coalition third party. That coalition first took the form of the Patriot Party and soon thereafter, in 1995, as the Reform Party. In 1996 Fulani created the Black Reformers Network with Dr. Jessie Fields, Rev. Lawrence Anderson, and Juanita Norwood, among others. The Reform Party, which was created through the networks of the briefly established Patriot Party in order to support structural electoral reforms, would bring structural electoral reform to open up the political process to independents as a key feature of the empowerment of Black voters.

Independent political challenges to the two dominant parties and their unwillingness to further empower African Americans by keeping their vote under control affected tens of millions of other Americans. In effect, the Democratic and Republican parties maintained their dominance of policies and practices by limiting access to the ballot to the "outsiders," subsidizing their own party primaries with public funds while excluding nonaligned voters (even though political parties are *private* entities, not public) and creating voting districts through gerrymandering where major party politicians regularly choose their constituents before their constituents choose them. Such reapportionment and redistricting are de facto implemented by bipartisan legislatures, which ultimately serve one or the other major party. Moreover, bipartisanism, as opposed to *nonpartisanism*, infuses the conduct of elections and was institutionalized, for example at the national level with the Federal Election Commission in 1975, and then with the pseudo-governmental Commission on Presidential Debates in 1987.

The days of outright political violence largely passed, that is, the "paramilitary politics" of the late nineteenth century, as the historian Hahn describes, or the kind of violence directed toward the Black Panthers by the FBI and police. Such heavy-handed maneuvers by the state at the behest of the dominant parties were a crude and brutal way of suppressing the voices of African Americans, among others. Bipartisan rule would take more sophisticated forms as the major parties evolved their ways of maintaining their authority and position (Hahn 2005).

Despite their differences, Democrats and Republicans have historically worked together to uphold their bipartisan domination of the US electoral process and legislative outcomes. The two major parties have effectively stifled the voices of African Americans not tied to the Democratic Party (or the Republican Party), often excluding the demands and needs of poor and working-class African Americans—that is, until compelled to adopt *aspects* of such demands made through independent Black political movements (for instance, Black farmers were systematically excluded from receiving subsidies beginning in the New Deal, as were Black women excluded from social security benefits of the same era). It is almost impossible for a third party to take root in our two-party system with gerrymandering, ballot access restrictions, and closed primaries used by the Democratic and Republican parties. The result is the exclusion of African American poor and working-class voices in policymaking and enacted legislation.

The Black Lives Matter movement, involving millions of people across the nation (and allies around the world), is not only a response to ongoing acts of police brutality against Black people, but to the general exclusion from policymaking regarding the political and economic empowerment of poor and working-class Black communities. The major parties enable this by taking deliberate and concerted measures to ensure their stability and their shared control of the governmental process through control of the electoral process via regulation, bolstered by fomenting a culture of bipartisanship. Throughout, the mass media is largely complicit. Regulation, as noted, has been a component of this, over the course of the century, along with the cooptation of individual leaders with jobs or funding of local projects. But, less known were these areas of regulation as mechanisms of control, including campaign finance laws written and rewritten, largely as a function of two-party rivalry, and a means to curb the influence of certain special interests, however, always with an eye toward repressing the rise of Black (and other) independents, the "outsiders."

### **Into the Twenty-First Century**

In 2000, the Joint Center for Political and Economic Studies noted a "discernible shift" among African Americans away from the Democratic Party, with over 30 percent of Black voters identifying themselves as politically independent. Such political independents are not closet Democrats or Republicans, as some political scientists claim by pointing to the "second question" in national polls asking if the person was to vote today which way would they vote. In a bipartisan system with virtually no other options on the ballot other than a Democrat or Republican, most people rationally choose the least bad option in their view (Ali 2020; Milligan 2020). Meanwhile, that same year Fulani brought Green Party candidate Ralph Nader to Harlem to build independent Black support; the following year, she helped get billionaire Michael Bloomberg elected mayor of New York City, running as a fusion candidate on the Independence Party and Republican Party lines in order to support nonpartisan electoral reforms (something he committed to supporting, and which Democrats opposed). Bloomberg garnered 47 percent of the Black vote in his 2005 bid for re-election. This Black and independent alliance would, in turn, help lay the groundwork for the 2008 US presidential election and the rise of then insurgent candidate Barack Obama. In that year, Black independents organized the "Who decided Hillary was best for the Black Community?" campaign challenging the Democratic Party's support of then Senator Hillary Clinton over the insurgent Obama, who had reached out broadly in his successful presidential bid to become the first African American elected to the White House (Georgia Congresswoman Cynthia McKinney also ran as the Green Party's presidential candidate that year).

But President Obama was soon outorganized by the Democratic Party. In 2012, despite Black and white independents serving as his margin of victory, the party rejected an alliance with independents. It became apparent that it would not be possible, as others had variously tried, to substantially reform the politically liberal

Democratic Party from within—neoliberalism had come to dominate the party in the 1990s with the two-term presidency of Bill Clinton. Meanwhile and beyond the exclusion of millions of African Americans in states with closed primaries (where independents are not allowed to vote in publicly financed major party primaries) there were attacks on aspects of the Voting Rights Act of 1965. In 2013, in *Shelby County v. Holder 570 US 529* the court declared Section 5 of the Voting Rights Act to be unconstitutional, nullifying a critical component of the Act.

Perhaps not surprisingly, in 2016 Black voters displayed diminishing support for Democratic Party presidential candidate, Hillary Clinton. Early voting in battle-ground states, including North Carolina and Florida, showed a 14 percent decrease in turnout in early voting among Black voters. Indeed, 2 million voters, including many Black voters, refused to vote for the Democratic Party nominee in the general election despite strong appeals by President Obama and First Lady Michelle Obama for Clinton, with Black voter turnout for the Democratic Party in 2016 dropping 5 percentage points from 2012. Two years after businessman Donald Trump was elected as US President via a majority in the Electoral College (despite losing the popular vote by nearly 3 million votes), African Americans were joined by white independents to back Democratic congressional candidates by a margin of 12 points, displaying outsider support for the "lesser of the bad" choices.

And then the global COVID-19 pandemic hit. This created profound political and economic uncertainty across the nation, with disproportionate numbers of African Americans affected in urban centers such as New York, Philadelphia, Los Angeles, Chicago, and Atlanta. The impact of the pandemic on Black communities has only exacerbated existing inequities in healthcare, education, and the criminal justice system (Eligon et al. 2020).

### **Bringing It Home...**

Since the end of the modern Civil Rights movement, followed by the Black Power movement, African-Americans have continued to struggle. In our post–Civil Rights era of pandemics and political uncertainties, there are also the conditions for new possibilities. Younger voters, less connected to the older generation of the civil rights movement, are increasingly identifying themselves as independent—that is, neither as Democrats nor as Republicans—and they are doing so at record levels. A recent poll conducted by Tufts University reveals that upward of 44 percent of 18- to 24-year-olds self-identify as politically independent; meanwhile, Pew Research Center surveys show that over one in four African Americans across all age groups are consistently declaring their independence (Center for Information and Research on Civic Learning and Engagement 2018). National opinion polls over the past generation consistently indicate that upward of 30 percent of all African Americans identify themselves as politically independent (Bositis 2005, 50).

The history of independent Black political movements in the US provides some indications of what may come with regard to African Americans and electoral politics.

As one of today's notable independent Black leaders based in Chicago, David Cherry, notes, "You don't have to storm the Capital to demonstrate you're against democracy." He points to the need for African Americans to break free from their dependency on the Democratic Party: "We will never attain political power, we will never change the conditions in the community by simply being tied to one political party." He continues,

I'm a child of the 1960s, and I do remember the Civil Rights Movement led by Dr. Martin Luther King, Jr. and many others, and the fight for civil rights and voting rights. That fight was to empower the community. To give the community some voting options like schools and healthcare, employment, and the economy. But what has happened since the passage of Civil Rights Act and the Voting Rights Act is that the Black communities' participation in politics has largely become synonymous with participation in the Democratic Party. (personal communication, David Cherry, July 13, 2023)

To be sure, African Americans have variously worked to advance their political and economic interests by working at times with one or the other major party, forming or supporting third parties, or finding independent political allies. In doing so they have helped galvanize some of the most basic and farthest-reaching changes in the nation: the abolition of slavery, the expansion of the right to vote, and the enactment and enforcement of civil rights. Black independents have also created models for grass-roots organizing and political alliance—building that have pushed the boundaries of democracy ever more broadly.

As polling and surveys indicate, increasing numbers of Black voters are among the tens of millions of people, from a range of backgrounds and from across the ideological spectrum, who now view themselves as politically independent. Young Black voters, like Millennials in general, identify at even higher levels as independent than do older cohorts. A 2019 University of Chicago–affiliated survey noted that upward of 38 percent of African Americans 18–36 years of age did not identify with the two major parties—among the highest indicators of disaffection among Black voters. These Americans are part of an emerging movement of African Americans and white independents comprising Black and independent alliances. Gallup Polls indicate a steady rise of non–major party identification among all voters since 1988: from 32 percent in 1988 to a high of 50 percent in early February of 2021 (Gallup 2024; Black Futures Lab 2019; Jones 2019).

The category created by pollsters and political scientists of "pure independents" (that is, those who do not "lean" toward one or the other major-party candidate when asked how they would vote *after* they first self-identify as independent) reveals a profound bias about who independents, and Black independents in particular. It exposes a significant blind spot in what is a plurality of voters in the United States. It also misses the more obvious point: That if given only two (if that) choices on the ballot, then voters might choose one, or not vote at all—which is in fact what voter behavior consistently shows. This perspective is backed by the Stanford University

political scientist Fiorina who contends that following independent "leaners" over several elections is key to understanding their voting patterns and that "their partisan stability is closer to independent than weak partisans." Moreover, "classifying all leaners as weak partisans' mis-characterizes the partisanship of Americans and overestimates the rate of party voting" (Fiorina 2016, 2017; Reilly et al. 2023, 33). In other words, independent voters are largely *independent*.

Increasingly less tied to the Democratic Party, Black voters have been looking for new electoral options and allies in the face of bipartisan hegemony, ongoing poverty, and racism. Black Lives Matter, among other Black cultural and organizational expressions, is the largest and most visible recent manifestation of the search and demand for justice in the United States among African Americans, especially younger African Americans frustrated by the legal system, lack of access to loans, higher education, and jobs, and the traditional electoral channels and policies dominated by the two major parties and their elected officials (Taylor 2020).

The latest Pew Research Center polls show historic lows in terms of public trust in government, with less than 20 percent of Americans lacking confidence in government to do what is right (Pew Research Center 2023). Among African Americans, the feeling and experiences of having been failed or betrayed are higher and especially painful. Whether it is the failure of the healthcare system and public schools or the economy—despite the extraordinary efforts of rank-and-file nurses, doctors, teachers, and other workers—there is widespread recognition that the two-party establishment has not been willing or is unable to effectively serve the best interests of ordinary people. Partisanship, institutionalized in the bipartisan arrangement of the Democratic and Republican parties that govern the nation, either prevents or deters innovation in policies or practices that might otherwise effectively address the myriad challenges facing the nation as a whole and Black communities in particular. For instance, such programs, such as the All Stars Project, Development School for Youth, Cops and Kids: Operation Conversation, and Community Play!, are limited in their capacity and reach without government support. The flip side is that such programs may also be effective because they are independent of government intervention (All Stars Project n.d.).

Panning out, American history reveals that progressive change regarding Black civil and political rights has come through the interplay of outsider and insider forces. Throughout this history, independent black political action has been vital, with African Americans acting on their own or in alliance with others. As the University of Chicago political scientist Michael C. Dawson notes, "Blacks have tended to be loyal to the two major parties. However, specific circumstances have led to active African American support of third parties. When the two major parties reject African Americans' political goal of inclusion, African Americans seek other political allies" (Dawson 1994, 106). In sum, since the late nineteenth century, independent Black political action in the US through the courageous and creative leadership of African Americans, and taking a range of organizational forms, has been vital to the development of democracy and an ongoing feature of contestations of the liberal script.

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## Theatre as a Barometer of Contestation

The Case of *Julius Caesar* in Central Park, 2017

Peter Parolin

Societies organized around the liberal script would seem to be friendly environments for the arts. Through their various media, the arts put contentious issues and ideas into the public square for vigorous debate. When political contestations shake society, they feature in and around the arts as well. In the United States, artworks like Robert Mapplethorpe's photographs, Andres Serrano's "Immersions" (popularly known as "Piss Christ"), Dread Scott's "What Is the Proper Way to Display the US Flag?" as well as more recent instances like the 2020 projection of Breonna Taylor's image onto the statue of Robert E. Lee in Richmond, Virginia, have provoked heated political controversy. The liberal script understands artistically inspired public debates to be legitimate even when disagreements are profound and emotions run high. Debates over art and culture constitute a serious element of the liberal script because, in the words of Tepper, they "represent the democratic outcome of citizens negotiating the consequences of social change within their communities" (2011, 2).

It might have seemed unremarkable, then, that in the summer of 2017, New York's Public Theatre produced a politically provocative version of William Shakespeare's *Julius Caesar*, staging it at the Delacorte Theatre in Central Park as part of its annual Shakespeare in the Park series. A theatre company was using a political play to comment on the political state of the times. However, there was nothing normal about what happened to this production. Even before it opened, it angered supporters of the president of the United States, generated loud opposition from prominent conservative media outlets, lost the sponsorship of major corporate partners, and experienced protests and disruption. Most disturbingly, it became the target of a large number of violent threats, as did theatres around the country, because of its foray into contemporary political commentary.

This chapter argues that the controversy surrounding Oskar Eustis's production of *Julius Caesar* can tell us something about the state of the liberal script in the United States under the presidency of Donald Trump. Specifically, it uses the controversy to show that normative adherence to the rules of the liberal script was fraying. While theatre companies have certainly experienced controversies, sometimes embracing the notoriety that controversy brings, the threatened violence in 2017 was different. It represented an unwillingness on the part of a significant American cultural-political

constituency to tolerate difference, exercise forbearance, and reject violence as an appropriate response to cultural and political disagreement. The controversy over the production contained elements of what this volume identifies as internal and external contestations of the liberal script, but the socially mobilized opposition to *Julius Caesar* in Central Park, in which protesters formed a camp refusing dialogue with the other side, suggests that it most closely came to resemble what our editors call a "deep contestation" (Börzel et al., this volume).

In and of itself, the production of *Julius Caesar* in Central Park offered an "internal contestation" of the liberal script. It asked audiences to consider whether, under President Trump, the United States was displaying early tendencies toward authoritarian rule. Using broad satire, the production suggested the United States was experiencing a variation of the creeping authoritarianism that ancient Rome experienced under Julius Caesar and that Shakespeare chronicled in his play. Director Eustis wanted his audience to weigh the validity of the analogy and consider how the US should—and should not—respond to the moment. This artistic approach qualifies as an internal contestation in that it held up the liberal script as the ideal to which the US should hold itself accountable even while it rang alarm bells about the current direction of US politics.

The response to the production could equally have qualified as an internal contestation. It could have marshalled evidence to argue that Trump was not an authoritarian in the making and that his mode of government was consistent with the tenets of the liberal script. The controversy would then have been a classic example of an internal debate over how best to operate politically under the liberal script. But it did not play out this way. Instead, opposition to the production took on an unsettling aspect as opponents sought to shut down the conversation by threatening violence. The violent threats put opposition to the production at least potentially into the category of an "external contestation" of the liberal script. External contestations seek "to advance alternative, nonliberal and even illiberal ideas for organizing American society" (Börzel et al., this volume, 10). Threatening violence against a production to which they objected politically, opponents of the Central Park Julius Caesar were willing to entertain illiberal responses to political disagreement. Given that Eustis's production advocated against authoritarian rule, opponents left open the question of how sympathetic they were to authoritarianism and, consequently, how willing they would be to forego the liberal script, which among other things assigns a protected space of free expression to artistic contestations.

So it was that in 2017 a short-lived summertime production of Shakespeare in the Park shone a light on the role of the arts in promoting civic conversations and on the existence of a constituency chafing against the norms of liberal society. Like the liberal script itself, plays are both descriptive and prescriptive. They describe some aspect of society as they see it and they prescribe alternatives to reform and improve it. Theatrical productions can also be seen as *prophetic*: Through the responses they generate, they help measure the temperature of society and intimate its future directions. In the case of the Public Theatre's *Julius Caesar*, responses highlighted the forces gathering in opposition to the liberal script, both to the freedoms it promises

and the contestations it requires. The fanatical opposition to this production situated theatre as a leading indicator of political climate change and hinted that certain segments of American society were increasing in their opposition to the status quo and their readiness to wrench away the United States from its long adherence to the liberal script. Considering the developments in American political attitudes since the summer of 2017 and especially in the aftermath of the January 6, 2021 attack on the US Capitol, the controversy around the Central Park *Julius Caesar* was a prescient indicator of tectonic political change.

### Political Theatre, Political Shakespeare

The editors of this volume argue that the liberal script in its American version guides society according to principles of individual and collective self-determination, the rule of law, the separation of powers, the universality of human rights, and the commitment to democracy, along with tolerance of and openness to difference (Börzel et al., this volume, 4). Fundamentally, the American liberal script not only permits but *requires* free expression of ideas, the robust negotiation of differences, and the agreement to coexist peacefully across areas of disagreement. These activities make for individual and collective self-determination.

As the editors make clear, the liberal script has always been a field of contestation on which interested stakeholders come together to struggle over the proper organization of society (Börzel et al., this volume, 4-5). The struggle itself exemplifies the liberal script in practice: liberalism assumes the pluralistic nature of society is a good that legitimizes the contestation by which competing interests pursue their priorities. The liberal script not only accepts pluralistic debate over how to structure society but also combats the idea that society is one singular thing, always and everywhere the same. Instead, the liberal script understands society as multitudes of individual and collective actors who compete, align, advocate, and resist in the service of finding the best ways to run the country. The experience of the debate ideally engages all players and ultimately earns their consent to the ongoing functioning of liberal society.

A major space for pursuing the required contestations of the liberal script is the sphere of culture. Through artistic creation and humanistic inquiry, artists and scholars represent beliefs, values, laws, social norms, and political struggles. They contribute through art to conversations about sociopolitical realities and changes, enabling individuals and the collective either to come to terms with the sociopolitical landscape or intervene to alter it through internal contestation. The absence of contestation not only atrophies the arts but cedes their role as a medium for necessary debates. What Müller says about political journalism is also true of the politically engaged arts: It is a crisis when "political reporting and commentary simply reinforce what citizens are already thinking and feeling" (Müller, this volume, 40 ). The point is to provide perspectives that provoke thought, debate, and needed action.

Theatre is a particularly powerful medium for provoking the thoughts and feelings of the citizens who make up the audience because theatre uses live human beings to

pursue its concerns. Theatre is visceral. Not only are actors on stage live and unpredictable, but they share space and time with their audiences, so that each influences the other and the exact outcome can never be known in advance. Sauter calls this a "reciprocal relationship" (2013, 173). While a painting will always be the same object of art, no matter how many times a viewer sees it, a play in production changes in response to different audiences, whose energy and actions demonstrably affect the energy and actions of theatre artists, shaping from performance to performance the particulars of the story that they tell.¹ Theatre audiences have a power in relation to staged events that is in some respects akin to citizens' power in relation to elected officials. In both cases, audiences and citizens act within agreed-upon boundaries to influence each other and make things happen. Thus, theatre forms one part of the social apparatus that conditions people as political actors.

Politically minded theatrical productions take advantage of theatre's visceral power to provoke and unsettle, to shake audiences out of apathy, and to encourage them to engage in critical analysis and work for change. When a political production involves a play by Shakespeare, the effect can be intensified. Although Shakespeare was deeply preoccupied with the politics of his time, he has long been understood to be a "universal" playwright, accessible to all. If a production uses Shakespeare to make a contemporary political statement, it risks riling up segments of the audience that understand Shakespeare as nonpolitical and that may object to his work being enlisted in a partisan way. This dynamic certainly seems to have played into the controversy around *Julius Caesar* in Central Park, where conservative critics, who conventionally support Shakespeare's cultural preeminence, were outraged that his play was used to ridicule Donald Trump, and perhaps even to advocate his assassination.

### The Public Theatre Julius Caesar, 2017

On the night of the 2016 American presidential election, Oskar Eustis, artistic director of the Public Theatre, knew he would produce *Julius Caesar* the next summer in Central Park as a response to Trump's unexpected elevation to the presidency (Green 2017). In the production that opened seven months later, Eustis styled the title character, Julius Caesar, after Trump himself. The actor who played Caesar, Gregg Henry, had a blond bouffant head of hair, wore bronzer on his face, and sported a long red tie dangling well below his beltline. He tweeted and bullied a reporter planted in the audience. A group of Caesar's supporters, white men, wore red "Make Rome Great

<sup>&</sup>lt;sup>1</sup> Brockett and Ball see a "three-way interaction" in live theatre, whereby actors influence audience members, audience members influence each other, and audience members influence actors (2011, 8).

<sup>&</sup>lt;sup>2</sup> Cook shows that theatre has historically provoked civic disturbance, citing the Old Price, *Hernani*, and Astor Place Riots of the nineteenth century, and referencing Vice President Mike Pence's controversial visit to *Hamilton* on Broadway after the 2016 American election as well as Robert Schenkkan's Trump-inspired play *Building the Wall* (2018).

<sup>&</sup>lt;sup>3</sup> Shakespeare's plays have, since their inception, been used to comment on political matters, but this history is lost on those who prefer to understand Shakespeare as an apolitical exemplar of universal genius. See Maus (2008) on *Julius Caesar*'s original political context and Wilkinson (2017) on more contemporary political applications.

Again" baseball caps. Caesar's elegant wife Calpurnia, played by Tina Benko, wore designer clothes and spiked heels and spoke with a Slavic accent. At one point, when Caesar reached for Calpurnia's hand, she brushed it away; at another, Calpurnia, dressed in a flowing white negligee, joined Caesar in an onstage bathtub made all of gold. Further evoking Trump, Caesar at one point grabbed Calpurnia's crotch to show Mark Antony how to make her fertile, his gesture physicalizing Trump's "Grab'em by the pussy" comment on the Access Hollywood tape (Transcript 2016). At another point, Casca, exasperated that the wenches of Rome support Caesar, made the production's one addition of just three words to Shakespeare's dialogue. The Public Theatre's Casca said, "But there's no heed to be taken of them: if Caesar had stabbed their mothers on Fifth Avenue, they would have done no less." This interpolation recalled Trump's comment during the presidential campaign that "I could stand in the middle of Fifth Avenue and shoot somebody, and I wouldn't lose any voters, OK?" (Dwyer 2016). Contemporary accounts show that everybody in the Delacorte Theatre got the joke.

Further references to the world of Trump included characters wearing the pink pussy hats that symbolized the anti-Trump Women's March of January 2017, a conspirator wrapped in a "Resist" banner, and Caesar's ally Antony wearing an American flag. The production also put blowups of the American constitution and images of Washington and Lincoln on stage as a way of making the audience consider Trump's significance across the larger sweep of American history (Gerard 2017; McGuiness 2017; Scheck 2017).

The production received conventional reviews charting its artistic successes and failures just as if it were any other theatrical offering. Frank Scheck of *The Hollywood Reporter* judged it boringly predictable because "using [Trump] to make satirical points has already become cliché" (2017). Peter Marks of *The Washington Post* praised its "potent handling of the drama's tragic dimensions," and concluded that it offered a vibrant affirmation of Shakespeare's ongoing relevance (2017). In *The New York Times*, Jesse Green called the production "a deeply democratic offering" but faulted it for "the ways that Trump and Caesar never properly scanned" (Green 2017). Indeed, the Trump–Caesar identification could never be scrupulously precise: The play is slippery enough that any attempt to align Trump or any other political figure with Caesar is bound to present problems of consistency. But by putting Trump on stage, Eustis was nonetheless able to explore a central question: "what do you do to protect a democracy when a demagogue is threatening the thing that you love?" (Marks 2017).

In the play, the conspirators act to protect the republic they love by assassinating Caesar in the Roman Senate on the Ides of March. In the cultural controversy surrounding Eustis's production, the assassination was the only thing that mattered. To the followers of Donald Trump, putting a Trump-inspired Caesar on stage and representing his murder was tantamount to endorsing violence against the president, or even, in some reporting, to killing him outright. The controversy erupted in conservative media a week before the production's June 12 opening. On June 6, a *Breitbart* headline proclaimed "'Trump' Stabbed to Death in Central Park Performance

of 'Julius Caesar," and on the same day, audience member Laura Sheaffer, speaking on Joe Piscopo's podcast, called the production "the on-stage murder of the president of the United States." Mediaite promoted the Sheaffer interview further in a story titled "Senators Stab Trump to Death in Central Park Performance of Shakespeare's Julius Caesar." (McLaughlin 2017). On June 7, *Inside Edition* posted a bootlegged recording of the killing scene to youtube, where it went viral. In fact, the controversy went viral across social media—it reached more than 2 million facebook users and got 167,000 impressions on Instagram, as well as 4.6 million organic impressions on twitter (Shapiro 2020, 212). On June 9, the furor prompted the *New York Times* to take the unusual step of reviewing the production before it officially opened.

The controversy continued to gain momentum. On June 10, the *Daily Caller* posted a story headlined "NYT is Sponsoring an Assassination Depiction of Donald Trump," which attempted to discredit the *New York Times* as one of the Public Theatre's sponsoring partners. On June 11, *Fox News Insider* (2017) published the story, "NYC play appears to depict assassination of Trump," the story's first line specifying that "Trump" was "brutally stabbed to death by women and minorities." As James Shapiro notes, the headline

made it seem that for Fox, New York itself rather than William Shakespeare was responsible for this unnamed play. The conclusion to the segment was no less artfully worded . . . : "At the end of the day, this is a play put on in Central Park in New York City that very obviously depicts the assassination of a US president." The Fox & Friends contributors expressed concern that the production might well promote violence against the president and urged viewers to contact the production's corporate sponsors. (2020, 201–11)

Adding fuel to the fire, Donald Trump, Jr., mused on twitter, "I wonder how much of this 'art' is funded by taxpayers? Serious question, when does 'art' become political speech & does that change things?" (Beckett 2017). On cue, the National Endowment for the Arts, which the Trump administration's first budget had just proposed for eventual elimination, assured the public that there was no NEA money in Julius Caesar: "No NEA funds have been awarded to support this summer's Shakespeare in the Park production of *Julius Caesar* and there are no NEA funds supporting the New York State Council on the Arts' grant to the Public Theater or its performances" (Gibson 2017). By the end of the day, both Delta Airlines and the Bank of America pulled their sponsorship from the production. Delta said that "the graphic staging of Julius Caesar at this summer's free Shakespeare in the Park does not reflect Delta Airlines' values. Their artistic and creative direction crossed the line on the standards of good taste." Bank of America stated that "The Public Theater chose to present Julius Caesar in a way that was intended to provoke and offend. Had this intention been made known to us, we would have decided not to sponsor it. We are withdrawing our funding for this production" (Gerard 2017). As the controversy unfolded, conservative commentators and corporate sponsors made "good taste" the arbiter and ignored theatre's historical role of provoking conversation and strategic offense.

By June 14, conservative anger about the production had reached such a state that not only the Public Theatre but theatres all around the country were receiving angry complaints, violent emails, and physical threats (Gerard 2017; Gay 2017). Shakespeare Dallas received dozens of "threats of rape, death, and wishes that the theater's staff is 'sent to ISIS to be killed with real knives." Shakespeare & Company in Lenox, Massachusetts, received the message "hope you all who did this play about Trump are the first do die when ISIS COMES TO YOU f——- sumbags (sic)" (Wootson 2017). The anger also made its way to the Delacorte stage. On June 16, at the moment of the assassination, an audience member, Laura Loomer, who turned out to be a right-wing journalist and activist, jumped onto the stage, where she shouted "Stop the normalization of political violence against the Right! . . . This is violence against Donald Trump." Her outburst was coordinated: a companion filmed it for her, shouting "You are all Nazis like Joseph Goebbels. You are inciting terrorists." Within a week the protester and her companion had both appeared in segments on Fox News; Salon additionally reported that Loomer had established a fundraising website (freelaura.com) before she disrupted the production. The protest was thus designed from the start to exploit and feed the media frenzy (May 2017; Romo 2017; Shapiro 2020; Stefansky 2017). On June 18, the Central Park Julius Caesar ended its short run, the outsized political controversy distorting the civic conversation the production had hoped to encourage.

For all its sound and fury, the controversy profoundly misrepresented the Public Theatre's *Julius Caesar*. That the misrepresentations could lead to widespread anger and threats of violence indicates the precarious position of the liberal script in the summer of 2017. Heated passions overwhelmed any possibility of tolerance, forbearance, or hearing what someone else was trying to say. Yet according to Levitsky and Ziblatt (2018), tolerance and forbearance are required elements of the liberal script; their absence in the Central Park *Caesar* controversy highlights ways in which the liberal script is vulnerable to the assertion of domination over dialogue. The growing tendency in the United States to demonize opponents across partisan political lines created the conditions for conservative anger around the production. For example, political tribalism enabled Kyle Smith to use the production to denigrate liberals in *National Review*:

It's a curious characteristic of the Left these days that they're happy to take government money to assassinate in effigy the head of that government. Indeed, they'd cry that they're being oppressed by monster fascist philistines if it were suggested that maybe taxpayer dollars shouldn't be funding their violent whimsy and that the Chardonnay-sipping professionals in designer eyewear who compose the audience for the free Shakespeare in the Park productions are perfectly capable of paying for their own amusements. (2017)

Smith's caricature of liberals as elitist hypocrites invites conservative readers to understand their political adversaries as excessively entitled and out of touch with the concerns of "real" Americans. It in effect *others* opponents, establishing an outsider

group of "them" who have values fundamentally antithetical to the preferred insider group of "us." This polarizing rhetoric makes it possible for conservative insiders to imagine that liberals want to kill the president, their sinister intentions hidden behind the veil of a theatrical production. It allows insiders to ascribe a position to their opponents that the opponents explicitly disavow and it implicitly justifies the impulse to take away privileges that the opponents enjoy.<sup>4</sup> Smith's oppositional rhetoric exploits an American cultural cleavage resistant to dialogue because it is built around an identity politics that positions the other as a fundamentally illegitimate interlocutor.

In this context, it was immaterial that Eustis explicitly and repeatedly disavowed the violence that the play stages: "Our production of 'Julius Caesar' in no way advocates violence towards anyone. Shakespeare's play, and our production, make the opposite point: those who attempt to defend democracy by undemocratic means pay a terrible price and destroy the very thing they are fighting to save" (Cristi 2017). It was immaterial that Julius Caesar warns that political violence can destroy its perpetrators and produce devastating unintended consequences. The representation of Caesar's killing in Central Park confirmed this point: there was no joy, no thunderous applause, no bloodlust satisfied when Caesar was assassinated (Beckett 2017). Instead, after Caesar fought for his life and died, an uncomfortable silence gripped the theatre. Eustis broke the silence by having actors, planted in the audience, stand up and vocalize outrage over what had happened. The character Brutus then had to address this hostile audience directly to justify the killing. As Shapiro assesses it, "Eustis had set a trap. He was offering a counterpoint, a rival perspective . . . What had we been wishing for? By giving voice to the opposition, he was forcing on playgoers a set of moral questions not unlike those Brutus was struggling with: Do the ends justify the means? How do we reconcile our values with our desires?" (2020, xxv). For Eustis, the Trump-themed Julius Caesar was operating well within the accepted terms of political theatre as sanctioned by the liberal script: It was using art to prompt conversations about how a democratic society should or should not respond to the emergence of a potential autocrat.

The tradition of theatre artists staging productions that provocatively address contemporary politics is longstanding. Reaching back to ancient Athens, Pressley argues that "The stage, as a public space, originally validated in Greek traditions by the presence of an audience of citizens, is uniquely positioned among the arts to contemplate public matters and to spark an immediate collective response" (2014, 2).<sup>5</sup> Shapiro (2020) has specifically studied the United States to show that, in productions dating from the early days of the republic, the theatre has repeatedly deployed

<sup>&</sup>lt;sup>4</sup> The populism of this rhetoric illustrates Puhle's point that "many of the contestations of the liberal script in the US have been driven by populist aspirations and movements" and have included "backlashes" against modifications of and extensions to the liberal script (Puhle, this volume, 45).

<sup>&</sup>lt;sup>5</sup> Froma Zeitlin argues that Greek theatre uses Thebes as the "negative model," the anti-Athens, that allows Athenians to raise "the most serious questions . . . concerning the fundamental relations of man to his universe, particularly with respect to the nature of rule over others and rule over self, as well as those pertaining to the conduct of the body politic" (Zeitlin 1990, 131).

Shakespeare to frame conversations about contested values and norms.<sup>6</sup> As recently as 2012, another production of *Julius Caesar*, staged by the Acting Company at the Guthrie Theatre in Minneapolis, envisioned Caesar as the then sitting American president, Barack Obama. In 2017, conservatives outraged about the identification of Caesar as Trump claimed that the theatre would never have done the same thing to Obama, oblivious to the fact that only five years earlier it had. Smith argued that there might have been actual rioting "if this or any other major New York play gleefully depicted the stabbing murder of Barack Obama," but there had been no disruption of the Minneapolis production. By contrast, the Public Theatre had to increase its levels of security after protesters disrupted the Central Park production (Palmer and Salam 2017).

In the reception of the Acting Company's production, there was a willingness to accept that Julius Caesar could be used as a prism through which to consider Obama's leadership. Director Rob Melrose cast the African American actor Bjorn DuPaty as an Obama-esque Caesar, who, like every Caesar in every production of this play, was assassinated. But in 2012 there was no national outrage (Gibson 2017). In fact, in 2012, Delta Airlines, which pulled its sponsorship from the Public's Caesar in 2017, contributed over \$100,000 to the Guthrie Theatre. Likewise, the NEA, which was so careful to insist it had not supported the 2017 Central Park Caesar, directly invested \$25,000 in the Guthrie's production (Gibson 2017; Cooper 2017). Further, Noah Millman, writing in The American Conservative, actively praised the conceit of Caesar-as-Obama: Millman noted that the conceit works because "the rhetoric of the Tea Party opposition to Obama partakes of an intellectual tradition that selfconsciously traces its lineage back to Brutus." Millman approved that another African American, William Sturdivant, was cast as Brutus: "Sturdivant does a pitch-perfect black conservative intellectual—more specifically the thoughtful, reserved type of black conservative intellectual, a coil of carefully controlled tension" (Millman 2012). In 2012, then, conservatives found the Obama-themed Caesar thought provoking, and allowed the play to participate in the time-honored tradition of theatre commenting on contemporary politics.<sup>7</sup>

The idea of an African American man as the victim rather than the perpetrator of the onstage killing might also explain the difference in reactions to the 2012 and 2017 productions and offer yet more insight into the Central Park *Caesar* as a barometer of problems for the liberal script. In Eustis's production, the conspirators who kill Caesar included women and actors of color. As Fox News Insider (2017) put it, the production depicted Donald Trump being "brutally stabbed to death by women and minorities." For Fox's Guy Benson, the fact that Trump was "being stabbed by women and minorities gives it away" (Wilkinson 2017). Fox commentators assumed that

<sup>&</sup>lt;sup>6</sup> Shapiro identifies some of the contested issues as miscegenation, manifest destiny, class warfare, immigration, and marriage.

<sup>&</sup>lt;sup>7</sup> Like Eustis, the Acting Company's Melrose understood *Julius Caesar* to take a stand against political violence: "When Caesar is killed, it's horrifying, it's awful—whether it's Obama or Trump. Trump, Republicans, and Democrats should all take heart that what this play says is that killing a political leader, no matter how righteous your views are, is a bad idea" (Cooper 2017).

women and minorities on stage could only signify hatred of Trump. They overlooked the fact that many of Caesar's supporters were also played by women and actors of color; perhaps most notably, Caesar's champion Antony was played by a woman, Elizabeth Marvel.

For Eustis and the Public Theatre, minoritized actors playing major roles signaled the inclusive approach to casting that characterizes twenty-first-century American Shakespeare productions. Shakespeare's plays, originally written to be performed by men and boys, are now accessible to a much wider range of storytellers, which makes abundant sense given that they are continually asked to address the particulars of a multiracial democracy.8 But this inclusive approach to casting Shakespeare is a development that, for some, takes Shakespeare out of a white male sphere where they believe he properly belongs. Shapiro (2020) notes that the long-dominant American norm of all-white Shakespeare has been replaced by diverse Shakespeare companies that more and more reflect the diversity of the country. In the context of the "Make America Great Again" movement, which nostalgically fantasizes about a time when women and people of color occupied the sidelines, the real concern with the Public Theatre's Julius Caesar may have been that they, referring to minoritized actors, took their place on the Shakespearean stage, presuming to judge us, meaning Donald Trump and supporters, and assuming an equal position in the national conversation. In this sense, the Central Park Caesar could be seen as a displacing of white male dominance, both in terms of what was represented on stage-"women and minorities" killing Caesar—and in terms of who was doing the representing—women and actors of color playing Shakespearean roles. The controversy around the production thus exemplifies what this volume's editors identify as the "cultural wars" tension within American liberalism, in which advances for some populations are seen as diminishing the well-being of others.9

In numerous ways, then, the controversy around the Central Park *Caesar* played into populist grievance narratives, with the anger the production stoked testifying to how populist energies can be used to unsettle the liberal script. If the liberal script promises a public square where legitimate stakeholders debate issues, *Julius Caesar* was caricatured as delivering the opposite: the elite liberal takeover of an iconic American public space, Central Park, in order to silence debate, satirize Donald Trump, and almost literally assassinate a president. The Central Park *Caesar* was seen to reveal the cultural left's secret antagonism toward the democratic processes they claimed to cherish. The reception of this production highlighted the widespread ongoing loss of faith in the institutions that guarantee the liberal script—in this case,

<sup>&</sup>lt;sup>8</sup> Hartley shows how casting a multiracial cast of actors in his college production of *A Midsummer Night's Dream* necessarily shaped his production's messages about power, marriage, psychology, and history (2013, 116–127).

<sup>&</sup>lt;sup>9</sup> Shapiro says, "It turns out that who gets to perform in Shakespeare's plays is a fairly accurate index of who is considered fully American" (2020, xii). Levitsky and Ziblatt note that partisan polarization "extends beyond policy differences into an existential conflict over race and culture"; for them, culture and partisan politics are reciprocally informing realms, as was shown in the reception of the Central Park *Caesar* (2018, 209).

the institutions of culture and Shakespeare himself as vehicles for sharing and weighing ideas about how society should function. It did not matter that this caricature of the production directly ignored the director's stated goal of opposing political violence or that the entire second half of the play explores the negative unintended consequences of Caesar's killing. For outraged conservatives, it was as if the second half of the play did not even exist. Reviewing the production for *Breitbart*, Daniel Nussbaum proclaimed, "As happens *at the end of* the original play, the (Trumpinspired) Caesar is brutally stabbed to death by his associates in the Senate" (2017; italics mine). This misrepresentation of the plot of the play, where the killing occurs *at the midway point*, licenses the divisive narrative that the production's goal was to "kill Trump" rather than to explore the damaging consequences of political violence.

The truth in this controversy mattered far less than what to opponents *felt* like the truth. What *felt* like the truth was that chardonnay-sipping liberals were violently plotting against their, the conservatives, president. The controversy exploited a politically polarized moment to produce for the American right an enemy that confirmed their worst expectations, justified their outrage, and demanded an aggressive response. When those angered by the Central Park *Caesar* sent hate mail and violent threats to theatres around the country, it did not matter that these theatres had nothing to do with the *Julius Caesar* in Central Park; it simply mattered that aggrieved parties wanted to coalesce to protest what they perceived as the leftist cultural politics of theatre per se (Gay 2017). In its disregard for truth, the controversy was like the terrifying moment in *Caesar* when the Roman mob, out to avenge Caesar's death, kills Cinna the poet, who had nothing to do with the assassination, simply because he shares the name of one of the conspirators. "I am Cinna the *poet*!" cries the terrified man, but the crowd kills him anyway: "It is no matter, his name's Cinna. Pluck but his name out of his heart" (Shakespeare, *Julius Caesar*, 3.3.29; 33–34).<sup>12</sup>

### Speaking to the Present: The Fraying Liberal Script

Despite the many ways in which the controversy over the Public Theatre's *Julius Caesar* misrepresented the facts of the production, it makes sense that the production struck such a chord. Even without the figure of Donald Trump, Shakespeare's play is a profound touchstone for pondering political turmoil. Once Eustis and his company

<sup>&</sup>lt;sup>10</sup> For Garner, the polarized nature of American political discourse "undermines public trust and support for major democratic institutions" (Garner, this volume, 69). As Müller argues, these institutions are "generally charged with establishing facts" (Müller, this volume, 29); when institutions lose public trust, the establishment of facts that underwrite a shared social reality is thrown into turmoil.

<sup>&</sup>lt;sup>11</sup> The controversy exemplifies what Müller calls "truth decay," a crisis in the "comprehensive undermining of the epistemic conditions of liberal democracy" caused by "a dramatic increase in misinformation and outright disinformation spread by political actors committed to antiliberalism" (Müller, this volume, 29, 30). Mis- and disinformation around the Central Park *Julius Caesar* are part of the larger epistemic crisis, distorting and diminishing internal contestations that could recalibrate the conditions of liberal society from within.

<sup>&</sup>lt;sup>12</sup> All subsequent quotations from *Julius Caesar* are to this edition and indicate act, scene, and line numbers

added Trump to the mix, historical distance evaporated and the play's political issues spoke urgently to contestations that Americans on all sides of the political spectrum were experiencing in 2017. Julius Caesar addresses the challenges of a Roman political order under pressure in ways directly akin to the pressures on the liberal script. Indeed, the play's concern with how to handle an autocratic leader in the making is, if anything, more pressing after the January 6, 2021, insurrection at the United States Capitol than it was in 2017. In the wake of the work done by the congressional Select Committee to Investigate the January 6 Attack, political stakeholders are torn about indicting a former president for crimes against the republic. Many worry that holding a former president accountable would give the dangerous appearance of weaponizing the legal system to pursue political retribution. Yet others worry that failing to prosecute Trump in the face of evidence that he tried to overturn a free and fair election would essentially permit a future president, perhaps Trump himself, to move further toward autocracy and suspend many of the features of the liberal order in the US. Many observers, including authors in this volume, insist that Trump is merely a symptom of a deeper problem, and that even with Trump out of the White House, the liberal script is still vulnerable to powerful forces in the form of, say, restrictive laws around voting, the intimidation of election officials, and the staffing of election offices by those who promote the falsehood that the 2020 election was stolen (Ura 2021; Lopez 2022; Vigdor 2022; Center for Politics 2022; on Trump as symptom, see Müller, this volume). These developments arguably make the US much more vulnerable to an overturned election in 2024 and beyond, and to replacing the will of the people (even constrained as it is by the American electoral college system) with the will of an antidemocratic minority.

In 2017, *Julius Caesar* held a mirror up to challenges facing the American version of the liberal script. The previous year, when Trump accepted the Republican Party's nomination for president, he called on the country to coalesce behind him as the singular agent of change: "I am your voice," he promised; looking at what he saw as the troubled state of the country, he further claimed, "I alone can fix it" (Applebaum 2016). Trump's strongman rhetoric worried those committed to the collective governance of society, just as Caesar's arbitrary powers concerned his opponents in Shakespeare's play. When, in the play, Caesar is three times offered a crown, republican partisans oppose his elevation on principle. Cassius says "I had as lief not be, as live to be / In awe of such a thing as I myself," adding "When could they say till now, that talked of Rome, / That her wide walls encompassed but one man?" (1.2.96–97). For republicans like Cassius, elevating Caesar strikes at the heart of republican principles by subordinating the Senate's role in governance to the will of one man.

The question of how to resist a would-be autocrat, pressing in the American political discourse around Trump, also animates *Julius Caesar*. In the case of Caesar, Brutus agonizes over how to handle someone who shows autocratic tendencies but has not yet fully bent the political system to his will. Brutus fears not only what Caesar is in the moment, but what he might become and what damage he might do in the future. Brutus's many political miscalculations underscore the difficulty of finding the right tactics to protect a republic under threat. The assassination does not in

fact achieve the goal of preventing autocracy; instead, it unleashes a civil war that destroys Brutus and the other conspirators and puts an end to the republic they were trying to save. Nor does Brutus's strategy of exercising maximum forbearance save the republic. After Caesar's assassination, Brutus spares the life of Caesar's ally Antony, extending tolerance on the theory that Antony will ultimately come around to supporting the establishment. This decision, too, ends up haunting the conspirators when Antony rouses the Roman people against them and opposes Brutus in the Civil War. Thus, Brutus and his fellow conspirators do not solve the problem of how to prevent autocracy. Their failure sheds light on the dilemma facing proponents of the liberal script in the contemporary US: To defend the script according to the rules and norms of that very script may be inadequate in the face of forces that disregard rules and norms, that in fact see rules and norms as part of the problem that must be overcome.

Despite the difficulty of protecting the republic, *Julius Caesar* also insists that failing to do so opens the door to unprincipled forces that exploit populist energy to empower elites and enable autocracy. In the instability after Caesar's death, Antony in particular appeals to populism. Ignoring the question of Caesar's political threat, which to the conspirators had been the central issue, he focuses instead on Caesar as a benevolent father figure who willed the people his parks and gardens as well as his money. In Antony's telling, killing Caesar is a wrong done not just to Caesar, but to the Roman people as a whole. When Caesar is killed, Antony tells the people, "Then I, and you, and all of us fell down" (3.2.188). Their populist rage stoked, the people begin to rampage. They vow to burn down the conspirators' houses and more, crying "Go, fetch fire"; "Pluck down benches"; "Pluck down forms, windows, anything" (3.2.249–251). In their eagerness to avenge their champion Caesar, they are willing to destroy the physical structures of Rome as a prelude to destroying its political structures. Indeed, the violence unleashed after Caesar's death leads inexorably to the end of Rome's republican government.

For all that it dramatizes the power of populism, then, *Julius Caesar* warns against it, exposing those who stir up populist energies as bad-faith actors threatening the public good. Antony, the mouthpiece of populism, is less interested in the people's welfare than in his own. As soon as the people leave the stage to riot in the streets, Antony reveals how cynical his agenda has been all along: "Now let it work," he says, "Mischief, thou art afoot" (3.2.252). When it comes to the bequests to the people in Caesar's will, Antony is soon scheming "How to cut off some charge in legacies" (4.1.9). Further, with the full consent of his partners Octavius and Lepidus, he summarily determines to kill selected political enemies including members of his own family. With Antony assuming wide-ranging and arbitrary powers over life, death, and the control of property, the play reveals his populist appeal as a sham designed to destroy rival elites and consolidate his own power.<sup>13</sup>

<sup>&</sup>lt;sup>13</sup> Müller's analysis of the elites who ride on the back of populist energies in the contemporary United States applies here (Müller, this volume, 38). In both *Julius Caesar* and the contemporary US, illiberal

As a play, *Julius Caesar* obviously had great potential to be a cultural flashpoint in the summer of 2017: In pinpointing stresses on the fabric of the Roman Republic, it invited audiences to think about the pressures Trump's election and early months of government had placed on the liberal script in the US. These pressures included a growing cult around the leader's personality; the fact that the leader seemed to prefer asserting his will than following norms and laws; and the marshaling of populist energies against the political structures that the leader claimed were corrupt and needed reformation ("draining the swamp," as Trump and his acolytes put it). When Trump said, "I alone can fix it," he was not just asserting his superior ability to solve what he believed was wrong with the United States; he was also declaring his autonomy from the liberal script's constraining system of laws and norms. For Trump, liberalism's constraints were part of the problem from which the United States needed saving. Trump's promise that he alone could fix it is consistent with autocracy. Levitsky and Ziblatt remind us that leaders dedicated to the liberal script must respect constraints and therefore often achieve results only slowly (2018, 77). The autocrat, by contrast, can disregard constraints, act arbitrarily, and deliver results quickly, as if it were true that "I alone can fix it." Following this logic, the autocrat is even incentivized to create dangerous crises, since crises offer a stage on which to display the power to act decisively and make a difference.14

# Concluding Thoughts on the Arts as a Barometer of Contestation and the Future of the Liberal Script

As this paper has shown, the production and reception of *Julius Caesar* in Central Park identified fault lines in the liberal script. Calls to defund the Public Theatre, and more broadly to withdraw public funding from the National Endowment for the Arts, raised questions about how to support the often difficult civic conversations that the arts encourage. Presumably, if government funding were withdrawn, then private dollars could fill the void. But the rapidity with which Delta Airlines and Bank of America pulled their funding from the Central Park *Caesar* highlights the limitations of relying on corporations to support the arts in their civic function. Yet if venues for free and accessible artistic conversation wither, then a society based on the liberal script loses some of its ability to nurture open expression, air disagreements, exercise tolerance, and build consensus, all of which are key liberal principles.

Without tolerance and forbearance, society is more likely to look to violence as a means of solving differences. And it is in regard to violence that the controversy around the Central Park *Julius Caesar* most clearly indicates the fraying liberal script. The many threats of violence that the Public Theatre and theatres all around the country received are antithetical to the liberal script. There were no recorded acts of

forces enlist populist energies not as genuine populist advocacy but as a weapon in a battle between constituencies of rival elites.

<sup>&</sup>lt;sup>14</sup> Levitsky and Ziblatt argue that "(f) or demagogues hemmed in by constitutional constraints, a crisis represents an opportunity to begin to dismantle the inconvenient and sometimes threatening checks and balances that come with democratic politics" (2018, 96).

violence directed at the production, but violent energies abounded and opponents of the production felt licensed to share them. The violent rhetoric links this controversy to American Trumpism, not only because those who threatened theatres often did so in the name of defending Trump but also because Trump himself had implicitly and explicitly relied on violent rhetoric throughout his political rise. In a report for PBS, Barrón-López demonstrated that Trump often portrayed violence approvingly, as when he said at campaign rallies that he would like to punch protesters in the face; and that his broader political movement included fistfights as well as campaign rallies that sometimes led to assault charges. At the infamous "Unite the Right" rally in Charlottesville, Virginia, in 2017, far-right militants carried weapons and chanted racist and anti-Semitic slogans, and a white supremacist killed a counter-protester with his car. Donald Trump never unequivocally condemned the violent rally, famously insisting that "There were some very fine people on both sides" (Gray 2017). Given the latent violence in the *Julius Caesar* controversy, it is worth noting that the violent rally in Charlottesville occurred just two months after the play closed. The violence at the rally may strengthen the supposition that the production in New York revealed a violent political energy in danger of being actualized.

The violence reached a new level in the deadly January 6, 2021, assault on the United States Capitol, in which Trump called on armed supporters to protest the peaceful transfer of presidential power to Joe Biden, who had won the 2020 election. The Capitol attack led directly to five deaths, 138 injuries, police suicides, widespread trauma, and financial losses of over \$2.7 million (19 Months 2022; Factbox 2022). Even after the well-publicized hearings by the congressional select committee, violent rhetoric persists. Politicians include it in their ads. <sup>15</sup> Anonymous constituents threaten members of the select committee (Barrón-López 2022). 16 A July 2022 survey out of the University of California, Davis, revealed that 50.1 percent of Americans believe that "in the next few years, there will be civil war in the United States." This survey also revealed that 67.2 percent of respondents perceived "a serious threat to our democracy." At the same time, 42.4 percent of survey respondents indicated that "having a strong leader for America is more important than having a democracy" (Wintemute et al. 2022).<sup>17</sup> The appeal of a strong leader is powerful, even among those who support democracy, and the promise of a leader who in and of themselves can cut through complexity, act arbitrarily, and purport to embody the whole populace is especially seductive when the political landscape is rapidly changing. In such times a powerful autocrat will find adherents, saying with Trump, "I alone can fix it,"

<sup>&</sup>lt;sup>15</sup> Running for Senate in Missouri, the Republican Eric Greitans displayed himself carrying an assault rifle and promising voters that they were "going RINO hunting," a reference to opponents known as "Republicans in Name Only." In Pennsylvania, the Republican Senate candidate Mehmet Oz reminded voters of "our constitutional right to protect ourselves from . . . an overly intrusive government," thus arguably implying violence as a political strategy (Barrón-López 2022).

Martin (2022) reports that death threats forced the January 6 committee co-chair Liz Cheney to curtail her appearances in Wyoming during her unsuccessful 2022 primary campaign for re-election to Congress.

<sup>&</sup>lt;sup>17</sup> Further, Wehner charts the increase in outright calls for civil war after the FBI's seizure of documents from Donald Trump's Mar-a-Lago estate on August 8, 2022 (Wehner 2022).

or, with Shakespeare's Caesar, "I am constant as the Northern Star, / Of whose true fixed and resting quality / There is no fellow in the firmament" (3.1.60–62).

The rise of such an autocrat, unconstrained by the liberal norms that have underwritten centuries of Western government, is a direct threat to the liberal script. It undermines foundational commitments to pluralism, diversity, tolerance, the open exchange of ideas, and nonviolence. These commitments have often been violated in practice, as this volume amply demonstrates. However, the liberal script enables rules and norms which political actors can be held accountable for violating, and it provides ideals to which liberal societies can continue to aspire in an ongoing process of self-examination, self-critique, and self-reformation. Because this ongoing process is rarely harmonious, it requires safe spaces for contestation. A production like the Central Park Julius Caesar attempts through art to provide one such safe space. Some robust pushback is to be expected, even welcomed, when a theatrical production refers provocatively to contemporary politics. The violence of the response to the Central Park Caesar, however, suggested that in 2017, gathering forces were increasingly willing to reject the normative constraints of the liberal script, most particularly the prohibition against violence. Subsequent events in the United States have shown the pressures against the liberal script intensifying. The growing pressures leave an unsettling question mark around the US's ability to promote the liberal script globally or even to ensure its continuation at home.

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## Part III

# Still a Global Leader? Contestations of US Foreign Policy

# Accounting for Illiberalism in American Liberal Internationalism

Lora Anne Viola

From "making the world safe for democracy" (Wilson 1917) to being the "world's indispensable nation" (Clinton 1997) to the "freedom agenda," (Bush 1999) modern US foreign policy has been anchored, rhetorically at least, by the belief that it follows a global calling to be the vanguard of liberal democracy in the world. Even President George W. Bush, a neoconservative critiqued for ushering in an era of unilateralism, was committed to "a distinctly American internationalism" (Bush 1999) that promoted an American version of the liberal script by uniting American global interests with its "deepest beliefs" about freedom (Bush 2001). One hundred years after Wilson, the long-standing bipartisan consensus around the rhetoric of American liberal internationalism was radically disrupted by President Donald Trump who, in his inaugural address on January 20, 2017, declared "From this day forward, a new vision will govern our land. From this day forward, it's going to be only America first" (Trump 2017). Donald Trump's presidency has been perceived as a watershed moment in American foreign policy largely because of his rejection, both in rhetoric and in policy, of America's leadership role in the liberal international order (LIO). One prominent foreign policy analyst warned before Trump's election that he "would do his utmost to liquidate the U.S.-led liberal order" (Wright 2016). These fears appeared affirmed during Trump's presidency when many observers saw the US for the first time truly "abdicating" its global leadership role (Daalder and Lindsay 2018). Some argued that Trump "ushered in an entirely new U.S. grand strategy: illiberal hegemony" (Posen 2018). By abdicating a commitment to upholding liberal values globally, others argued, Trump endangered the "Pax Americana" that has made the liberal world order so successful (Ikenberry 2017). Indeed, Trump's presidency relaunched a debate about the future of America's global leadership role and the fragile nature of its commitment to liberal internationalism, with some interpreting Trump as a harbinger of an "unprecedented" turn to illiberalism in America and others interpreting him as the unvarnished voice that exposed the long-standing hypocrisy of American liberal hegemony. While the nature of the debate over Trump's legacy has largely been cast in terms of whether and how he undermined the liberal international order (see Börzel/Risse, this volume), it also exposes underlying

questions regarding how we understand the relationship between liberalism and illiberalism in American foreign policy.

Although Trump's presidency is often portrayed as having presented a unique and "entirely new" threat to the liberal order, the extent of the US' commitment to liberalism in its foreign policy has long been contested. As an empirical matter, the US has regularly engaged in illiberal foreign policy practices, including those that violate the rule of law, that undermine democratic institutions, and that engage in illegitimate violence and the abuse of rights. The George W. Bush administration's response to 9/11, for example, including its willingness to engage in torture, its encroachment on civil liberties domestically in the name of security, its militant promotion of regime change abroad in the name of democratization, and its prosecution of the "war on terror," reopened a much older debate about the relationship between liberalism and illiberalism, and liberalism and imperialism. The election of President Biden after Trump, like the election of Obama after Bush, was supposed to herald a return to America's commitment to core liberal values. Much to the relief of European leaders, Biden announced that "America is Back" on the world stage and ready, once again, to be a global leader committed to strengthening liberal democracy and the rule of law. But the US's abrupt withdrawal from Afghanistan in 2021 and debates over how to confront Russian aggression against Ukraine, return us once again to the question of liberal internationalism and its relationship to illiberalism and to imperialism. In this context, this chapter asks: What is the relationship between liberalism and illiberalism in American foreign policy? How have the liberal and illiberal sides of American hegemony been reconciled and with what implications for contestations of the liberal script?

To address these questions, the chapter begins in section 1 with three observations. First, the US has had a constant expressed commitment to liberal principles, even as the substantive content of what is considered "liberal" has changed over time. Second, US commitment to those principles has varied in practice. US foreign policy and practices are sometimes more and sometimes less aligned with its expressed commitments to liberal principles. Third, gaps between principles and practices can lead to legitimacy and credibility losses, can provoke contestation, and can be costly since it is valuable to maintain the approval of critical audiences—both domestic and foreign. As a result, gaps between principles and practices call for an account or explanation that helps to rationalize them.

Given these observations, in section 2 the chapter develops a typology of explanations or accounts available for making sense of the gap between liberal principles and illiberal practices in US foreign policy. I identify three ideal-types of available accounts: *aspirational, justificatory, and necessity*. In section 3, I argue that leaders use these types of accounts as tactics to explain the gap between principles and practices in order to manage political consequences, to shape audience opinion, and to mobilize political support. I discuss when and why each type is likely to be used. In section 4, I discuss the effects of these accounts. In particular, I discuss how unpersuasive accounts can give rise to contestations among the targets of US foreign policy and how each account is related to the types of contestations—internal and external—that

are likely to emerge. Misalignment between liberal principles and illiberal practices in US foreign policy provides the seedbed of contestation in the rest of the world as actors either try to hold the US to its principles or use accusations of hypocrisy to reject those principles altogether.

# The Liberal Face of American Hegemony vs. the Illiberal Practices of US Foreign Policy

The US is a liberal hegemon; it is a hegemon in the sense that it has a predominant leadership role in the international system and it is liberal in the sense that its politics are based on a self-proclaimed commitment to liberal norms and values. In the particular context of American politics, liberalism has a political dimension grounded in a commitment to the rule of law, separation of powers, human rights, and democracy, an economic dimension that relies on free markets, and a social commitment to tolerance of diversity in beliefs and lifestyles (Börzel et al. this volume). The US' combination of liberalism and hegemony, in turn, has made it a key driver of liberalism in the liberal international order, especially through its embrace of liberal internationalism. Liberal internationalism can be defined as an evolving set of ideas that expresses commitment to the rules, institutions, and principles of liberal democracy, including the rule of law, multilateral cooperation, free markets, and universal human rights at the international level (Ikenberry 2020, 7-10, 13). The professed commitment to liberal principles in both domestic and international politics has been constant over US history, even as the substantive content of what is considered "liberal" does not remain fixed and even if the commitment to liberal principles has varied in practice (Anderson/Garrison, this volume).

Despite the US commitment to liberal principles in theory, US foreign policy is sometimes more and sometimes less aligned with those principles in practice. As an empirical matter, the US has engaged in the violent overthrow of democratically elected regimes, it has engaged in torture in violation of international law, it has lobbied against equalizing voting rights within international organizations, it has enslaved people, endorsed racial segregation, expropriated indigenous communities, and engaged in other practices that appear to contravene and even reject core liberal values. Illiberal practices have tinged recent US foreign policy, such as during the twenty-first-century "global war on terror," as much as they have historically, such as during the nineteenth- and twentieth-century "banana wars" in Latin America.¹ Supporters of liberal internationalism sometimes relativize these contradictions as anomalies or growing pains or the result of tough choices taken in the service of higher principles. The prominent liberal internationalist G. John Ikenberry, for example, "argues against revisionist critiques of liberal internationalism that

<sup>&</sup>lt;sup>1</sup> Explaining variations in the extent and timing of the gap between principles and practices is not the goal of this chapter, but it has been the focus of other studies which examine, for example, the role of factors such as the geopolitical threat environment, the presence or absence of constraints on US power, or the nature of domestic coalitions.

implicate the liberal project in the racist, imperial, and militarist features of Western power" even while acknowledging "the deep entanglement of liberal internationalism in the sordid history of Western empire, racism, and military interventionism" (Ikenberry 2020, xiv). He seeks, instead, to focus on what he sees as liberalism's ability to "crystallize opposition to these dark impulses" (ibid., xiv). Critics of liberal internationalism, on the other hand, argue that the coexistence of liberal principles with illiberal practices are causally related and constitutively inherent to an expansionary liberal ideology. What is clear from both positions is that the gap between political principles and practices creates dissonance and contradictions that call for explanation or rationalization.<sup>2</sup>

The gap between principles and practices, or promises and outcomes, represents what McGraw (1991, 1134) has called a "political predicament"—in this case a normative transgression—that can be politically costly. If we assume that maintaining the approval of critical audiences, both domestic and foreign, is valuable, then this normative transgression is politically problematic because the gap between principles and practices erodes legitimacy and credibility. The gap between a selfprofessed commitment to certain principles and practices that intentionally violate those principles amount to what Krasner has called organized hypocrisy (Krasner 1999). Moreover, it can be a source of contestation and social mobilization that seeks to change or replace the status quo (Börzel and Zürn 2021). On the one hand, publics that share a commitment to liberal principles should be expected to contest contradictory practices in order to re-align principles and practices; on the other hand, actors who contest the liberal international order should be expected to exploit these gaps by pointing to the hypocrisy as evidence of the liberal order's lack of legitimacy and authority. Either way, failing to address the gap can erode support for authority and the "right to rule." Such a predicament, then, calls for an "account," which we can define as an explanation that rationalizes the gap (McGraw 1991; Scott and Lyman 1968, 47; McGraw 2002). Accounts have been extensively studied in the domestic political setting-for example in cases where specific policy outcomes fall short of political promises—but have received less attention in the context of foreign policy.

This chapter is focused on explanations that attempt to account for the normative transgression that happens when the liberal face of American hegemony is confronted with the illiberal practices of American foreign policy. I approach such accounts on two distinct levels—as types and as tactics. First, we can lay out a *typology* of logically plausible accounts that offer explanations for the coexistence of a commitment to liberal principles on the one hand, and illiberal practices on the other hand. In the following section I identify three types of accounts: aspirational, justificatory, and necessity. The typology provides a classification to order the kinds of accounts

<sup>&</sup>lt;sup>2</sup> An alternative position recently advanced by some authors is that because liberal arguments can simultaneously be invoked to defend many different and even juxtaposed ends, no clear distinction can be drawn between liberalism and illiberalism (Bell 2014, 685; Bell 2016; Ikenberry 2020). But erasing the distinction between liberalism and illiberalism cedes analytical leverage in trying to understand how those juxtapositions are justified, defended, and made legitimate. Liberalism may be "a deep reservoir of ideological contradictions" (Bell 2014, 691), but I suggest that how those contradictions get rationalized can tell us something about how the liberal script gets contested.

logically available for rationalizing gaps between principles and policies where these arise. The aspirational, justificatory, and necessity types of arguments are not explanations of policy choices. A variety of factors, including domestic political interests and geopolitical strategic interests, might explain why the US pursues particular foreign policies and practices (Börzel/Risse, this volume). Rather, the typology provides a heuristic for disentangling the ways that liberal principles and illiberal practices get reconciled in US foreign policy. The three types are discrete, but when applied to empirical examples they are not necessarily mutually exclusive, and the boundaries between them can blur depending on how we interpret the kinds of arguments made to explain policy choices.

Second, these accounts can be used strategically by leaders and their critics in order to minimize (or augment) the political costs of the gap between principles and practices—in this sense, accounts are used as tactics. We should expect a selfproclaimed liberal actor to be under pressure to provide an explanation for deviations from liberal principles to manage the potential political fallout, while we should expect oppositional voices to use such gaps to critique foreign policy. The typology can thus be used for the purposes of empirical inquiry to ask questions of cause and effect: (1) Why/when are certain accounts used? and (2) What are the consequences of their use? While a systematic empirical inquiry is beyond the scope of this chapter, in section 3, I discuss possible explanations for variation in the use of accounts. I argue that the logical structure of accounts and the interests of actors speaking those accounts together help to explain when which type of account is likely to be invoked. In section 4, then, I consider the effects of accounts—in particular, the types of contestation we might expect to follow from unpersuasive accounts. While any failed account can bring forth internal and external contestation, I argue that certain types of accounts have a closer affinity to either internal or external types of contestation. These insights provide an initial framework for further empirical research.

### Typology: Accounting for Illiberalism in Liberal Internationalism

What kind of arguments are available to explain the coexistence of a commitment to liberal principles on the one hand and illiberal practices of foreign policy on the other hand? In this section I discuss three types of accounts that are logically available for explaining the gap between liberal principles and foreign policy practices: the aspirational, justificatory, and necessity accounts.

#### **Aspirational Accounts**

According to the aspirational account, the presence of illiberal policies and ideas within liberal societies is explained by the cultural, social, or political hurdles of a given period that obstruct liberalism from achieving its full potential. Liberals

promote their principles within the context of sociocultural stereotypes, competing interests, or pragmatic considerations that force deviations from ideals. For example, the social-cultural prevalence of racism and sexism in the past is often invoked to explain why practices "back then" could not live up to liberal ideals. However, according to this aspirational argument, as the exogenous hurdles to liberalism fall away-e.g., as stereotypes are broken, incentives change, or behavior sanctioned—liberal principles gradually come to achieve ever greater application. Since exogenously given circumstances hinder liberal principles from being realized all at once, progressive movement toward the liberal ideal means that intermediary positions need to be taken until the time is "ripe." The claim here is not that there is an inherent conceptual or practical link between liberalism and illiberalism, but rather a temporal one "implying that at some (indefinite) point in the future an authentic post-imperial liberal political order will emerge" (Bell 2016, 24). This strong temporal element rationalizes gaps between liberal principles and illiberal practices as either remnants of the less enlightened past or as anomalous episodes that will be overcome. It separates illiberal practices from liberal principles and downplays current (or past) violations of liberal principles based on an idea of liberalism as a promise about potential future states of the world.

Aspirational types of accounts take the form of what philosopher John Austin (1956) has called "excuses." An excuse does not contest the outcome or deny the gap between principles and practice, but tries to relativize that gap by pointing to a flawed process and by denying an actor's partial or full responsibility for the outcome (McGraw 1991, 1135-1136). Excuses focus on the mitigating circumstances or political constraints under which (less than desirable) outcomes come about and suggest they should be judged more favorably accordingly. On this argument, past liberal actors' (thinkers', leaders', states') support for forms of inequality and domination such as slavery, racial segregation, or imperialism—are historically relativized and located in the incompleteness of the liberal project. Champions of Wilsonian liberal internationalism, for example, characterize Wilson's explicitly racialized politics as a "blind-spot," an empirical failure to live up to his own ideals because of the sociocultural context of the moment in which he lived (Smith 2017, 28, 284) but which would eventually be eliminated by "the slow forces of history" (Ikenberry 2020, 138). As Smith puts it, "racism was a part of those presidential administrations" and so should not detract from Wilson's positive legacy (1917, 284). The aspirational rationalization can be deployed retroactively to exonerate past violations of liberal principles (e.g., "everyone was racist back then") and prospectively to excuse certain policies (e.g., "the conditions are not ripe for the full application of self-determination").

#### **Justificatory Accounts**

A second approach to reconciling the coexistence of liberalism and illiberalism is what can be called the justificatory account. This account argues that the pursuit of liberal political outcomes sometimes requires illiberal means. Austin (1956) distinguishes justification-type accounts from excuse-type accounts based on their focus. Whereas an excuse-type account does not deny the gap between principles and practices but seeks to relativize it based on mitigating circumstances, a justificatory account tries to turn the gap into something beneficial and "to change perceptions of the undesirability of the outcome" (McGraw 1991, 1137). Such an account might argue, for example, that the restoration of order, the implementation of rights, the safeguarding of liberty, the creation or stabilization of democracy, even economic development, may only be possible through illiberal practices that temporarily violate liberal principles. The connection between illiberal means and liberal ends, in this account, is the result of hard choices taken today for future benefits; when problems are particularly difficult, the world disorderly, or when liberty is under threat, domination may be required to achieve freedom or resecure liberal politics. In this explanation, liberal motivations exonerate illiberal policies and distinguish them from true illiberalism by anchoring them back in "the liberal nature of the imperial society" in a move that Morefield calls the "deflective rhetoric of liberal imperialism" (2014, 3). As Morefield argues, liberal thinkers "square the circle between liberalism and empire through narrative strategies that deflect attention away from state violence and toward the supposedly eternal qualities of 'who we are': the professedly liberal peoples of Britain and America" (ibid.). By this rationalization, the gap between liberal principles and illiberal practices is not problematic but should be embraced because of the ends that are ultimately achieved. A justificatory account seeks not to relativize the gap but to turn it into something positive that ought to be accepted and even praised.

#### **Necessity Accounts**

Aspirational and justificatory accounts, while based on distinct logics, both argue that the empirical coexistence of liberalism and illiberalism is contingent and conditional, and they ultimately share the premise that liberalism and illiberalism are in principle mutually exclusive to the extent that in a perfect world or in a future world they should be antithetical. A different type of account is the claim that liberalism and illiberalism are inherently connected and mutually necessary. The necessity account explains the coexistence of liberal principles and illiberal practices by arguing that there is an inherent link between liberalism and illiberalism such that the very pursuit of liberal principles entails illiberalism in either means or outcomes (Viola 2020). We can identify two variants of the necessity account. One stems from the position of postcolonial theories that argue that liberalism is constitutively connected to illiberalism because of how liberals construct their understandings of self and other (Mehta 1999; Marwah 2019). Because liberalism takes itself as the prototype for universality it is unable to accept alterity, and when confronted with alterity it seeks to impose its liberal values on others, forcing a conformity with liberal norms through illiberal practices that undermine the rights of others. In Mehta's terms, liberalism contains

within itself the "urge to empire" (Mehta 1999, 20). He argues that liberalism's claim to universalism is rooted in a parochial Eurocentric idea of what it means to be civilized and all others who are unfamiliar because they do not match this standard are considered "backward" and in need of some form of political intervention to make them conform or align with the standard. This amounts to a claim that liberalism provides perpetual justification for empire.

The second position stems from realism, which similarly argues that liberalism's expansionary ideology causes it to pursue illiberal policies. Rather than a constitutive connection, realists see a causal link between liberalism and illiberalism. In particular, liberalism's premise of representing universal values combined with a liberal state that has few constraints on its power—as with the US after the end of the Cold War—will mean that the goal of spreading liberal values will cause the use of illiberal practices to make the world conform to the liberal image (Desch 2007, 19).

## Tactics: The Empirical Use of Accounts by Defenders, Pretenders, and Critics

As Bell advises, it is important to recognize that these rationalizations are themselves part of the liberal script—they are the stories that liberal actors tell about their illiberal politics (Bell 2016). With that in mind, we can turn to consider how the identified accounts may be used strategically by leaders and their critics in order to minimize (or augment) the political costs of the gap between principles and practices. The point of departure is the assumption that the US will be under pressure to provide an explanation for deviations from liberal principles because of its long-standing association with the liberal script and given the potential political costs for deviations from that script. At the same time, such deviations open opportunities for critics of liberal internationalism to offer their own accounts. Given this assumption, what remains to be explained is variation in the choice of account used—when and why are some accounts used over others? Although it is beyond the aims of this chapter to offer a systematic empirical analysis of variation in use, it can set out some hypotheses and initial empirical narratives.

The three accounts vary in their use and in their effects because they are each structured differently and thus should appeal to distinct interests or motivations. The motivations of the speakers of these accounts, then, should help to explain which is chosen when. As a first cut, we can broadly categorize speakers of accounts into defenders and critics of liberal internationalism. Defenders use accounts to defend the US against accusations of hypocrisy or lack of credibility. As strategies, the aspirational and justificatory accounts can both be used by defenders of US foreign policy, since they aim to minimize or reconcile the gap between principles and practices. They work in distinct ways, however, and are likely to be used by different interests. Aspirational accounts are structured as "excuses" and so are suited to *blame-shifting*: that is, to deflecting responsibility away from leaders and relativizing the gap between principles and practices without denying the undesirability of the gap to begin with.

Justificatory accounts, in contrast, are structured to deny that the gap is undesirable and best suited to *credit-taking* by actors who seek to win praise or acceptance for an illiberal policy on the basis of what it accomplishes. In addition to defenders motivated by a genuine interest in upholding liberal principles and reducing the damage from illiberal practices understood to be somehow unavoidable, the aspirational and justificatory accounts are also useful to pretenders who cynically use accounts to cover their true motivations for pursuing illiberal policies and practices. Pretenders cynically invoke liberal principles as a way to make their illiberal policy preferences politically more palatable (Krasner 1999). This distinction in motivations does not entail that "genuine" defenses are normatively better than "pretend" defenses, and the two may be observationally equivalent and equally damaging. The necessity account, in contrast, is likely to be used by critics who use accounts not to reconcile the gap between principles and practices, but to expose it for the purposes of discrediting the principles, the practices, or both; that is, to turn norm transgressions into a foundational critique. Moreover, critics may try to "call out" aspirational or justificatory accounts as cynical and disingenuous in order to undermine their persuasiveness.

#### **Aspirational Accounts in Use**

Because the aspirational account is structured as an excuse—that is, it does not deny the undesirability of the gap but tries to relativize it—it is likely to be used by defenders with an interest in defusing or attenuating critiques of liberal internationalism without necessarily endorsing the policies and practices in question (see McGraw 1991, 1138–1139). These accounts seek to minimize the political fallout by arguing that "even though we don't like acting this way," "circumstances require it" in order to achieve liberal ends that we commonly aspire to. The mitigating circumstances are likely to take the forms of "our hands were tied," "we didn't know better at the time," or "we had to act because others are not capable." Actors are likely to argue that the policies in question are only temporary evils contingent on particular circumstances, rather than offering a robust endorsement of the policies themselves. Aspirational types of accounts have been used to rationalize a range of illiberal policies within liberal internationalism. However, the aspirational rationalization, rooted as it is in modernization theories, especially provides cover to the idea that Western great powers, and the US in particular, have greater responsibilities toward global order and therefore require special rights and privileges over the purportedly less capable, even when those privileges violate basic democratic principles and rights.

Consider, for example, President Obama's well-known counterterrorism speech given at the National Defense University on May 23, 2013 (Obama 2013). In that speech, Obama directly addresses the gap between US liberal principles and its illiberal practices in the so-called "war on terror" under President George W. Bush, saying "I believe we compromised our basic values—by using torture to interrogate our enemies, and detaining individuals in a way that ran counter to the rule of law." At

the same time, however, Obama uses the speech to defend his own administration's extensive use of targeted killing through drones. He explains:

But despite our strong preference for the detention and prosecution of terrorists, sometimes this approach is foreclosed. Al Qaeda and its affiliates try to gain foothold in some of the most distant and unforgiving places on Earth. They take refuge in remote tribal regions. They hide in caves and walled compounds. They train in empty deserts and rugged mountains. In some of these places—such as parts of Somalia and Yemen—the state only has the most tenuous reach into the territory. In other cases, the state lacks the capacity or will to take action. And it's also not possible for America to simply deploy a team of Special Forces to capture every terrorist . . . . So it is in this context that the United States has taken lethal, targeted action against al Qaeda and its associated forces, including with remotely piloted aircraft commonly referred to as drones. (Obama 2013)

The president, in essence, lays out the mitigating circumstances that warrant the use of a practice that, as he explicitly recognizes, otherwise "raises profound questions—about who is targeted, and why; about civilian casualties, and the risk of creating new enemies; about the legality of such strikes under U.S. and international law; about accountability and morality" (Obama 2013). Obama appears acutely aware of how targeted killing transgresses the norms the US aspires to uphold, yet he defends its use by pointing to the mitigating circumstances.

Aspirational accounts are by no means a recent phenomenon. In the history of the international system, aspirational accounts have often taken the form of civilizational arguments. An example are the kinds of civilizational arguments made to rationalize the mandate system under the League of Nations and the trusteeship system under the United Nations. Since World War I, the US had taken a strong public stance against imperialism and colonialism and supported the promotion of selfdetermination on the basis of liberal principles. In practice, however, the US was central to the creation of the trusteeship system after World War II and used it to become an overseas colonial power. At the end of World War II, as Chand argues, the US designed the UN Trusteeship System in order to resolve its "contradictory objectives" between promoting decolonization on the one hand and its interest in taking control over the Micronesian Islands of the Northern Pacific on the other hand (1991, 174). The US "could not totally abandon the long professed 'pro-independence' stand, for abandoning it was likely to damage considerably its reputation and standing as a champion of freedom," but controlling the islands was strategically valuable for economic and security reasons (Chand 1991, 226). To resolve this dilemma, President Roosevelt introduced the idea of trusteeship as a form of political organization that would allow US control of key islands while still affirming the idea of eventual political independence. The US argued that, just as children in domestic law can be taken care of in trust, colonial peoples were not yet capable of self-rule and required external rule until, in Roosevelt's words, they "would some day be ready for self-government," although each colony would have a different time line

for "achieving readiness" (quoted in Sherwood 1950, 573–574). This argument drew on long-standing civilizational beliefs that non-Western peoples required Western tutelage to engage in enlightened self-rule (see Gong 1984). The UN Charter adopted the US trusteeship proposal, declaring that its aim was to promote "progressive development [of the trust inhabitants] towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement" (United Nations 1945, Art. 76). In practice, however, no provision for the transfer or termination of the trusteeship was included and the future of the trusts was placed essentially solely in the hands of the "trustees."

#### **Justificatory Accounts in Use**

The justificatory account differs in use from the aspirational account because the justificatory account is structured as an affirmation of outcomes—that is, it denies the undesirability of the gap to begin with. Justificatory accounts do not rely on the invocation of mitigating circumstances to defend otherwise unrightful practices, but they instead defend the righteousness of illiberal practices in terms of the beneficial outcomes they achieve. We can thus expect it to be used by defenders interested in garnering positive evaluations of the policy and practices in question and focusing on their success. These accounts seek to turn the potential political fallout into a win and often take the form of "desirable outcomes sometimes require hard choices."

Justificatory arguments that draw on the importance of creating liberal markets and safeguarding liberal democracy—even if these goals require violating human rights and self-determination—have long been central to defenses of US military interventions. US military interventions in Latin America since the early twentieth century, including US involvement in the overthrow of governments of at least 12 countries, for example, have been defended in terms of protecting liberal markets and safeguarding liberal democracy against communism—even when these actions were in violation of international law (Grandin 2012). The US 1989 invasion of Panama was codenamed Operation Just Cause and President George H. W. Bush explicitly justified the invasion to the American people, among other reasons, in terms of the need to defend democracy and human rights, even though the invasion was condemned by the UN as a violation of international law (Bush 1989). Similarly, the George W. Bush administration invoked the protection of human rights and

<sup>&</sup>lt;sup>3</sup> The UN Trusteeship System enabled the US to acquire the Micronesian Islands under the United States Trust Territory of Pacific Islands (TTPI). Only in 1994 did the last trusteeship created under the auspices of the United Nations, Palau, attain political independence.

<sup>&</sup>lt;sup>4</sup> Over the course of the twentieth century, the US was involved in the overthrow of governments in Argentina, Bolivia, Brazil, Chile, Costa Rica, Cuba, Dominican Republic, Guatemala, Mexico, Nicaragua, Panama, and Paraguay.

the spread of democracy in the face of brutal dictatorship as key reasons justifying the wars in Afghanistan and Iraq. Both neoconservatives and liberals made arguments favoring military intervention in Iraq in 2003 grounded in the desirability of spreading democracy and universalizing human rights. The US war in Afghanistan was justified by the goals of democratization and human rights and, according to Ho, "Protecting the rights of women became the most politically powerful rationale for invading Afghanistan" (2010, 433; see also Rich 2014; Bush 2001). The goals, according to these arguments, justify the means.

The George W. Bush administration's use of legal arguments to defend the use of torture against suspected terrorists during the "global war on terror" provides a further example of a justificatory account—one that critics have argued was deployed cynically to manipulate the rule of law into legitimizing illiberal practices. Torture is generally considered wrong, both in legal and moral terms, for being a violation of an individual's fundamental rights and is therefore also incompatible with liberal principles (Bellamy 2006, 125). In the wake of 9/11, however, members of the Bush administration, including the President himself, Secretary of Defense Donald Rumsfeld, and Attorney General John Ashcroft, actively sought for reasons to defend the use of torture during interrogations of unlawful combatants because they believed the means to be justified by the ends of security. Proponents of the use of torture thus sought a way to legitimize the practice and to protect the state from prosecution for rights violations. The Office of Legal Counsel (OLC) was asked "to examine the legal standards governing military interrogations of alien unlawful combatants" and to develop "defenses to an allegation that an interrogation method might violate any of the various criminal prohibitions discussed" (Yoo 2003, 1). The so-called "torture memos" develop the position that the law can be interpreted to allow the state to engage in torture. John Yoo, Deputy Assistant Attorney General, concluded that "We believe that necessity or self-defense could provide defenses to a prosecution" (ibid. 2). The government sought to justify torture through the rule of law because of the legal protection and moral legitimacy that such a justification could bring to the practice.

The explanation that certain policy goals—particularly security—may require compromise of certain principles was also offered by Obama in the context of surveillance. Consider, for example, Obama's January 17, 2014 speech on NSA reforms in the wake of Snowden's leaks on US surveillance abuses (Obama 2014). In contrast to Snowden's claims that US intelligence surveillance infringes on civil liberties, Obama begins the speech by noting that "Throughout American history, intelligence has helped secure our country and our freedoms." He goes on to emphasize that intelligence activities after 9/11 "have prevented multiple attacks and saved innocent lives" even while acknowledging that "in our rush to respond to a very real and novel set of threats, the risk of government overreach, the possibility that we lose some of our core liberties in pursuit of security also became more pronounced." Having acknowledged the gap between principles and practices, Obama uses the speech to discuss his administration's efforts to review and reform surveillance activities to better safeguard civil liberties. Nevertheless, he mounts a strong defense of secret intelligence

gathering, emphasizing "What I did not do is stop these programs wholesale . . . because I felt that they made us more secure" (Obama 2014).

#### **Necessity Accounts in Use**

The necessity account, in contrast to the previous two, lends itself less to a defense of liberal internationalism than it does to critique of liberal internationalism since it is built around drawing a causal link between liberal ideals and illiberal practices. We would expect the necessity account to be used by actors who, observing a gap between expressed principles and practices, contest the liberal script on the grounds that the principles themselves call forth illiberal practices. Consequently, necessity arguments are not generally made by political leaders in the US, who have largely been committed to the status quo, but they have been articulated by academic critics, activists, or political leaders from other countries.

From the perspective of critical theories, a commitment to liberal markets and liberal values entails expansion, extraction, and exploitation, and so is systematically and not accidentally or temporarily related to illiberal practices (for a recent account see Ince 2018). On this argument, the success of liberal internationalism depends on upholding inequalities, historically organized around class, gendered, and racialized differences, at home and abroad (Ali, this volume). Wallerstein's world systems theory, for instance, argued that capitalist development of the "core"—namely Western industrial states—depends on underdevelopment in the "periphery"—or what is sometimes referred to as the "Global South" (Wallerstein 1974). According to others, the distinction between core and periphery is maintained by the institutions of the liberal international order. Instead of "liberal internationalism," Mazower refers to "imperial internationalism" by which countries like the US establish international institutions, like the UN, to buttress colonial and semi-colonial rule (Mazower 2013). Some critical theorists, such as Robert Cox, Stephen Gill, and Craig Murphy, argue that liberal internationalism benefits transnational elites and reinforces class inequalities. Other critics argue that liberalism at home entails military violence abroad. Parmar notes that "the price of class harmony, stability and mobility at home was the export and continuation of inequality, and therefore military violence, on the periphery; and that the removal of vast quantities of raw materials required a global military basing strategy, both to protect allied trade and to deny it to adversaries" (Parmar 2018, 159).

The necessity account has also been used by realist critics of American liberal hegemony to explain US foreign policy since the Cold War and to promote a turn away from liberal internationalism to an "a-moral" foreign policy. A number of prominent realists have argued that in the unipolar moment, the US' domestic commitment to liberalism became excessive and ideological, driving the US to military adventurism, using its unchecked coercive power abroad in the name of promoting liberal values (e.g., Desch 2007; Posen 2018; Mearsheimer 2019). Mearsheimer (2019) sees the connection between liberal ideology and illiberal practices as causally related,

with the former driving the latter, such that excessive liberalism itself is the problem. It is, explains Desch, "American Liberalism" that "makes the United States so illiberal today" (8). Favorably quoting Louis Hartz, Desch explains that American liberalism contains a "deep unwritten tyrannical compulsion" (2007, 10). Desch and Mearsheimer argue that this deep compulsion or urge stems from liberalism's claim to universalism which impels it to spread its values, primarily individual rights and democracy, through coercive force, economic statecraft, and domestic restrictions on liberties (Desch 2007, 10; Mearsheimer 2019, 14). For these reasons, "American Liberalism contains the seeds of illiberal behavior" and can under the right conditions—namely unchecked power internationally and the dominance of liberal ideology domestically—turn imperialist (Desch 2007, 8, 25). Realists mount this account in order to make the case for a turn away from liberal ideology as a driving force in foreign policy and to instead plea for a "return" to pragmatic realism.

#### **Effects: Internal and External Contestations**

Once we have considered factors that can explain the use of different accounts by actors, we can turn to consider the effects of those accounts. At the domestic level, research has focused on explaining variation in the persuasive success of accounts. This focus is understandable since, after all, accounts are offered with the goal of avoiding the contestations, legitimacy loss, and credibility loss that can arise from a gap between liberal principles and actual policies and practices. Research has shown that accounts tend to be more persuasive when they are tailored to audience-held expectations and norms (Vössing 2020). In the realm of foreign policy, there are at least two relevant audiences—those at the domestic and the international levels. It is plausible that an account may be persuasive at one level and not the other, especially if different audiences do not have broadly overlapping expectations and norms. Given this presumption, and given this volume's specific focus on contestations (Börzel et al., this volume), we can consider the question of effects from a different angle: What kinds of contestation are likely to occur under each account when they fail to be fully persuasive? In particular, in this section I consider the kinds of contestation internal or external—that each account is likely to generate among the targets of US foreign policy abroad. Contestation internal to the liberal script draws on the processes and procedures made available through liberal norms and institutions to change the status quo rather than to reject liberalism wholesale. Contestation external to the liberal script challenges the very tenets of liberalism and seeks to replace it with alternatives.

#### **Aspirational Account Effects**

Aspirational accounts that are not fully persuasive are structured in such a way as to most readily invite internal contestation of the liberal script. Because an aspirational

account acknowledges the undesirability of the gap between principles and practices but attempts to excuse these by reference to mitigating circumstances or future intentions, the very structure of the account prepares the groundwork for an argument from within liberalism calling for accountability and responsibility-taking for the failure of foreign policy to live up to liberal principles. Actors can draw on the liberal script itself to demand a closure of the gap and the alignment of practices with principles.

In response to the Obama "drone wars," for example, Pakistan has repeatedly denied, or retracted, that it implicitly consents to US drone strikes in its territory by being incapable or unwilling to punish terrorists. The Pakistani National Assembly passed resolutions and made electoral pledges to end US drone strikes, and issued a demarche to the US ambassador to lodge its protest against the strikes. The Pakistani government turned to the UN Human Rights Council to ask it to investigate violations of its sovereignty and killings of innocent civilians through US drone strikes. After an investigation, the Office of the High Commissioner for Human Rights in Geneva stated that US drone strikes are "a violation of Pakistan's sovereignty" (Charbonneau 2013). Contestants have drawn on the standards laid out by the Obama administration as a basis on which to hold the government accountable.

In the case of the UN trusteeships, for example, the Micronesian Islands used the promise of self-government and political independence embedded within the trusteeship logic as leverage to mobilize against US colonial rule. They used liberal means via the institutions and rules of the UN along with liberal arguments in favor of political independence and democratic self-rule. Initially, in the late 1960s, the US declined to recognize Micronesian Islands' requests for independence. Only later through a series of votes at the UN over the 1970s, 80s, and 90s did the UN terminate the US' trusteeship relationship with the islands. In 1979 four of the Trust Territory districts joined to form the Federated States of Micronesia, and the last of the districts under the Trust, Palau, gained formal independence in 1994 (Trusteeship Council 1994).

In other cases, however, actors respond to US foreign policy rationalized in aspirational terms with external contestation, by repudiating the universal validity of liberal values and principles. Aspirational accounts contain within them a potential tension that can drive external contestation. The idea of mitigating circumstances points to conditions that should be a contingent rather than a structural and systemic feature of US foreign policy, but when liberal values appear to be perpetually aspirational and never fully realizable, the explanation that the connection between liberalism and illiberalism is only empirically contingent rather than also systematic is undermined. When actors take this view, they may decide to confront US foreign policy and liberal internationalism with more radical alternatives, such as a turn to nationalism, populism, or religious or political radicalism. In the case of drone strikes, research suggests that an increase in the intensity of US drone strikes in the absence of an appropriate Pakistani response corresponds to an increase in anti-American sentiment, the radicalization of citizens, and increased recruitment to terrorist organizations (Hudson et al. 2011; Cavallaro et al. 2012; Butt 2019, but see also Shah 2018).

#### **Justificatory Account Effects**

When justificatory accounts that attempt to turn illiberal practices into something worthy of support and praise because of the ends they achieve fail to persuade, they stand to reap external contestations. Unconvincing justificatory arguments appear as denials of responsibility and accountability and can lead to a disillusionment with and rejection of liberal principles themselves. A liberal regime that engages in and provides a legal defense of torture, for example, can undermine faith in liberal guarantees of fundamental rights and drive victims, their supporters, and even those not directly affected to support radical or anti-liberal alternatives. Research has shown that illiberal practices, such as torture and violent suppression, can generate backlash effects that result in targets joining radical movements that reject the status quo and seek revolutionary change (Daxecker 2017). When military intervention fails to end human rights abuses or create economic stability, actors may turn to more radical alternatives that offer different means and different ends, such as many developing countries' embrace of Marxist political and economic ideologies following US interventions of the Cold War or an embrace of nonliberal religious and political ideologies during the "war on terror." This is evident in the counterinsurgencies that developed in Iraq, Afghanistan, and several Latin American countries. It is also evidenced in the rise within Latin America of liberation theology and dependency theory as alternative approaches to political and economic crises.

Unpersuasive justificatory accounts, however, can also lead to internal contestation; that is, the contestation of illiberal practices from within the values and institutions of liberalism. This may be more difficult from within a justificatory versus an aspirational account since it means working against—rather than from within the state's own narrative explanation. In other words, it means working against the claim that the gap between values and practices is unproblematic and even positive and instead requires problematizing the gap and seeking restitution in line with liberal principles. An example here are the efforts of the Center for Constitutional Rights, a civil society organization, to bring habeas corpus petitions on behalf of Guantanamo Bay prison detainees to determine whether detainees are eligible for legal protections. Lawyers and defendants used the rule of law and the democratic guarantees of due process and fundamental rights to challenge the policies and practices of detention and torture, even though the state consistently prioritized national security arguments, delayed even the most basic steps in the process, and interfered with the lawyers' ability to communicate with clients. Nevertheless, in the 2006 case Hamdan v. Rumsfeld the Supreme Court ruled that the Guantanamo military commissions were unconstitutional and confirmed the unlawfulness of torture. This ruling was politically contested by the government, which responded by passing new legislation, the Military Commission Act (2006), that argued that the judicial branch has no authority over detainees. But in 2008, the Supreme Court ruled in Boumediene v. Bush that constitutional protections applied to detainees in US custody. In these cases, the intense contestation over illiberal practices took place within the boundaries of the liberal principles of rule of law and democratic procedures.

#### **Necessity Account Effects**

The necessity account of the gap between liberal principles and illiberal practices is the most clearly connected to, and even motivated by, contestation. The necessity account contests liberalism's claim that it is by definition incompatible with illiberalism. This opens the door both to a critique of liberalism itself—is liberalism perhaps itself based on an illiberal logic of exclusiveness and parochialism rather than inclusiveness and universalism—as well as a critique of illiberal practices—highlighting how liberalism does not sufficiently protect against violations of rights and equality. These contestations can come from actors who seek alternatives that promise greater emancipatory potential or from actors who seek alternatives that promise to conserve traditional principles and practices.

In contrast to aspirational or justificatory accounts, necessity accounts are less likely to understand gaps between principle and practice as resolvable from within liberalism. Necessity accounts, instead, have a strong affinity with contestations that seek to revolutionize or overthrow the dominance of liberalism, as they point to the inextricable imbrication of liberal principles and illiberal practices and outcomes. Contestation and mobilization in this vein have come from various sources. There are, for example, actors who are principally committed to equality but who reject liberalism as disingenuous and non-emancipatory. Latin American Marxist revolutionaries, like Che Guevara, and African anti- neo-imperialists, like Kwame Nkrumah, have radically contested US foreign policy on these grounds. Necessity arguments also have an affinity, in a different way, with theocratic political movements, like Revolutionary Islam in Iran, who reject liberal principles altogether. These actors radically contest American hegemony, military interventionism, and capitalist expansionism, and aspire instead to a theological state. Realist contestants, a distinct group of contestants, do not reject liberalism per se, but they reject what they understand as the "moral crusades" that liberal internationalism brings with it. In this view, liberalism is self-undermining because its universalizing and imperialist tendencies are bound to generate backlash from more primal identitarian forces (Mearsheimer 2019; Deneen 2018; Hazony 2018). These forces do not seek revolution away from liberal principles in general, but rather advocate a retrenchment of US commitments, arguing that US resources are being wasted on thankless beneficiaries at the expense of domestic investments. In many regards, Trump's "America First" policy seems to fit this type of contestation.

#### **Conclusion**

America's liberal internationalism has long struggled to reconcile its underlying principled commitments with its political practices. The resulting gap between liberal ideals and US foreign policy practice creates the need for explanation and reconciliation. In the absence of explanation or in the event that explanations fail to be convincing to relevant audiences, we can expect contestation to follow. This chapter

has suggested three broad types of accounts that are logically available and that are actually used politically to rationalize gaps between liberal principles and illiberal practices in US foreign policy: aspirational excuses, justifications, and arguments of necessity.

While this chapter has raised a number of historical examples to illustrate the three types of accounts, current events have made debates about the illiberalism of liberal internationalism politically salient once again. In particular, questions over how the US and its NATO allies should respond to the Russian invasion of Ukraine and the prospect that Donald Trump—or another Trumpist—could become president of the US again, bring to the fore the contradictions within liberal internationalism. The US and Europe's struggle to respond to the Russian invasion of Ukraine, for example, has highlighted the tensions inherent in protecting liberal democracy through violence. It has also forced difficult choices regarding financing and supporting a regime that also suffers from corruption and that has accepted help from military groups with antidemocratic commitments. Meanwhile, a second term for Donald Trump is likely to further test the limits of liberal democracy within the US and also the US' foreign policy commitment to liberal internationalism (Börzel/Risse, this volume). While rhetorically committed to basic liberal values, Trump's politics exploit the tensions between individualism and solidarity, egalitarianism and competition, communitarianism and cosmopolitanism, that are inherent to the liberal script. These tensions are likely to become exacerbated in times of crisis and to become subject to politicization and contestation by political actors seeking power, potentially fueling the gap between America's liberal principles and its illiberal practices.

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#### 10

# Is America Back? Contestations, US Foreign Policy, and the Liberal International Order

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The liberal international order (LIO) has given rise to global international institutions, an open international economic order, and an equally global human rights order (Lake et al. 2021a). It has been contested from the very beginning. Internal contestations ranged from the newly independent postcolonial states challenging the LIO's unfulfilled promises of sovereign equality of states and global social justice, to endless debates among the US and its allies to what extent liberal ends, such as democracy, justified the use of illiberal means, such as military interventions (Viola, this volume). The Soviet Union and its socialist allies have been the main external contestants of the LIO during the Cold War. Many see China as the main external challenger of the LIO in the post–Cold War era. In 2022, Putin's Russia invaded Ukraine and all but destroyed not only the post–Cold War European security order but violated fundamental principles of the LIO that have even been supported by nonliberal states, including China.

Conventional wisdom has it that the US has been and continues to be the backbone of the LIO, the "indispensable nation," as Madeleine Albright described it in 1998. However, as Viola shows in this volume, the US commitment to the LIO has been selective and in some cases outright destructive—from the Vietnam War to the 2003 Iraq intervention. Moreover, the degree of liberal internationalism as well as economic and political liberalism of the LIO has been contested by Democrats and Republicans in US Congress as well as inside the US government. This ambivalent relationship notwithstanding, US public opinion has been a stable supporter of liberal internationalism throughout the decades (Anderson/Garrison, this volume). While its willingness and capacity to act as the "leader of the free world" has varied, the US has certainly been an important anchor of the LIO.

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This appeared to change in 2016, when a US president got elected whose declared foreign policy of "America First" and "Make America Great Again" (MAGA) constituted an external challenge to the LIO and its core principles of liberal internationalism and economic liberalism. While the Biden administration has worked hard to restore the US commitment to the LIO ("America is Back"), Trump and his supporters have continued to challenge core liberal principles, as the January 6, 2021, revolt exemplifies (see various contributions in this volume). With its grip on large parts of the Republican Party, Trumpism can be regarded as a major external contestation of the liberal script both at the domestic and international levels.

To understand the implications of the rise of external contestations for the LIO inside the US, this chapter takes a step back and analyses US foreign policy with regard to the LIO since the early 2000s, that is, from the first G. W. Bush administration to the Biden administration. US partial retrenchment from global leadership did neither start with Trump nor did it end when he lost his re-election in 2020. It already became visible during the Obama administration, while Biden's attempts to restore US global leadership have been limited. Selectivity and retrenchment from global leadership can be best accounted for by a gradual erosion of foreign policy bipartisanship in domestic politics that makes it ever harder for the US to make credible commitments in world politics. Over the past 10 years, the domestic polarization leading to "negative partisanship" and "screw the other side" attitudes (see particularly Garner's chapter in this volume) has had spillover effects on foreign policy. As a result, the moderate foreign policy attitudes of US public opinion matter less and less as enabling forces for US global leadership (Anderson/Garrison, this volume).

To develop our argument about the link between the polarization of US domestic politics and US foreign policy, we proceed in the following steps. We start by outlining our understanding of the LIO and the US role in it, followed by a discussion of US foreign policy since the first G. W. Bush administration. Our analysis demonstrates that the US commitment to global leadership in the LIO has become more and more selective over time. We then concentrate on two explanations for increasing selectivity and retrenchment: The first focuses on international level factors, emphasizing the relative decline of US power and primacy as well as the rise of China. We argue that this account is indeterminate and is ultimately incapable of explaining US withdrawal from global leadership in the LIO. The second account points to US domestic politics and the increasing polarization and negative partisanship inside the US which is documented throughout this volume (Börzel et al., this volume). Following this line of reasoning, we maintain that the domestic developments inside the country largely explain US selectivity and increasing retrenchment from global leadership. We conclude by discussing the likely consequences of the US's leadership withdrawal for the future of the LIO.

#### The LIO and US Leadership

The liberal international order is a political formation that, in its earliest historical variety, has structured international politics since the late nineteenth century (cf. Ikenberry 2020), but became dominant only after World War II. It is co-constitutive with a state-based territorial order (the so-called "West-phalian" order; Tourinho 2021) and consists of three parts (Lake et al. 2021a):

- Political liberalism embodying core liberal values of freedom, democracy, human rights, and the rule of law as partially reflected in the United Nations Charter and particularly in the international and regional human rights regimes;
- *Economic liberalism* in terms of an open, rule-based, and free economic order with regard to trade, investments, and capital flows (e.g., the World Trade Organization [WTO], the International Monetary Fund [IMF], and the World Bank);
- *Liberal internationalism* encapsulating a commitment to the peaceful resolution of conflicts, principled multilateralism (Ruggie 1992), and the willingness to solve global governance problems cooperatively (Zürn 2018).

These three features are more aspirational than reflecting the empirical reality of the LIO, which has been quite exclusionary at times (see various contributions in Lake et al. 2021b). Moreover, to describe the LIO as an American- or Western-dominated order ignores its many coauthors (see e.g., Tourinho 2021; Risse 2024). Last not least, the US commitment to the LIO over time has been rather selective (Viola, this volume).

At the same time, one cannot deny the importance of US economic and military power as an anchor of the LIO for the post–World War II years (see above all Ikenberry 2001, 2002, 2012, 2020). To the extent that there was a US grand strategy, it emphasized a commitment to a rule-based world order, to liberal values, and to economic liberalism—periods of US unilateralism notwithstanding. Moreover, US power has always been embedded in and constrained by the transatlantic security community of North American and European democracies. The transatlantic relationship between the US, Canada, and Europe has embodied an ideal-typical example of "cooperation among democracies" (Risse-Kappen 1995) what Immanuel Kant called a "foedus pacificum" (pacific federation, see Kant 1795/1991). The transatlantic security community has allowed the Europeans to exert unprecedented influence on the purpose and the practice of US foreign policy. It has provided the basis for joint leadership of the core powers of the LIO.

#### US Foreign Policy and Its Increasingly Selective Leadership in the LIO

Particular American observers emphasize the crucial role of the US in maintaining the LIO: "The liberal international order after World War II emerged as a Western-centered, multilayered, deeply institutionalized system organized and directed by the United States" (Ikenberry 2020, 44). Yet, the history of US military interventions from Latin America to Vietnam to Iraq demonstrates that US foreign policy has often not lived up to the LIO. In the name of American exceptionalism, the US flouted rules and strategically used ambiguities and exceptions to its own interests (Stuenkel 2017: 3, 182). Moreover, the US has only reluctantly committed itself to liberal internationalism as enshrined in major multilateral agreements (Eilstrup-Sangiovanni and Hofmann 2020, 1081-1082; Viola, this volume). A Wikipedia site lists more than 40 international treaties since the end of World War II that the US has either not signed at all, signed, but not ratified, or simply withdrawn from.<sup>2</sup> This also applies to the global human rights regime as the cornerstone of international political liberalism: The US is only treaty partner of five of the 18 most important international human rights instruments which puts it in the same category as China, Cuba, Saudi Arabia, or Iran. For instance, the US has not ratified the Convention on Economic, Social and Cultural Rights (CESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), or the Convention on the Rights of the Child (see Sikkink 2004). The main reason for this lack of commitment are the extraordinary hurdles for treaty ratifications in the US Senate which require bipartisan majorities of two-thirds of the members.

Its selective engagement notwithstanding, US leadership did play a crucial role in promoting and protecting the LIO during the Cold War and beyond (Ikenberry 2001). The end of the Cold War saw a strengthening of liberalism both at the domestic and the international levels. Not only did the LIO globalize in the sense of the former Soviet bloc fully committing to it. The third wave of democratization (Huntington 1991) was anchored in the LIO by strengthening all three parts extending political and economic purpose as well as the authority of liberal international institutions (Zürn 2018, chapter 5). At first, the US fully subscribed toward anchoring the LIO. President George H. W. Bush extended the LIO to the former Soviet Union and its allies by replacing the Cold War order with a European peace and security order (Sarotte 2009; Zelikow and Rice 1995). President Clinton followed on this path including US led interventions ending the post-Yugoslav wars. However, the growing "liberal intrusiveness" of the LIO (Börzel and Zürn 2021) gave rise to a wave of contestations, some of their most violent forms being the terrorist attacks of

<sup>&</sup>lt;sup>2</sup> https://en.wikipedia.org/wiki/List\_of\_treaties\_unsigned\_or\_unratified\_by\_the\_United\_States, accessed September 7, 2021.

September 11, 2001. For a short period, US foreign policy under George W. Bush was dominated by a coalition of militant liberals ("Wilsonians in boots"; Hassner 2002, 43; on the various US foreign policy traditions see Mead 2002) and militant unilateralists. They paved the way to the military interventions in Afghanistan (2001) and in Iraq (2003). Removing the Taliban government from power in Afghanistan was supported by the transatlantic alliance. The Iraq invasion, in contrast, led to a deep split among US allies in Europe and beyond. The UK and many post-socialist Central and Eastern European countries seeking membership in NATO and the EU joined the "coalition of the willing" to overthrow Saddam Hussein's regime. France, Germany, and several other countries in "old Europe" opposed the invasion. Europe saw the largest transnational protest movement in the post-Cold War era, and several governments lost office as a result of their country's involvement in the Iraq war. Scholars started debating the "end of the West" (Anderson et al. 2008) and the crisis of the transatlantic security community. Particularly the controversies about the invasion of Iraq inside the US and among the Europeans can be regarded as a strong internal contestation of the LIO in terms of whether liberal ends may justify illiberal means (justificatory account; Viola, this volume). Bush's "war on terror," however, and particularly the US resort to torture and other violations of human rights in Abu Ghraib, Guantanomo, and elsewhere (Sikkink 2013) had a lasting effect on its leadership capacities in terms of its "power of attraction" (or "soft power" in Nye's terms, see Nye 1990).

Yet, US unilateral interventionism came to an end during George W. Bush's second term as US president, which marked a return to traditional conservative internationalism (Nau 2015; Anderson/Garrison, this volume). This included efforts to repair the rifts in the transatlantic security community. Relations with "old Europe," however, remained strained, particularly with regard to political liberalism (human rights). At the same time and inside the US, both public opinion and large parts of Congress became increasingly worried about US interventionism.

When Barack Obama came into office in 2008, he continued the cautious path of the second Bush administration (Bentley and Holland 2018; Indyk et al. 2013), even though committed liberal internationalists, including Susan Rice (first ambassador to the UN, then national security advisor) and Samantha Powers (successor of Rice as ambassador to the UN), became key figures in the administration. A typical example is the Libya intervention of 2011, for which France and the UK took primary responsibility, while the US was "leading from behind," as an Obama advisor put it. In hindsight, Obama's foreign policy marks a transition from the activist foreign policy of the first Bush administration to a more restrained approach of "selective engagement." Scholars have characterized Obama's foreign policy as "modern Jeffersonian" (Holland 2017) or "Post-American" (Singh 2012). Either way, they highlight a commitment to both liberal values and a retreat from an overly activist foreign policy. The Obama administration's foreign policy team was split between moderate internationalists (e.g., Joe Biden, then vice president) and more militant

 $<sup>^3</sup>$  https://www.politico.com/story/2011/08/a-victory-for-leading-from-behind-061849, accessed September 8, 2021.

liberal internationalists (such as Hillary Clinton, then Secretary of State, or the above-mentioned Samantha Powers).

In general, Obama's primary focus was on domestic politics (cf. the Affordable Care Act aka "Obamacare"). He withdrew from Iraq and only reluctantly agreed to the military surge in Afghanistan as a first step toward withdrawal (against the advice of Joe Biden). Last not least, his "pivot to Asia" marked the beginning of a gradual shift in American foreign policy from the focus on the transatlantic security community toward the emerging rivalry with China. The transatlantic security community never recovered from the beating it took under George W. Bush; neither the Obama administration nor the Europeans appeared to care too much about the relationship (Risse 2016).

While Obama's foreign policy cannot be labeled "isolationist," it marked a more careful and more measured approach to US global leadership. Its engagement with the LIO became more selective over time. At the same time, the foreign policy consensus in Washington among moderate Republicans and centrist Democrats gradually unraveled with the domestic polarization reaching foreign policy (see below).

In 2017, the Trump administration entered the scene with its "America First" agenda which amounted to an external contestation of the LIO, at least rhetorically (Gurtow 2020; Hill and Hurst 2023; Steff 2021; on Trump's foreign policy). While such external contestations have always been present among minorities in Congress and in public opinion, this was the first time after the end of World War II that a US president openly and publicly departed from core principles of the LIO. While the US foreign policy practice during the Trump years was less radical than the president's rhetoric, the US did lasting damage to the LIO. As to economic liberalism, it launched an all-out attack on the WTO and effectively blocked its dispute settlement system by refusing to nominate judges to the appellate body. It engaged in simultaneous trade conflicts with both China and the EU. Concerning political liberalism, Trump rejected the international promotion of democracy and human rights. He provoked Western allies by seeking friendly terms with dictators and authoritarian populists that shared his hostility towards the liberal script. Regarding liberal internationalism, the Trump administration withdrew from the Paris Agreement on Climate Change and from the Joint Comprehensive Plan of Action (JCPOA), i.e., the Iran nuclear deal, among others. He also tried to pull out of the World Health Organization in the middle of the pandemic. For Afghanistan, Trump's secretary of state negotiated a withdrawal agreement with the Taliban which Trump's own former national security advisor, General McMaster, called a "surrender agreement."

As to the transatlantic security community, there has been an interesting decoupling of discourse from behavior by the Trump administration. On the one hand, Trump's economic nationalists engaged in numerous trade disputes with the EU. Trump himself made it very clear that NATO was irrelevant for him, leading to rather awkward summits with the Europeans. On the other hand, the Pentagon and the Joint

 $<sup>^4\</sup> https://www.nytimes.com/2021/08/20/world/some-former-trump-allies-say-his-taliban-deal-laid-the-groundwork-for-chaos.html, accessed September 8, 2021.$ 

Chiefs of Staff—supported by a strong and still bipartisan majority in Congress—were able to shield NATO's military integration from the onslaught of the White House. While Trump was raging against the Western alliance, NATO was building up its armed forces to contain Russian power in Eastern Europe. Still, the security community took another beating during the Trump years. Overall, the Trump administration represented a strong external and deep contestation of the LIO from within one of its core powers. The purpose of US foreign policy seemed to shift away from its former constitutive principles and values, while the practice represented a retrenchment from global leadership.

The Biden administration at first continued on the path where Obama left off. His administration returned to a reassuring rhetoric of "America is back," particularly with regard to the transatlantic security community. When Russian president Putin invaded Ukraine on February 24, 2022, the Biden administration put US foreign policy back in the driver's seat of the LIO. The US worked hard to forge a joint transatlantic alliance against Putin. The US and its European allies have been more united than ever since the end of the Cold War. They jointly agreed on unprecedented sanctions against Russia and supported Ukraine with arms, military training, and military intelligence—anything short of NATO's direct involvement in the war. Backed by public opinion,<sup>5</sup> both parties in US Congress strongly supported the effort and voted in favor of equally unprecedented military and humanitarian support packages for Ukraine.<sup>6</sup> Moreover, the Biden administration tried to build a coalition of liberal democracies, culminating in the Summit for Democracy in December 2021. Deudney and Ikenberry have compared what they call the "Biden revolution" to Roosevelt's foreign policy aiming to confront the global rise of authoritarianism by a coalition of democratic states under US leadership. Liberal democracy had to be anchored in the liberal international order protected by the US.<sup>7</sup>

Other aspects of Biden's foreign policy have been much more ambivalent with regard to the LIO (Anderson and Garrison, this volume). As far as economic liberalism is concerned, the emerging Biden doctrine of an "American foreign policy for the middle class" presented a version of Jeffersonianism for the twenty-first century whereby US foreign policy has to serve first and foremost domestic goals. Thus, the US continues to block the WTO's dispute settlement system by refusing to name judges to the Appellate Body. While the administration has stopped the trade disputes with the EU which Trump had initiated, certain aspects of the 2022 Inflation Reduction Act appear to violate the WTO's nondiscrimination clause (e.g., tax breaks for clean energy vehicles only if final assembly takes place in the US).

<sup>&</sup>lt;sup>5</sup> https://www.brookings.edu/blog/order-from-chaos/2022/03/31/what-do-americans-think-of-the-russia-ukraine-war-and-of-the-us-response/, accessed May 11, 2022. See also Anderson/Garrison, this volume.

<sup>&</sup>lt;sup>6</sup> https://www.nytimes.com/2022/05/10/us/politics/congress-ukraine-aid-questions.html, accessed May 11, 2022.

<sup>&</sup>lt;sup>7</sup> https://foreignpolicy.com/2021/07/02/biden-revolution-roosevelt-tradition-us-foreign-policy-school-international-relations-interdependence/, accessed September 8, 2021.

<sup>&</sup>lt;sup>8</sup> https://foreignpolicy.com/2021/03/17/bidens-foreign-policy-middle-class-revolution/, accessed September 8, 2021.

So far, the Biden administration has not concluded any Free Trade Agreement with other countries. Rather, it seems to continue Trump's foreign trade policies, while changing the rhetoric. The same continuity rather than change characterizes Biden's policies toward China. While the tone is softer, the US–Chinese rivalry is in full swing, which clashes with the more differentiated approach of European allies.

To sum up: US engagement with the LIO has always been selective. Yet, it has become more ambivalent during the past decades and compared to the immediate post-Cold War years. This led to an increasing retrenchment from the US' leadership role. Bush's unilateralism and the "war on terror" had started damaging the US commitment to and leadership in the LIO. While the Obama administration partially engaged in global affairs, Trump pursued retrenchment "on steroids." President Biden took up where Obama left off but returned to a forceful US leadership role in response to Putin's war against Ukraine in 2022 and in defense of the LIO. With regard to other aspects of his foreign policy (e.g., external trade and China), however, he continued on Trump's path, without the unilateralist and militant rhetoric. The US anchoring role with regard to an open international economic order and liberal internationalism is increasingly questioned, not only by right-wing populist forces in the US but also by liberal democracies, particularly in the Global South. We argue in the following that US domestic politics explains the ups and downs of US leadership with the LIO, including the most recent retrenchment.

# **Explaining US Selective Engagement and Retrenchment**The Indeterminacy of Power-Based Approaches

International Relations scholars, particularly those based in the US itself, have been obsessed with power as an explanation for US foreign policy over the past decades (and before). After the end of the Cold War, there was a long debate about unipolarity, the "unipolar moment" (Krauthammer 1990/1991), and US primacy in world politics (for different views see Ikenberry et al. 2011a; Layne 1993; Wohlforth 1999; Owen 2001/2002). As Ikenberry et al. showed, in 2009, the US commanded more than 42 percent of the Gross Domestic Power (GDP) of all great powers combined and more than 60 percent of their military expenditures (Ikenberry et al. 2011b, 8). Yet, the debate remained largely inconclusive as to the behavioral consequences for US foreign policy and its global leadership role: Under unipolarity, hegemonic powers might become satisfied with the status quo or revisionist, they might provide global public goods (or not), they might have more control over outcomes or be more constrained (ibid., 13–18). Last not least, domestic politics might matter more under unipolarity, precisely because the constraints of the international system are less significant for the hegemonic power (ibid., 18–20; see also Snyder et al. 2011).

Just over 10 years later, the rise of China fueled a debate about US decline. According to IMF estimates, Chinese GDP will equal the US one later in the decade. In Purchasing Power Parity (PPP) terms, China has already surpassed the US. With regard to global military power, including power projection capabilities, China is still no match for US military superiority and will remain in this position for the foreseeable future, even though China has become a serious challenger to the US in a regional East Asian scenario. However, other authors dispute the "declinist" position and argue that the US will remain the sole superpower for the time being (e.g., Beckley 2011; Brooks and Wohlforth 2016). Moreover, the consequences of the supposed decline for US foreign policy are equally unclear. Some scholars argue for "graceful decline" and retrenchment (MacDonald and Parent 2011), while others suggest a continued leadership role of the US in support of the LIO (Brooks et al. 2013).

Material and ideational resources are not irrelevant for foreign policy, of course, since they allow states to pursue certain policies, while leaving other issues aside. However, as the endless debates about power and influence show, capabilities do not automatically translate into outcomes (see e.g., Baldwin 2002; Lukes 1974; Barnett and Duvall 2005). Power capabilities without purpose to use them are rather meaningless, and this concerns also the ability to revise or demise the LIO by "contested multilateralism" (Morse and Keohane 2014), "regime-shifting" (Helfer 2004) or "competitive regime creation" (Raustiala and Victor 2004). Moreover, as Lavenex et al. have argued with regard to rising powers, the capacity to act as "rule makers" or "rule spoilers" requires the capacity to set and enforce rules, which in turn is a function of the institutional strength of the regulatory state (Lavenex et al. 2021). This argument is also valid for the US.

In sum, the emphasis on power capabilities in IR theories (realist or otherwise) does not help much to account for the recent US retrenchment from its leadership role in the LIO. As Ruggie put it after the end of the Cold War, "(w)hen we look more closely at the post-World War II situation, . . ., we find that it was less the fact of American hegemony that accounts for the explosion of multilateral arrangements than it was the fact of American hegemony" (Ruggie 1992, 568). In other words, we need to look inside the US to make sense of its foreign policy (Czempiel 1979). Biden's response to Putin's wars testifies to the US power capabilities being still strong enough to exercise global leadership. Since the distribution of power in the international system cannot account for the US selective engagement and partial retrenchment from global leadership in the LIO, we turn to the domestic side of US foreign policy.

<sup>&</sup>lt;sup>9</sup> https://statisticstimes.com/economy/united-states-vs-china-economy.php, accessed September 9, 2021.

<sup>&</sup>lt;sup>10</sup> See e.g. https://armedforces.eu/compare/country\_USA\_vs\_China, accessed September 9, 2021. For a more detailed and sophisticated analysis with regard to various scenarios in East Asia see https://www.rand.org/paf/projects/us-china-scorecard.html, accessed September 9, 2021.

#### Domestic Politics: Polarization and Contestations of the LIO

Our starting point is the increasing polarization of the US polity (Garner, Pally, this volume). As argued in the introduction (Börzel et al., this volume), polarization has two dimensions, one ideological, the other one affective. Ideological polarization has intensified significantly among political elites (both Republicans and Democrats), while it remains moderate among the electorate—and this includes foreign policy, too (Anderson/Garrison, this volume). Even more worrisome is the growing affective polarization, including sorting among both political elites and the electorate (Garner, this volume; also Börzel et al., this volume, Figure 1.2). Affective polarization refers to growing attachment to one's own party combined with increased (emotional) rejection of the other party—irrespective of issues. There is no need here to belabor how such negative partisanship has eroded the political consensus in Washington, including the ability of US administrations to govern effectively (see e.g., Theriault 2008; Mann and Ornstein 2012; Campbell 2016). Analyses of the paralysis of the US political system abound. There is wide consensus in the literature that negative partisanship and identity politics overshadow policy disagreements leading to a point where moderate voices on either side of the aisle are increasingly silenced. Moreover, the external contestation of constitutive aspects of US democracy (and of the liberal script in general), particularly the acceptance of electoral defeats and the peaceful transfer of power, has further fueled the polarization.

Here, we focus on the link between domestic polarization of US politics and US foreign policy (excellent overview in Harnisch and Friedrichs 2021). For quite a long time, US foreign policy was based on the understanding that "politics stops at the water's edge." This has been largely a myth, since liberal internationalism and principled multilateralism as key pillars of the LIO have always been contested by conservative Republicans (Fordham and Flynn 2023). Moreover, Kupchan and Trubowitz already harped on the "demise of liberal internationalism" in 2007 (Kupchan and Trubowitz 2007) ascribing it to the growing polarization of US politics (also Trubowitz and Harris 2019). At the same time, there has been a foreign policy consensus among US elites that encompassed both (moderate) Republicans and (centrist) Democrats. This consensus backed up US global leadership during the Cold War, helped the US to manage the transition to the post–Cold War environment in the 1990s, and supported the various US-led military interventions from Kosovo to Afghanistan and even Iraq in 2003.

Some authors suggest that bipartisanship still prevails in US foreign policy. Bryan and Tama base their claim on 3000 "important" foreign and domestic policy roll call votes in both chambers of Congress from 1991 to 2017. In 76 percent of the foreign

<sup>&</sup>lt;sup>11</sup> The quote is allegedly from Senator Arthur Vandenberg.

<sup>&</sup>lt;sup>12</sup> There are some problematic methodological choices involved here: First, it remains unclear what constitute "important" domestic and foreign policy votes (according to the Congressional Quarterly

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policy votes (as compared to 63 percent of the votes on domestic issues), majorities of both parties in Congress voted together (Bryan and Tama 2022, 882). Bipartisanship has been stronger on national security as compared to international economic issues. However, even Bryan and Tama agree that the polarization in Congress about US foreign policy has increased over time, with the biggest change between the Bush and the Obama administrations (ibid., 889), which corroborates our argument.

Many other scholars observe an increasing polarization on foreign policy issues in Congress (for an excellent overview see Friedrichs and Tama 2022; also Harnisch and Friedrichs 2021). Jeong and Quirk analyzed all Senate votes on foreign policy issues from 1945 to 2010 to argue that party divisions over foreign policy along a "hawkdove" dimension increased steadily over time, particularly after approximately the mid-1990s (Jeong and Quirk 2019)—and mostly in tandem with greater polarization in general party ideologies. They even claim that foreign policy polarization has been more pronounced than domestic policy polarization. Friedrichs shows a similar trend in terms of bipartisanship in foreign policy with a particularly pronounced decline after 9/11 (Friedrichs 2021, 4). And while the Biden administration mustered bipartisan support for its campaign in support of Ukraine, Democrats and Republicans initially could not even agree on a joint resolution condemning Putin's war of aggression.<sup>13</sup> By the end of 2023, the bipartisan consensus in support of Ukraine had largely evaporated making it almost impossible for the Biden administration to get another military and economic aid package for Ukraine through Congress.

Jeong and Quirk identify three factors that explain the growing polarization in foreign policy (Jeong and Quirk 2019): first, events such as the Iraq War; second, the general ideological polarization within and between Republicans and Democrats; third, electoral incentives, such as the prospect of very slim majorities in Congress, which further accentuates polarization. All three factors together support our argument about the growing selective engagement and partial retrenchment from global leadership in the LIO. The increasing polarization in US foreign policy is derivative of the larger polarization in US domestic politics which is overshadowing moderate voices in Congress as well as in public opinion (see below).

Studies that have looked at particular issue areas of US foreign policy corroborate the spillover of domestic polarization into the foreign policy realm. Myrick employed sophisticated mixed methods including computational text analysis of congressional speeches, opinion poll data, and survey experiments to analyze whether external threats still lead to a "rally around the flag" effect among US citizens (Myrick 2021). She demonstrates that foreign threats no longer create unity among the US parties

Almanac). Second, revealing Congress members' preferences from votes is rather problematic, since voting behavior can be caused by all kinds of considerations. This is all the more true, given the different rules in the US House as compared to the US Senate with regard to the agenda-setting powers of congressional leaders as to what is put to a vote in front of the entire chamber. Third, Bryan and Tama focus on the tail end in the policy process, namely on the final votes on legislation, while most other authors cited below look at the polarization of preferences and on congressional activities prior to the ultimate voting on the floor. We thank Gordon Friedrichs for pointing this out to us.

13 https://www.washingtonpost.com/politics/2022/04/02/ukraine-congress/, accessed August 15, 2023

and their supporters. In fact, they lead to greater polarization among citizens if the constructions of external threats are accompanied by partisan cues. The most recent Republican opposition against further support for Ukraine is a case in point. Friedrichs comes to similar conclusions with regard to US trade policies (Friedrichs 2022; see also Friedrichs 2021; Goldstein and Gulotty 2021). Friedrichs compared the effects of intraparty and interparty polarization on the probability that trade agreements will be ratified by US Congress (*Trans-Pacific Partnership vs. US-Mexico-Canada Agreement* in this case). Of course, US Democrats have been divided over trade openness for quite some time, with the supporters of Bernie Sanders only being the latest expression of this trend. Most recently, however, there has been a growing coalition of (Trump) Republicans opposed to free trade, too. Bipartisanship on trade issues is only possible in cases in which the general ideological polarization between the two parties is less pronounced than the intraparty divisions over trade.

In his recent book, Friedrichs distinguishes three effects of growing foreign policy polarization on US leadership in global affairs (Friedrichs 2021, see particularly 12-16): First, there is a "sorting effect" in that the two parties have become internally more homogenous over time, whereas the ideological differences between them become more pronounced across policy issues leading to "tribalism" (Mann and Ornstein 2012; Garner, this volume). This has a direct effect on US foreign policy in terms of increasing domestic contestation and less consensus about the US purpose in the world. A second effect is "partisan warfare," in the sense of congressional leaders increasingly using particular rules and procedures to obstruct the other party's policies. This drastically changes the role of US Congress in the larger conduct of foreign policy. One casualty of partisan obstructionism is the demise of US leadership with regard to arms control policies, both nuclear and otherwise (Böller 2022). The third effect is "institutional corrosion," in that US presidents increasingly govern by executive orders, as a result of which US foreign policy becomes rather unpredictable. Obama's signing of the Paris Climate Agreement, Trump's un-signing of it, and—last not least—Biden's re-signing of the agreement only proves the point. Most of US actions targeting Russia and supporting Ukraine have been based on executive orders, not congressional legislation.

In sum, domestic polarization and partisanship fueled by contestations over liberal ideas and institutions have increasing spillover effects in terms of a decline of bipartisanship in foreign policy. Hyper-partisanship has handicapped the US in promoting and protecting the LIO against external contestations, both domestic and international. The recent US retrenchment from global leadership in the LIO can be largely explained by affective polarization and partisanship overshadowing the substance of foreign policy.

How does this analysis square with the continuing and enduring support of US public opinion for an active US foreign policy engagement with the world (Anderson/Garrison, this volume)? This includes the strong backing of multilateralism and of the transatlantic community and continuing bipartisan support for the strategic rivalry with China.

The studies by Friedrichs as well as Myrick discussed above offer some clues (Friedrichs 2022, 2021; Myrick 2021). Since most foreign policy issues continue to be low salience items in public opinion, the overall polarization of the political system is likely to override public support for the LIO and US global leadership, the more partisan elites offer cues to the public on particular questions, such as trade, climate change, or even national defense. In other words, "tribalism" trumps issue consensus in public opinion on foreign affairs.

A recent survey experiment demonstrates this effect (Telhami and Rouse 2022): One group of respondents was asked in general terms how they evaluated US and NATO sanctions against Putin's Russia and the economic as well as military support for Ukraine. The differences between self-proclaimed Republicans and Democrats remained mostly insignificant with strong bipartisan support for US policies. The same questions were asked to a second group of respondents, but with reference to the Biden administration rather than the US or NATO. As a result, support for the policies declined significantly among Republican voters (see also Anderson/Garrison, this volume).

As to political elites in Washington, there seems to be only one foreign policy issue where a broad bipartisan consensus still exists, namely the great power rivalry with China, where "America First" unilateralists and liberal internationalists agree. This consensus with regard to China also taps into US collective identity with regard to liberal values and the myth of "American exceptionalism" (Anderson/Garrison, this volume). It is reminiscent of the strong Cold War consensus. However, the bipartisan consensus is likely to remain the exception to the rule, and there is little chance of spillover effects into other issue areas of world politics, be it trade, human rights, or climate change. Moreover, while the US is rather united in terms of support for a strategic rivalry with China for the foreseeable future, it puts Washington on a collision course with its allies. The latter prefer a mix of containment and strategic engagement with China, as a result of which the transatlantic security community is unlikely to develop a joint strategy vis-à-vis Beijing—another constraint on strong US leadership.

As to Russia, Biden's global leadership was possible because a majority in Congress among both Democrats and Republicans overcame the considerable support for Putin among Trumpists (see Friedrichs' argument about trade issues above). In this case, negative partisanship was less pronounced than divisions within the two parties. This bipartisan has eroded, the longer the war endured and the more US military and economic resources were spent to support Ukraine. A number of Trump Republicans have voiced their opposition to US support for Ukraine and in favor of an immediate ceasefire as early as February 2023 by introducing the "Ukraine fatigue" resolution in the US House. The growing Republican opposition against US policies toward Russia combined with partisan polarization in Washington and the presidential election in 2024 has further constrained Biden's global leadership in defense of the LIO and against Russia's aggression in Ukraine.

<sup>14</sup> https://www.congress.gov/bill/118th-congress/house-resolution/113, accessed August 15, 2023.

In sum, the increasing polarization and negative partisanship including the trend toward external contestations of core features of liberal democracy among (Republican) parts of the polity (Börzel et al. and Garner, this volume) provide a convincing account for the variation in US global leadership and engagement with the LIO since the end of the Cold War. Irrespective of the congressional and presidential elections in 2024, the partisan polarization and the division of the US polity in two roughly equal political blocs (Börzel et al., this volume) do not bode well for the future of US leadership in defense of the LIO.

#### Conclusions: US Foreign Policy and the Future of the LIO

The three chapters in this volume dealing with US foreign policy make different, but interrelated points (apart from our own account, see Viola, Anderson/Garrison, this volume): First, the US has rarely been a fully committed proponent of the LIO, which puts the current contestations in a longer historical perspective. More often than not, liberal aspirations have been selective and coincided with illiberal practices—and that is a benign interpretation of US foreign policy (Viola, this volume). Second, since the 1950s, US public opinion has provided rather stable support of the LIO including its three components (Anderson/Garrison, this volume). While US public opinion has acted as a general constraint on US foreign policy, it cannot explain the selectivity of US engagement with the LIO and its partial retrenchment from global leadership. Moreover, and more recently, the rather moderate foreign policy attitudes among the general public have been overshadowed by the general domestic polarization and by negative partisanship (Garner, this volume). Third, as we argue in this chapter, the US selective engagement with the LIO and its gradual retrenchment from a global leadership role can be best explained by the erosion of bipartisanship in US domestic politics and its spillover effects on foreign policy. The increasingly visible external contestation of the liberal script on the right of the political spectrum is exacerbating this trend.

What are the implications of these developments for the future of the LIO, which is currently being challenged by Russia's aggression against Ukraine as well as by an ever more assertive China? While the discourse about American exceptionalism and the "indispensable nation" (Albright) is mostly for domestic consumption, it is hard to imagine a viable future for the LIO without the US. Yet, as we have argued in this chapter, US global leadership in defense of the LIO will be selective at best. At worst, the US will turn into another external contestant of the liberal order.

Yet, the LIO has been anchored in a core of liberal states formed by the US and its European as well as East Asian allies. Cooperation among democracies (Risse-Kappen 1995) has worked as long as the US was willing to take the lead. So, what about the Europeans? Are they willing and able to step up to the plate?

On the one hand, the post–World War II LIO is inscribed in the genetic code of the European integration project. As the largest single market in the world, the EU and its member states hold substantial power to shape and maintain the LIO. Together,

the US and the EU command over 40 percent of the world GDP, which is more than enough material power to provide global leadership. Moreover, the rise of authoritarian populism notwithstanding, external contestations of the liberal script have been more limited, making European politics and societies less polarized than in the US.

On the other hand, the EU and its member states have made little attempt to mobilize their material and soft power resources to share the burden of maintaining the LIO together with the US, not to mention taking up a global leadership role. Europe still lacks political willingness to play a more active part in countering contestations of the LIO. "What has held us back until now is not just shortfalls of capacity, it is a lack of political will," the President of the European Commission Ursula von der Leyen lamented in her 2021 State of the European Union address.<sup>15</sup>

Despite the continuous deepening of European integration and a possible Eastern enlargement, member states remain divided over key issues of foreign and security policy. The US military intervention in Iraq and its subsequent "war against terrorism" split them into "old" and "new" Europe. Nor did they manage to present a united front against other contestations of the LIO, including the massive human rights violations of the Assad regime in Syria, the civil war in Libya, the international combat against Islamist militant groups in Mali, or the military conflict over Nagorno Karabagh in the Southern Caucasus (Lehne 2017). The inability of the EU to agree on a common position with regard to the Hamas massacre in Israel on Oct. 7, 2023, and Israel's war in Gaza provides another example.

Throughout the 2010s, the European responses to Putin's increasingly aggressive foreign policies including the 2014 annexation of Crimea and parts of eastern Ukraine were muted at best. The EU, and Germany in particular, made no attempts to reduce their dependence on Russian oil and gas. The pledge of NATO members in 2014 to spend 2 percent of their GDP for defense was of little consequence. US President Trump declared NATO "obsolete" in 2017, only to be echoed two years later by French President Macron who called the alliance "braindead." Both statements reflected a widely shared analysis in policy circles and academia (on the latter see e.g., Peterson et al. 2016) that the US was gradually retreating from the Western alliance and that Europeans would not step up to the plate.

Putin's war of aggression against Ukraine has served as a game changer, at least in Europe. The transatlantic security community returned into action to face the aggressor. The US and its European allies have never been as united since the end of the Cold War. German Chancellor Scholz even announced a "Zeitenwende" (historical turning point) pledging to spend an additional €100 billion on German defense and to meet NATO's 2 percent goal. The transatlantic response to Putin's war of aggression demonstrates the resilience of liberal democracies when pushed to the wall.

<sup>&</sup>lt;sup>15</sup> https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\_21\_4701, accessed September 19, 2021.

<sup>&</sup>lt;sup>16</sup> Michael R. Gordon and Niraj Chokshi, "Trump Criticizes NATO and Hopes for 'Good Deals' with Russia." *New York Times*, January 15, 2017; "Emmanuel Macron warns Europe: NATO is becoming brain-dead," https://www.economist.com/europe/2019/11/07/emmanuel-macron-warns-europe-nato-is-becoming-brain-dead, accessed September 19, 2021.

It reminded them of how fragile the liberal script can be when attacked by its enemies. The sanctions regime against Russia, NATO's defense buildup including military support for Ukraine, and the EU's membership perspectives for Ukraine, Moldova, and Georgia instill some hope that cooperation among democracies is still intact when external contestations turn violent. Likewise, the war in Ukraine serves as a wake-up call for countries on the globe, including India, Brazil, and South Africa, which have a stake in rule-based multilateralism, despite their rejection of Western dominance and US leadership.

The question remains, however, whether the newfound allied unity will be sustainable and whether it will extend to foreign policy issues other than dealing with an ultranationalist and autocratic Russia. Europe is likely to minimize its economic ties to Russia, but how long will the support for Ukraine last if the war drags on? And what about China? Europeans are as divided over how far to engage with China in their attempts to strengthen "European sovereignty," as they used to be with regard to Russia. Covering these differences, the EU has described China in its 2019 strategic outlook as a cooperation and negotiation partner, an economic competitor, and a systemic rival. "Derisking" through a mix of cooperation and containment sounds markedly different from the US approach to China, where rivalry and competition increasingly dominate.

Moreover, Europeans continue to show little appetite for global leadership. They will probably make attempts at transatlantic burden-sharing, particularly with regard to NATO. Yet, despite recent pledges to strengthen "European sovereignty," we are unlikely to see a markedly increased European leadership role in world affairs.

It follows that US domestic developments are crucial for the future of the LIO. While Europe will continue to support the LIO, joint transatlantic leadership in global affairs is necessary to keep a rule-based international order, an open international economy, an international human rights regime, and governance institutions that can deal with the global commons, intact. If the crisis of American democracy continues or worsens, the prospects of the LIO are not bright either. In that sense, the fate of US liberalism and of a liberal international order hang together.

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<sup>&</sup>lt;sup>17</sup> https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=JOIN:2019:005:FIN, accessed August 15, 2023.

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## 11

## The Public's Commitment toward US Leadership of the Liberal International Order

Stephanie B. Anderson and Jean A. Garrison

In 2017, Walter Russell Mead, among others, noted that Donald Trump's election marked the first time since World War II that the American people had chosen a president who belittled the multilateral orientation, policies, ideas, and institutions at the heart of US foreign policy, going against America's long-standing elite and general public support for the liberal international script (Mead 2017). Trump's emphasis on transactionalism and neo-isolationism, at the cost of the liberal international order (LIO), raised new questions within the foreign policy establishment about the role of US leadership in the world, the future of liberal international politics, and the American public's commitment to these goals. Trump's views seemed to represent an external contestation of the liberal script, i.e., a replacement of the liberal script with an "America First" one.

However, Trump's election and rhetoric do not, in and of themselves, signal a repudiation of American support for the LIO or a general retrenchment (Börzel/Risse, this volume). In fact, a large majority of Americans have long supported an active United States, its liberal international mission in the world, and its continued engagement, whether through participation in alliances or international trade. US public support for an activist and internationalist America ("not a question of whether, but of how" as Eugene Wittkopf explained) has remained strong and steady in the postwar era. Nevertheless, throughout history, a vocal minority of Americans has supported isolationism (Wittkopf 1990). Among the elite and mass publics, the contestation is an internal one of differing worldviews: how and how much to support an active American role in the LIO. In other words, current contestations of America's role in the world are a continuation of such debates throughout US history, especially in the postwar era.

The conundrum lies in the relatively strong and stable general public support for the LIO itself. How can these long-standing internal contestations continue to exist if the people generally agree with a strong US role in the world? Simultaneously, why does the public's support for foreign policy seem fickle and waning? Why would an isolationist minority come to the fore under Trump? Why are Democrats

and Republicans so far apart on specific foreign policy issues when public attitudes are so steady? Especially in light of the 20 years of failure in Afghanistan, it is less and less true that foreign policy stops at the water's edge. The more intermestic foreign policy becomes (i.e., the more it is seen through a domestic lens, see Manning 1977), the more likely foreign policy is to be infected by affective partisanship which can deepen contestations over the liberal foreign policy script (Garner, this volume).

The chapter begins by exploring the different foreign policy scripts or foreign policy orientations in the post-World War II context and how they manifested themselves in the 2016 presidential election. In doing so, we can compare Trump's foreign policy script to aspects of the LIO script and to past presidential administrations. Second, we survey public opinion polls, which provide an important baseline to illustrate the general stability in American attitudes across this period. Third, we examine how scholars of public opinion discuss the role of the public in supporting and constraining US presidents as "persuaders-in-chief" and foreign policy, in general. Fourth, we explore the public's commitment to an internationally oriented foreign policy, including support for the liberal order, in terms of the link between heuristic and cognitive thinking, as well as the cultural roots of these habits of thought (e.g., the shared understanding of Americans' beliefs about its special mission). Next, we return to presidents as "persuaders-in-chief," who must frame their specific foreign policies in language that resonates with the public as a way to garner popular support, especially in light of increasing, affective polarization. Finally, we explore the impact of demographic shifts on support for the LIO. Although we conclude that public attitudes will remain supportive of the LIO in the near and midterm, we note there are growing cracks caused by internal contestations that may deepen over time.

## The Tradition of America's Contested Foreign Policy Scripts: A Lens to Understand the 2016 Presidential Election and Support for America as the Leader of the Free World

Modern American foreign policy scripts are rooted in questions regarding how the US should be involved in the world. During the Cold War years, most Americans, from both the elite and mass publics, agreed that the United States, as leader of the free world, was in an existential fight against the expansionistic Soviet Union and its communist allies (Holsti and Rosenau 1984). This liberal–conservative consensus linked a belief in the democratic-capitalist political economy to the fear of communism. While differences existed, Godfrey Hodgson argued that this linkage created a "strange hybrid, liberal conservatism," which both dominated and "muffled debate" (1973, 73). Differences, of course, existed, but they were overshadowed by faith in the American private sector to overcome the threat of communism.

However, the failure in Vietnam, as well as events such as the civil rights movement and Watergate, led more Americans to question the ideological and foreign policy beliefs that were the basis of this consensus. This resulting fragmentation led to greater diversity of foreign policy orientations including conservative internationalism, liberal internationalism, and non-internationalism, discussed below, which widened the political discourse on American foreign policy (see Schneider 1983; Holsti and Rosenau 1984; Rosati and Creed 1997). Melanson described this as a shift from a Cold War followership model to a fragmentation/swing model that has "complicated the efforts of presidents to win and keep public support for their foreign policies" (1990, 17).

Nevertheless, foreign policy contestations predate World War II, going back to the very birth of the United States. Mead singled out Trump's repudiation of the multilateral orientation as an outlier in the postwar context, but linked it to more long-standing cultural and ideological themes focused on the level of involvement in the world (e.g., internationalists versus isolationists), juxtaposed with American exceptionalism. He named his four foreign policy orientations after four presidents: Hamilton, Wilson, Jackson, and Jefferson. In a nutshell, Hamiltonians believe that the US needs to be a great world power able to balance against any threats from Europe or Asia, just as it led the economic and trade order to balance against and contain the Soviet Union. Wilsonians want the US to lead a moral, international order grounded in law and human rights. On the more limited involvement side of the coin, Jeffersonians argue American priorities should be to perfect democracy at home; US involvement abroad leads to association with despots and their corrupting influences. Jacksonians argue international commitments weaken the country and distract leaders whose "chief business lies at home" (Mead 2017; see also Mead 2001).

Fast tracking forward, the 2016 US presidential election rhetoric seemed to pit two very different worldviews or foreign policy scripts against each other. Hillary Clinton presented herself as a champion for the Hamiltonian/Wilsonian perspective with the US leading the world's liberal international order. Donald Trump's support for a Jacksonian/Jeffersonian (Rolf 2021) "America First" foreign policy presented a foreign policy script that combined conservative/militant national security with isolationist rhetoric.

In her June 2, 2016 speech, Clinton underscored her belief "in strong alliances":

America's network of allies is part of what makes us exceptional. Our armed forces fight terrorists together; our diplomats work side-by-side. Allies provide staging areas for our military, so we can respond quickly to events on the other side of the world. And they share intelligence that helps us identify and defuse potential threats. (Reilly 2016)

In another speech, she highlighted the importance of American leadership and its special role in the world, "The world's great democracies can't sacrifice our values

or turn our backs on those in need. Therefore, we must choose resolve. And we must lead the world to meet this threat" (Beckwith 2015). For example, Clinton was hawkish toward the Syrian crisis, and recommended strong US intervention.

In contrast, Trump argued that such intervention would cause a third world war (BBC 2016). He declared that US multilateral foreign policy was a complete disaster. He identified five major weaknesses: (1) "[R]ebuilding other countries while weakening our own [economy]"; (2) allies taking advantage of the US by not paying their fair share for American security guarantees; (3) the US coddling its enemies (e.g., Iran) and "dislik[ing] our friends" (e.g., Israel); (4) the accompanying loss of respect and prestige, leading to humiliation on the world stage; and (5) the lack of a clear and coherent foreign policy (New York Times 2016). He argued that the US had to develop "a foreign policy based on American interests," beginning with rebuilding its economy and military in order to reestablish American dominance. His campaign embraced a mixture of "nationalism, nostalgia and primacy"—his own unique brand of America's mission and exceptionalism—in order to evoke a return to greatness in American life at home and abroad (Ettinger 2020, 410). It evoked themes of security from conservative internationalism as well as a strong non-internationalist strain.

While the 2016 election outcome did not hinge on questions of American support for liberal institutions, the outcome did result in a very different kind of president being elected, one who seemed to represent strong new American public attitudes ready to repudiate America's support for the LIO and the traditional global leadership role it entailed. Trump's inaugural address portrayed a vision of America being shaken down and cheated by free riders, its closest allies among them. "America First" was the plan to "make America great again." Once in office, President Trump started to make good on his word to withdraw the United States from the system that was undermining its place in the world. In just the first week in office, he withdrew the US from the Trans-Pacific Partnership (TPP), banned nationals from six Muslim-majority countries from traveling to the United States, and subsequently withdrew the US from several agreements, including the Paris Climate Accord. Trump appeared on track to withdraw America from the liberal order originally built to promote US interests.

Within the foreign policy establishment or elite public, many presented the election of Donald Trump as evidence that the unquestioned grip of the liberal-internationalist orientation on US foreign policy thinking had loosened. His election was evidence that more nationalist, less globally minded voices re-entered and challenged the dominant foreign policy script as the president belittled the multilateral orientation, policies, ideas, and institutions at the heart of postwar US foreign policy. Scholar/practitioners such as Richard Haass called Trump an outlier. Reflecting the elite public viewpoint, he described the continuity of thinking across the previous four presidents as a blend of multilateral schools of thought. He characterized President Trump's foreign policy as a blending of the nineteenth-century nationalism of President Jackson, the isolationism of Robert Taft, and the protectionism of

Pat Buchanan and Ross Perot (Haass 2020; see also Allison 2020; Cha 2016; Krasner 2020; MacMillan 2020; Rapp-Hooper 2020).

Thus, Trump's rhetoric reflected a long-standing strain of thought in part of the American body politic, couched in symbolic exceptionalism themes that now had a stronger voice in national politics. To what degree, however, did it reflect a rising public disaffection with the liberal international order?

# American Public Attitudes toward the LIO: 50 Years of Consistent Support

Although polls only reflect an imperfect snapshot of public attitudes, they do provide the best means to explore underlying support for the LIO among the mass public, especially in a longitudinal context. A review of recent polls and accompanying studies demonstrate that, despite Trump's election, US public opinion remains in strong support of the LIO. Moreover, over the past 50 years, while the public's beliefs about foreign policy have diversified, Americans' support for the LIO has remained remarkably stable, whether in regards to the US playing a leadership role or participating in alliances. What explains this phenomenon?

A solid majority of Americans have supported an internationalist stance, albeit different varieties, during the Cold War and post–Cold War periods. The Chicago Council on Foreign Relations shows consistent American support for a strong US role in world affairs from 1974 to 2021 (see Figure 11.1, Smeltz et al. 2021, 8).

These views even hold when accounting for political affiliation. In 2019, more than halfway through Trump's presidency, strong majorities of Democrats (75 percent), independents (64 percent), and Republicans (69 percent) agreed "it would be best for the future of the country to take an active part in world affairs" (Smeltz et al. 2019, 2). More recent Gallup poll numbers from February 2023 extend this trend reporting that 65 percent of Americans still believe the US should play a leading (20 percent) or major (45 percent) role in trying to solve international problems (Gallup 2023). This constancy reflects deeply held beliefs by Americans regarding the importance of its role in the world.

Furthermore, Americans support close cooperation with their allies. Despite Trump's consistently negative rhetoric toward the Atlantic Alliance, calling it "obsolete" (Master 2017), where the European members do not pay their fair share, and where "we're schmucks paying for the whole thing" (Calamur 2018), public support for NATO and alliances continued. Support for maintaining or increasing the US commitment to NATO has averaged almost 70 percent from 1974 to 2022 (Kafura 2022). Even when split for political party, the support is universal with Democrats (86 percent), independents (68 percent), and Republicans (62 percent) all believing that NATO is still essential to US security (Smeltz et al. 2019, 3). Even under Trump, solid majorities supported US participation in military alliances worldwide and international cooperation with allies, even if that meant making compromises (Pew 2019).

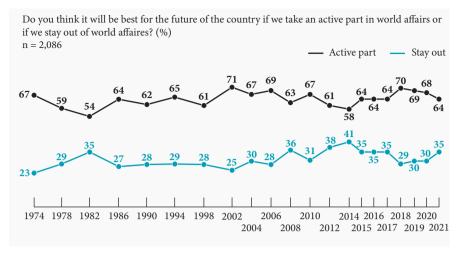


Figure 11.1 Perspectives on US Role in the World

Note: Figures may not sum to 100 due to rounding. 2021 Chicago Council Survey

Source: Smeltz et al. 2021, 8

These polling numbers were so strong that the Chicago Council titled its 2019 report "Rejecting Retreat: Americans Support US Engagement in Global Affairs." Sixty-nine percent of those polled supported an internationalist worldview. In follow up, in-depth interviews, those supporting an internationalist policy explained the need for American leadership: "Realistically, we have no choice but to be very involved." The authors of the study conclude, "Even as President Trump and others have questioned their utility, each of these aspects has been a cornerstone of traditional US foreign policy since WWII, and survey results show Americans are inclined to preserve them" (Smeltz et al. 2019, 12).

Of the approximately 30 percent of Americans who voiced their opinion to stay out of world affairs, further questions revealed a nuanced view of that stance. Even within this minority, a whopping two-thirds still supported NATO and an overwhelming majority believed international trade was good for the country. However, a majority of this 30 percent agreed with Trump that the blood and treasure necessary to maintain the US role in the world outweighed the benefits. In terms of specifics, these "stay-out" proponents opposed almost all use of military force overseas, with the exception of preventing Iran from attaining a nuclear capability and protecting the border with Mexico. While they also favored withdrawing some or all American troops from bases around the world, they were divided on whether to do so in key areas such as Japan, South Korea, or the Persian Gulf (Smeltz et al. 2019, 13).

Overall, support for international trade is similarly consistent. Over the past 25 years, majorities of Republicans, Democrats, and independents all agree that "globalization, especially the increasing connections of our economy with others around the world, is mostly good . . . for the United States" (Friedhoff 2021, 3). When

the question was phrased as to whether international trade was an opportunity for the US for economic growth or a threat, from 1990 to 2000, an average of 54 percent said "opportunity." From 2000 to 2010, average support was at its lowest of the 30-year period, with only 45 percent seeing trade as an opportunity. From 2010 to 2022, support shot up to its highest levels, around 61 percent. These dips seem to reflect recessions and the president in power. In general, Democrats have been more supportive of international trade. Republican support is more volatile, dependent on which party holds the presidency. For example, despite Trump's negative rhetoric and the global effects of the coronavirus pandemic on trade, Republican support for international trade as an opportunity reached its highest levels in three decades with polling numbers ranging from 68 to 78 percent from 2017 to 2020. Once Joe Biden took over the Oval Office, Republican support for international trade plummeted to 44 percent. Nevertheless, in 2022, overall support for international trade remained strong at 61 percent (Jones 2022).

These statistics beg the question of how is public opinion made. What is it based on? Does this split between the public support and Trump's rhetoric mean that the public's views have little influence on policy? The next section discusses how public opinion scholars explain the potential impact of public attitudes demonstrated in these polls on American foreign policy.

# The Impact of the Public: Broad and Indirect, but Still Consequential in Foreign Policy

A closer look at the US public opinion literature helps explain how, when, why, and to what extent scholars believe the public can influence and constrain the making of American foreign policy. In general, although scholars argue that the public plays a largely indirect role in foreign policy, under certain circumstances, when activated, it can serve as a significant driver or constraint. This understanding stems from a recognition that the president is not so much the commander-in-chief as the persuader-in-chief, who must work to get public support for his policies (see Neustadt 1991; 1960). The nature of the public's impact rests on a number of factors, including the symbiotic relationship between the president and the public, the type of issue under discussion, and the broader domestic and social environment in which decisions are vetted.

This understanding of the public's role has evolved over time. We take as our starting point the acknowledgement that the general foreign policy orientations discussed previously demonstrate that public attitudes fit under a broad umbrella that shapes what is acceptable within the public debate. Nevertheless, these attitudes are multifaceted and can change. The traditional view, the long-held Almond-Lippman consensus, describing the public as uninterested and uniformed, who as a group, held unstructured attitudes lacking coherence (Almond 1960: Cohen 1973; Lippmann 1955) has been found to be too simplistic. While the Almond-Lippman

consensus dominated thinking during the Cold War consensus period, the Vietnam War challenged it (see Holsti 1992; Holsti and Rosenau 1984; Kertzer and Zeitzoff 2017).

Vietnam sparked a second wave of scholarship arguing for a more consequential public (see Converse 1987), thus revising the pessimistic view that public opinion in foreign policy was ignorant, poorly reasoned, and, therefore, unimportant. This work posited that public opinion was both rational and stable (Page and Shapiro 1992), structured (Hurwitz and Peffley 1987; Wittkopf 1990), and reacted predictably and prudently to world events (Jentelson 1992; Page and Shapiro 1992). This occurs despite the American public's tendency to be ignorant and ill-informed about the specifics of international affairs. Knowledge about a topic, however, is not needed for people to hold a policy attitude or opinion; the public will provide answers to polling questions whether or not they are familiar with the subject. Underlying attitudes, preferences, and values form the latent opinion and become the criteria for judgment once public opinion is activated. Latent public opinion is in operation as long as policies stay within a range of acceptability. To be activated, foreign policy issues must receive major media coverage in terms that are salient to the public and line up with public frames of reference.

Public opinion scholars have demonstrated that the impact of the public is multifaceted through multiple paths of linkage. Powlick (1995), for example, operationalized "public opinion" by examining the sources of information that foreign policy officials identify as representative of American public opinion. He included several paths of opinion transmission in his model, including through elites, interest groups, news media, elected representatives, and the mass public. In the model, the process of linkage involves multiple paths of influence (e.g., cues from elites and peer networks, in particular), and the process is iterative over time with many different voices having an impact (Powlick 1995; see also Cohen 1973). The study concludes that the wide range of operational definitions (or linkages) that foreign policy officials assign to public opinion suggest that they are more attentive to public opinion than was conventionally thought (see also Powlick 1991). In other words, the public serves as a constraint on the range of policy options available to decision makers (the president and Congress)—e.g., particularly with broad attitudes and salient issues (Holsti 1992, Holsti 2004; Jentelson 1992; Kusnitz 1984; Page and Shapiro 1992; Popkin 1991; Risse-Kappen 1991).

Politicians understand that they must pay attention to what the population accepts as legitimate in order to have any ability to persuade it (Powlick and Katz 1998, 33; see also Foyle 1997). As a result, the president becomes a "persuader-in-chief," who, being constrained by the public's general view of America's role in the world, must work to frame any foreign policy initiatives in that framework, while staying attuned to the constraint of "anticipated future opinion." The media play an important framing role, with television, in particular, serving as a priming news source, which in turn creates a greater need for officials to follow the news media and polling data (see Iyengar and Kinder 1987). In more recent years, social media have played

a greater priming and framing role as American news habits have changed (see Mueller in this volume). The salient point is that the media will frame the issue in terms that resonate with the values or belief systems held by a large segment of the public and, at times, engage in efforts in public education (Kertzer and Zeitzoff 2017).

The following section discusses what influences these public attitudes.

# Understanding the Formation and Lasting Nature of the General Foreign Policy Script: Heuristic Thinking and American Core Values

In the aggregate, the public opinion polls provided previously and the discussion of the nature of the American public above provide some explanation for the consistency and stability in the public's general foreign policy attitudes. The underlying psychology of attitude formation and roots of American core values provide further evidence for this constancy.

As polling data indicate, American public opinion supporting a strong international orientation has been stable and coherent with strong predispositions that remained largely unmoved in the postwar era. Isaacs (1998) argued that the mass public's broad preferences for internationalism have been shaped by core values or general opinions such as the appropriate use of force that require little specific information (Isaacs 1998; see also Hurwitz and Peffley 1987). Although members of the mass public are largely ignorant of policy details, as cognitive misers (e.g., the human tendency to problem solve in the most simple way, for example, stereotyping), they rely instead on core values as heuristics in formulating their positions on issues (Popkin 1991).

Kertzer and Zeitzoff also ascribe the stability in individuals' general predispositions toward international affairs and their attitudes toward the kind of role America should play in the world to heuristic processing. This process is reinforced by elite cues and the social influence of proximate peers, who amplify or dampen the resonance of elite messages that are more distant. Thus, the public, through social networks, mutually reinforce strongly held beliefs with one another (Kertzer and Zeitzoff 2017, 554–546; see also Zaller 1992). In other words, Americans bring a clear set of values, deeply embedded in the American experience, which shape their attitudes (Isaacs 1998).

In light of heuristic thinking, and what we know about belief formation in foreign policy (see, for example, Khong 1992; Larsen 1994), it makes sense to briefly explore the literature on underlying beliefs about America's special mission in the world which shape public attitudes and foreign policy orientations (e.g., see previous discussion of Mead and others above). Scholars of American foreign policy describe this as a creed, rooted in common terms of reference, symbols, and ideologies, shared across different groups seeking power, control

of policy, and identity. Such ideological beliefs tend to resist change and do not readily fluctuate because they are formed through political socialization early in life.

This creed gets reflected in election rhetoric, public speeches, and the political symbolism leaders use to promote their agendas to the public. Mead's (2017) four American foreign policy orientations are explained in terms of cultural themes, with roots in the belief in American exceptionalism and its appropriate exemplary role the world (e.g., internationalists versus isolationists). Thomas Carothers has emphasized how this cultural mix provides the working material with which numerous policy alternatives are offered to the American people for consideration (Crothers 2011).

Thus, part of the broad appeal to the general public about the US playing an active international role can be linked to Americans' own sense of exceptionalism. While many countries have an exceptionalist narrative, scholars such as Richard Barnet argued that "the United States has made a religion of it" (1972, 251). Alexis de Tocqueville maintained that Americans were exceptional because immigrants were expected to abandon their traditions and establish their new identity not on blood or Volksgeist, but on a set of ideas, a creed, based on freedom and liberty, enshrined in America's founding documents and its pledge of allegiance (De Tocqueville 2015). Tyrrell argued that this American exceptionalist creed has a "chosenness" narrative based on belief in the country's special mission as well as the reality that the US has had the power to shape the world (Tyrrell 2021). Seeing themselves as an example for the rest of the world, as a "city on a hill," Americans possess an idealistic and missionary soul (Baritz 1985). They see themselves as "innocent" and "benevolent," with a sense of mission and "manifest destiny," and an optimism "that Americans can do anything they desire, can build nations or rebuild societies, can speed progress, bring freedom and democracy to the world" (Robertson 1980, 349; see also Lipset 1996).

This exceptionalist narrative dovetails with that of the proper role of America as the leader of the liberal international order, based on the same philosophy of political and economic liberalism that created a system of global peace and prosperity. Liberal political values lie at the heart of American ideology, political culture, and political identity (Crothers 2011). As such, the cultural assumptions that Americans hold, and subsequent political ideologies, provide an underlying narrative or script about what it is to be American as well as an understanding of the roots of a unique American style of foreign policy. The mantle of "leader of the free world" fits well with the American identity. Woodrow Wilson's call for America to join World War I, "the war to end all wars," in order to make the world "safe for democracy" or Franklin Roosevelt's call to join the fray as the "arsenal of democracy" contributed to America's sense of divine mission and general commitment to the LIO (Crothers 2011, 22–23).

The American "victory" in the Cold War and the success of the US-led effort in the Gulf War buoyed public confidence, reinforced the exceptionalism narrative, and broadened support for a robust, internationalist foreign policy. This support is sustained by the American tendency toward optimism, confidence in America's ability to succeed, and the use of symbolic messaging that resonates with deeply held public beliefs. However, this faith can be shaken. Richard Eichenberg links American public will to support wars, even if they are expensive and bloody, to whether the US "wins" (Eichenberg 2005). In other words, the perception of possible success, determines the public's support for it. Although Vietnam led to decreased public support for both internationalism and interventionism and a loss of faith in the US model, this attitude was not sustained. Ronald Reagan's charisma, optimism, and use of American exceptionalism themes restored much of this confidence.

While differences exist in how to execute this special mission, e.g., through international engagement or by isolating and serving as an example, consistent is the sense of American purpose and its special destiny in the American foreign policy script (see Davis and Lynn-Jones 1987; Tyrrell 2021). These broadly held cultural beliefs resonate with the American public, but they also create a nationalistic rhetoric that leads to moralism and simplification of policies. Trump's reference to making America great again and Hillary Clinton and Joe Biden's emphasis on America as the indispensable nation each point to such cultural themes. Public opinion scholars note that moral values often construct perceptions of what the national interest should be or is (Kertzer et al. 2014, 825). Thus, patterns in moral foundations also help us understand why foreign policy issues can be unifying in one context, but polarizing in another. If elites use moral rhetoric to mobilize the public, then reframing policies in terms of specific moral foundations can alter constituencies' support (see Clifford and Jerit 2013; Graham et al.2009).

# Presidential Persuasion and Affective Polarization: Getting Public Support for Policy

While Americans may largely agree on their core values and place in the world, they also often disagree on how these values are upheld and operationalized by the political party in power (see Garner, this volume). This divide has deepened over the last 20 years due to affective polarization. Again, ignorance of international affairs means that the public uses heuristics to help form opinions, one of the most important being political affiliation. Political polarization and the identity politics associated with this polarization has made supporters of one party extremely suspicious of the actions of the other. For example, a Gallup poll just prior and immediately following the 2016 election demonstrated that Democratic and Republican perceptions about the economy flipped based on who was winning (Resnick 2019). In other words, public opinion on how well the government is upholding these values hangs on the person's political affiliation.

Despite strong public backing for the LIO, at times, political polarization can overshadow this support. In other words, while Americans may generally support an internationalist foreign policy, they will often oppose specific policies particularly when they are promoted by the opposite party. As shown in Figure 11.2, Gallup has been tracing American satisfaction with its place in the world since 2000 (Gallup 2022). Even during the height of the Iraq War, more than three-quarters

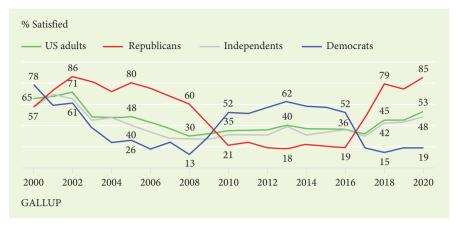


Figure 11.2 Public Satisfaction with Position of the US in the World

Source: Brenan 2020

of Republicans were pleased with how the US was perceived and respected in the world when a Republican was in office. However, fewer than 20 percent of Republicans thought the US was well perceived under President Obama. This discrepancy shows how the public's general views of the world change when framed with regard to a political party or specific leader.

As Garner's discussion in this volume illustrates, in a politically polarized context, deep-seated differences emerge and influence policy attitudes (also Börzel et al., this volume). If ingrained values shape foreign policy preferences (Kertzer et al. 2014), then, when the parties differ on which values are important to them, elites and the mass public can polarize along partisan lines.

Having discussed evidence for partisan cleavages in support for the liberal foreign policy script, we can now focus on evidence for emerging contestations in the script and resulting implications.

# The Public and Contestations over the American Foreign Policy Script: Impact of an Inward Turn and Demographic Shifts

Internationalism and support for the LIO seem to be the default orientation of both the elite and mass publics. However, this default position represents just one set of possible foreign policy perspectives, constructed out of American foreign policy orientations and the American creed based on values, norms, myths, etc., highlighting America's special mission in the world. Given our focus on contestations of the liberal script, the key question for this section focuses on the nature of internal contestations over the American foreign policy script and how deep they may go (see also Börzel/Risse, this volume).

There are underlying internal contestations in public attitudes regarding the American foreign policy script that go beyond partisanship. Rather than questioning America's leadership role, they focus on how to act in the world and what means to use to influence it. In specific terms, there is greater reticence to get involved after the wars in Iraq and Afghanistan and less concern among young people on maintaining the status of the US as a superpower.

A number of recent studies provide indications that there is a growing internal contestation between elite support for the LIO and certain segments of the broader, pragmatic, mass public (Haass 2017). Mark Hannah from the Eurasia Foundation Group argued that support for American exceptionalism and leadership is shifting from public support for active intervention in global affairs to a greater emphasis on the power of America's example, what Mead would describe as a shift from a Hamilton/Wilson to the Jefferson/Jackson model (Hannah 2019). The study argued that the 9/11 attacks and the inconclusive results of Afghanistan and Iraq have made the American public less optimistic and convinced that it is America's responsibility to guarantee global security and prosperity. These observations fit with Eichenberg's analysis that American optimism in the international realm is tied to "winning" (Eichenberg 2005).

Hannah reports that almost half of those polled believe American exceptionalism is better expressed by the power of the American example and what the US stands for domestically (often linked to a non-internationalist orientation), in contrast to the 17 percent who said that America is exceptional because of what it has done for the world. In the survey, more respondents aligned themselves with what the report calls an "Independent America" worldview—an America that declares independence from the responsibility to solve other people's problems rather than with liberal internationalist positions requiring American leadership (e.g., "Indispensable America" worldview) or a realist perspective that calculates costs and benefits to the national interest (e.g., "Moneyball America" worldview). This was true particularly with those under the age of 30, but was present across every age group, partisan political identification, and income level surveyed (Hannah 2019, 16). This contestation reflects the ongoing debate over the type of internationalism or non-internationalism that Wittkopf and others identify as broad orientations or attitudes toward American foreign policy.

A 2021 Chicago Council report and poll go further to explore this inward-looking shift or retrenchment by arguing that Americans see the link between domestic investments and international influence. Majorities of Americans considered improving public education (73 percent), strengthening democracy at home (70 percent), and maintaining US economic power (66 percent) as very important to maintaining global influence. Fifty-seven percent still rated maintaining military superiority as very important. These results seem to illustrate the point that it is not about whether those surveyed want to influence the world, but how America should go about it. The data from this report do show that Americans are more concerned about threats within the United States (81 percent) than threats outside the country (19 percent), and showed lower support for leading on international

issues (41 percent) and participating in international organizations (37 percent) than previous polls (Smeltz et al. 2021).

Demographics also play a role. Writing in 2015, Thrall and Goepner see important differences between millennials' foreign policy views compared to those of older Americans. They find that the younger generations perceive the world as significantly less threatening. Millennials support a more restrained grand strategy or mission that is less reliant on unilateral military force and more engaged in cooperative ventures with allies (Thrall and Goepner 2015). They also have the most positive view of international institutions and other countries, compared to all other generations (silent, boomer, and Generation X) (Huang and Silver 2020). Therefore, not surprisingly, 48 percent of people aged 18-29 (Generation Z) believed it was acceptable for another country to rival the US as a military power (Pew 2019). In addition, Millennials and Gen Z are less polarized than previous generations. Between 1996 and 2016, the change in partisan affect was three times higher among those over 65 compared to those 18 to 39 years old. Since senior citizens are less likely to use social media and the internet in general, the authors conclude that social media has had little impact on polarization in the United States. Rather, they attribute the increased polarization to the television news that older people are more likely to watch (Boxell et al. 2017). These studies suggest that polarization might decrease among the public as the older generations pass.

In light of the growing inward-looking trend noted here, and as explained by Börzel and Risse (this volume), the public debate over America's role in the world reflects an ongoing and unfinished internal contestation over support for the liberal script in American foreign policy. How deep is it? A change is underway in some quarters toward America's commitment to the liberal order. What some Americans believe about the country's proper role in the world is being contested. However, considering the overarching, long-standing, and consistent support for the LIO in general, and even with affective partisanship, this does not yet represent a wholesale retrenchment back to our shores in the near or midterm. It does illustrate, however, that a change is underway.

## Conclusion: Implications for the Liberal Script in the US

There are several factors to consider when evaluating that nature of the American commitment to the LIO and how it is changing. Although our analysis is largely complementary to Börzel and Risse's (this volume) conclusions, our analysis provides a more nuanced and mixed answer to the retrenchment question. The elite and mass public provide general, underlying, and supportive attitudes for the liberal foreign policy script, but also polarized viewpoints, which emerge on specific issues depending upon which party or person is in power and the domestic politics of the discussion.

For example, overall, wholesale support for the LIO has become more contested as some segments of the public have associated this support with support for unending

wars. Many people have become war weary. Public support for "America First" did come to the fore among many Americans after 20-year entanglements in Iraq and Afghanistan with little to show for it. But American self-identity, cultural tendency toward confidence, and optimism play a mitigating role (see previous Eichenberg discussion).

What about American support for Ukraine after the Russian invasion in 2022? Conservative and liberal international elites have framed the war in cultural terms as a way to protect democracy against autocracy, where the US could be a force for good in the world, thus resonating with widely held American values. In these terms, it is not surprising that the American public responded with support and enthusiasm for Ukraine, which has endured (D'Anieri 2023). However, neither is it surprising that, in the polarized American soil, misgivings have grown along predictable partisan lines. When cued by the Republican leadership to disapprove of President Biden's policies, public opinion among Republicans for financial support for the war declines significantly (Cerda 2023). In this context, American presidents remain persuaders-in-chief who must continue to carefully shape their message to navigate tricky domestic waters.

Perhaps the greatest opportunity for a deepening contestation about America's support for the LIO (and thus addressing the question of American retrenchment) comes in emerging demographic changes over time. But even here, we see this as a change in the style of America's approach to the LIO, rather than a wholesale change in public support for it, even among millennials. As the older generations pass and the younger generations age, the American public may well cease to see the need for the United States to be the same kind of leader of the LIO.

Looking at America's cultural tendency (and belief) to see itself as exceptional, and given its underlying support for internationalism, there is still reason to believe that the United States will continue to actively support the liberal international order. American foreign policy orientations are relatively stable and the cultural underpinnings supporting the LIO are deep-seated habits of thought (e.g., heuristics or schemas), which are slow to change. These cultural underpinnings for American core beliefs create a deep well of shared self-perception, meaning, and values that are at the root of American policies, and how leaders sell these policies to the public.

Further, all that we know from cognitive and social psychology about the enduring nature of core values and consistency in attitudes, even in the face of disconfirming evidence, points to constancy and even recalcitrance, indicating just how difficult change can actually be. From this viewpoint, it would take a crisis or great shock for a complete, lasting shift. That does not mean that affective partisanship does not erode broad lasting support or lead to fickle and volatile responses to specific issues. Despite all the contestations going on in America today, we do not think we have seen that yet. However, it certainly points to markers in the road to watch as we evaluate contestations in how, and to what degree, Americans support the liberal international order.

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# Deep Contestations of the Liberal Script at the US-Mexican Border

The Cases of Free Trade and Human Rights

María Celia Toro and Ana Covarrubias Velasco

Borders are a privileged space to discuss the liberal script and its contestations, both conceptually and in practice.¹ Conflicting normative arguments, political discourses, and actual policies converge at borders. Simply put, borders illustrate a major tension between two liberal principles: individual self-determination (ISD) and collective self-determination (CSD). Börzel and Risse (2023) convincingly argue that these two rights are co-constitutive core elements of the liberal script, but other scholars and certainly politicians tend to prioritize one over the other.

Drewski and Gerhards (2020, 3) refer to a *liberal border script* and describe the tension between the individual's right to decide on his own life and the right of the community to be independent from outside interference. In other words, individuals have the right to engage in cross-border activities while the state has the right to interfere with these activities (ibid.,5). This inherent tension between two major liberal tenets accounts for a continuous contestation of the script, which is part and parcel of that script and of American politics. This liberal script, however, can also be deeply contested. If contestations mobilize large segments of society in favor or against the liberal script, we identify them as deep contestations (Börzel et al., this volume).

Our purpose in this chapter is to identify and problematize the *liberal border script* and analyze some of the most important contestations to the script at the US–Mexico border. Our starting point are the four key aspects of the liberal border script: human rights, the rule of law, respect for international law, and free trade, identified by Drewski and Gerhards (2020, 85). These aspects suggest the existence of different borders at the same place: military, economic, and police borders. In historical perspective, Andreas (2003, 85) argues that the importance of military and economic borders has declined, the latter especially as a result of globalization. Police borders, however, have been, or are being, reinforced, and their existence and rationale account for most of the deep contestations of the liberal script for borders. There is

<sup>&</sup>lt;sup>1</sup> We would like to thank Jean A. Garrison and Stephanie B. Anderson for their valuable comments and guidance in writing this chapter.

no militarized border between these two countries, and the economic border, while routinely policed, is continually refurbished to accommodate the largest or second largest US international trade flows, and to organize what is perhaps the most intense traffic of people across borders.

We argue that over the last two decades, at the US-Mexico border, underpinned by real or perceived security and identity concerns among large segments of American society, there has been a shift in US border policies away from the liberal script, most notably during the Trump administration. While contestations of the liberal script have been frequently expressed in disagreements between anti-immigrant and pro-immigrant groups and publics regarding adequate border policies to regulate human mobility across the US Southern border, political developments in the twenty-first century have exacerbated polarization (Garner, this volume), favoring right-wing populisms and offering a permissive environment for deep contestations of the liberal script. Together with US responses to an external event (the 2001 terrorist attack) and to a conspicuous change in US demographics (the increase in the number of Hispanics living in the United States) they constitute the main drivers of the deep contestation of the liberal script for borders.

This chapter will address some of the most notable contestations of the liberal script for borders in recent US history. We present in the first part the main characteristics of the liberal script for borders; in the second, we analyze border policies congruent with that script, in particular, those regarding the governance (or management) of undocumented workers crossing the US–Mexico border and free trade. In the third section we address two of the major drivers of the deep contestation of that script in order to identify, in the fourth part, the shift in border policies that resulted from the deep contestations of the liberal border script after September 2001, in particular during the administration of Donald Trump, and President Biden's efforts to counter illiberal practices at the US–Mexico border.

### Inherent Tensions in the Liberal Border Script

Border policies are a major component of immigration and trade policies. Scholars, politicians, and civil society organizations debate whether the individual rights of migrants and asylum seekers at the border, protected by US and international law, can trump the right of collective self-determination. The question is whether the receiving community has the right to decide who becomes a member and who does not; who enters a country and under what conditions and who shall not. At stake is the need to uphold the rule of law without affecting basic human rights. Resolving this tension can lead to deep contestations of the liberal script, mobilizing public opinion for and against specific policies.

When it comes to trade, the script is relatively straightforward. Individuals are free to engage in cross-border transactions, as long as they are authorized, and states should not interfere with this right.

Advocates of the freedom of movement across borders claim that it is a logical continuation of the domestic freedom of movement (recognized by various international declarations, treatises and covenants), and may become a necessary condition for the fulfilment of other rights such as the freedom to pursue one's career, education and personal life, and freedom of religion and conscious. It also gives the opportunity to escape human rights violations in one's own country (Sager 2020, 2–3, 22; Oberman 2016, 35). Oberman recognizes the right to migrate as a moral right, not a legal human right, and specifies that it does not lead to a demand for open borders, but that it is a requirement for the realization of other basic liberties, such as the right to move, associate, speak, worship or work, that are protected when people exercise them inside borders. The same logic should apply to people crossing borders (Oberman 2016, 33–34). Immigration control is justified only if immigrants disrupted public order, stole, trespassed on private property, or violated the rights of other individuals. If they are peaceful and respectful of others, the state should not interfere in their actions (Carens 1987, 253, 259).

Arguments to restrict immigration, in turn, place the community before the individual, based on property rights, freedom of association, the distinction between the internal and the international sphere regarding freedom of movement, and the—negative—influence immigrants may exercise on national identity, and a country's way of life (Carens 1987, 252, 262; Isbister 2000, 633). Citizens, according to Heath, care deeply about their country's culture, economy, and political arrangements, and will therefore decide whether to admit immigrants or asylum seekers based on their specific linguistic, cultural, economic and political profile (Heath 2019, 83). In other words, the state is sovereign based on the rights of freedom of association, "a right which entitles these countries to include or exclude foreigners as they see fit." Freedom of association also includes the right to refuse to associate with other, or certain others (Miller 2019, 84–85).

David Miller (2012, 8) argues against a human right to move freely across borders, and maintains that border controls do not abuse immigrants' human rights. In fact, immigration controls may protect liberal values, and more specifically democracy. Unrestricted immigration may impose costs on social welfare and endanger "institutions, policies and values characteristic of states presently committed to liberal egalitarianism" (Woodward 1992, 68). The state is compelled to maintain these institutions and policies for its own citizens (ibid., 71, emphasis added). Miller (2019, 29) agrees, and argues that the right to decide who might be a member in the future is an essential part of what it means to be self-determining: "If a democratic body is entitled to take decisions on policies whose impact will be felt in decades to come, it is also entitled to resist changes in its own composition that might have the effect of reversing these policies." Unlike Carens, Cohen and Mouffe understand the implications of equality, an essential component of liberalism, differently. Cohen, for example, claims that liberalism "is universalizing and inclusive but apolitical and individualistic, while democracy is political, internally egalitarian and uniform but externally exclusive and particularizing" (quoted by Abizadeh 2008, 43; emphasis added); democracy, according to Mouffe, cannot exist without inequality (quoted by Abizadeh 2008, 43).

From an international relations perspective, Simmons and Goemans argue that "Liberalism's unease with borders—essentially an exercise in distinction drawing stems from its central commitment to universality. The demos of democratic theory is in principle unbounded. Yet liberals recognize there is no demos without boundedness" (2021, 393, see also Abizadeh, 2008, 37). Put differently, the tension between borders and liberalism derives from the fact that "borders impose distinctions" and "human rights are universal" (Simmons 2019, 273). In other words, there is a natural contradiction between the traditional sovereign territorial order (STO) and the liberal international order (LIO). According to the STO, borders are exclusionary; they help create groups, identities, and privileges. Territorial authority is indeed the basis of the modern state system (Simmons and Goemans 2021, 387). Borders provide security, and a sense of security, identifying different kinds of threats, real or perceived. More importantly, being "divisions," they also create a sense of belonging (Simmons & Goemans 2021, 390-395, emphasis added). They define who belongs to a society and who is an outsider. Border rules delimitate and demarcate, secure the border and filter entry and exit of individuals and goods (Simmons 2019, 266). More importantly for the purposes of this chapter, borders shape identities by limiting a space (Simmons and Goemans 2021, 388).

The analysis of the liberal border script, as it is played out at the US-Mexico divide, could begin with this contradiction between the STO and the LIO (although US liberal foreign policy may be questioned; Viola, this volume): There is a solidly established border (auspicious for trade and inauspicious for workers and refugees), immigration policy is a sovereign prerogative, yet workers (with or without documents) and asylum seekers should have their human rights protected.

## The US-Mexico Border: Origins and Evolution of US **Border Policies. Dealing with Undocumented Migration** and Promoting Free Trade

The US-Mexican border dynamics exemplify a complex universe where contradictory policies converge. Until the mid-1960s, US-Mexican border affairs remained largely a local issue, of concern mainly to bordering states (Transactional Records Access Clearinghouse Syracuse University, 2006). The number of Mexicans traveling to the United States in search of better jobs, however, increased considerably in the 1980s and in particular during the 1990s, prompting US authorities to implement stricter border policies to better control unauthorized migration.

This section will explain how these policies took shape toward the end of the twentieth century and managed to strike a balance between conflicting preferences, thus protecting both individual and collective self-determination. Contestations of the liberal border script usually ended in an increase of border law enforcement budgets, which would not end the temporary migration of unauthorized workers across the US-Mexico frontier. Thus "closing the border" would also be part of the bargain between opposing groups and interests regarding the negotiation, in the early 1990s, of the North American Free Trade Agreement (NAFTA) between Mexico, the United States, and Canada.

## The Difficulties of Reconciling Individual and Collective Self-Determination

The first and only example of bilateral cooperation between Mexico and the United States to deal with undocumented Mexican migration was the Bracero Program (1942–1964), a labor agreement that allowed a large number of Mexicans to legally work as temporary laborers in the United States to meet the US need for workers. Shortly after the end of this bilateral program, however, labor migrants who could no longer obtain a working permit would continue crossing undocumented, coming and going between the two countries (Massey 2021).

Not only the unauthorized crossing of migrants, but also drug trafficking became salient political issues by the mid-1980s, which prompted the expansion of law enforcement budgets and personnel to "protect" the border, and the extension of physical barriers—the famous wall—along the US–Mexico divide. Anti-immigrant and nativist groups demanded a more effective "control of the border," while large agricultural entrepreneurs were happy to hire cheap labor. In the southwest, US agriculture depends on Mexican migrants up until today. To conciliate these divergent interests, a more systematic apprehension and return of unauthorized migrants at the border became standard policy (Andreas 2003, 86–88). The so called "catch and return" practice was consistent with the liberal border script, as the law was enforced, and migrants were simply sent back to their home country. Facing increasingly more difficult circumstances to cross the border, however, many who were able to find a better paying job in the US would often stay for longer periods of time.

A significantly increased number of undocumented workers *in* the United States confronted its government with the problem of determining their rights and benefits, and the way to integrate them into society. The result was the Immigration Reform and Control Act (IRCA), issued by Congress in 1986, to, on the one hand, build up in border law enforcement, and offer legal residence and a path to citizenship to about 2 million undocumented migrants, on the other. According to FitzGerald and Cook-Martin (2014, 82–83), 2.7 million unauthorized immigrants (mostly Mexican) were legalized in 1986. This law was the result of an important political compromise between restrictionist and liberal groups and voices, perhaps the last major bipartisan compromise resulting from deep contestations of the liberal script for borders. Cooperation between Mexico and the United States regarding the US-Mexico labor market and the "catch and return" practice at the border were stable solutions for a long time to regulate the transnational labor market, preserve the human rights of workers, and conciliate diverse interests in the US polity.

## Free Trade: Upholding the Right to Engage in Economic Cross-Border Activities

Only four years after the implementation of IRCA, border policies were adjusted to promote free trade, an unequivocal component of the liberal script for borders. At the beginning of 1990, Mexican authorities proposed the United States to enlarge the 1988 US–Canada Free Trade Agreement to include Mexico. The end of the Cold War offered the United States the opportunity to expand the US-centered liberal order and boost North American competitiveness. The North American Free Trade Agreement (NAFTA) resulted in a substantial growth of trade and investment between the United States and Mexico that required the expansion of border infrastructure and changes in border management to expedite the flow of goods and people. The two governments focused on building an efficient border, a "seamless border" to accommodate commercial transactions—that more than doubled between 1994 and 2000—(US Census Bureau), and 144 million border legal crossings in 2000, compared to 97.5 million registered in 1995 (Lee and Wilson 2013, 68).

This cooperative endeavor, resulting from intense trilateral negotiations, was sharply criticized in the US Congress. Votes in favor and against NAFTA, plus the mobilization of a diversity of groups and interests in US society already pointed in the direction of a deep contestation of the liberal script. In 1992, the presidential candidate Ross Perot "galvanized ordinary Americans" against the trade deal by warning them: "you are going to hear a giant sucking sound of jobs being pulled out of this country" (Shaiken 2019). President Clinton was able, granting additional concessions to workers and environmentalists, to push NAFTA in Congress. Democrats in the House of Representatives lost to the president, large companies, and economists who favored the pact.

In the second half of the 1990s, calls to "seal the border" became louder, as a buoyant US economy attracted another wave of Mexican migration to the United States, both authorized and undocumented. Anxieties about the possibility of allowing not only the free flow of goods, but also of unwelcome migrants and drug traffickers were raised, one more time, in the US media and in Congress. To reach a compromise, the Clinton administration implemented widely publicized major law enforcement operations at the border (Andreas 2000), and Congress passed in 1996 the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA).

This law "[turned] deportation decisions over to an immigration court, thus reducing the levels of judicial review open to immigrants" and "widened the range of deportable offenses" (Chavez 2013, 8). Still, the new legislation was not strictly enforced and the 1990 Immigration and Nationality Act favoring family reunification was not modified (FitzGerald and Cook-Martin 2014, 129). But unlike IRCA, IIRIRA was not a reaffirmation of US society's commitment to the liberal script for borders that prevailed for many decades, as it formally restricted rights and did not regularize undocumented workers to facilitate their integration into society.

Two decades later globalization and "open borders" were identified, again, as risks, rather than opportunities to increase welfare. Security and identity concerns would become the main drivers of major shifts in border policies away from liberal principles and values. Except for trade. Ever since the ratification of NAFTA in 1994, competing interest in US society and polity have managed to keep the border open and streamlined to facilitate the organization of transnational supply chains in North America.

This includes Donald Trump, who would both take advantage of and exacerbate this frequent contestation of free trade in the United States by trying to convince public opinion that trade agreements were a rip-off for US workers, NAFTA in particular, which he considered "the worst." In 2015, as a presidential candidate, Trump announced his determination to unilaterally end NAFTA. Once in power, he changed his mind, under significant pressures from the US business community, most notably, the American Chamber of Commerce, as well as from the Mexican and the Canadian governments. He did, however, force the renegotiation of the 1994 trade deal to US advantage and abandon the Trans-Pacific Partnership (TPP) signed by the administration of Barack Obama. Again, Congress and interest groups tried to influence the negotiation of the new agreement: the United States-Mexico-Canada Agreement (USMCA) signed in 2018 and ratified in 2020. Most notably, Democrats who pressed for higher labor and environmental standards; the automotive industry trying to modify rules of origin; the pharmaceutical industry asking for longer periods of protection of intellectual property rights; the agricultural sector, etc. (Toro and Arriaga 2022, 377).

Though still pending, President Biden presented in May 2022 the Indo-Pacific Economic Framework for Prosperity, an initiative to write "the new rules for the 21st century economy," one that would make the participant economies "grow faster and fairer" (Baker and Kanno-Youngs 2022).

## The Major Drivers of Deep Contestation of the Liberal Script

### September 11: Defending the Homeland

The nationalist and military response to the terrorist attacks of September 11, 2001, marked a major turning point in US border policies. The US response to the attacks incorporated a national security perspective to border affairs and ushered in a more restrictive border and immigration policy, affecting in particular some religious groups—like Muslims—and selected nationalities—Mexicans and other Latin Americans. Securing the border with Mexico (and Canada) became the paramount goal of US border policy. Under the lead of the Department of Homeland Security, customs, asylum, immigration, and border policies were reorganized to set up an "impenetrable" border. The decision was based on the diagnosis

that US borders could be easily trespassed by anyone, including terrorists. "Border security" became an obsession that no politician would be able to disregard thereafter.

The Sovereign Territorial Order (Simmons and Goemans 2021) prevailed as a framework to adopt border policies and practices that could filter legal from illegal trade, documented from undocumented workers, and wall off dangerous or unwelcome individuals thus preserving the homeland and defending the US economy. In the words of Alan Bersin, Border Czar during the Clinton administration: "[S]overeignty assert[ed] itself aggressively at the border threshold to determine who and what has the right or privilege of entrance (inbound) and exit (outbound)" (Bersin 2012, 389).

In 2005, Republicans and Democrats approved the financing to enlarge the "virtual" barriers to enter the US land (mainly through the use and installation of new surveillance technologies), and to extend the physical "wall" along the US–Mexico border (the miles of fencing after 2005 grew from 135 to 650 in 2010) (Rosenblum 2015, slide 7).

The primacy of security, however, did not trump the US government's determination to keep the border open to trade and investment. The US-Mexican supply chains, expanded under NAFTA's trading rules, were rescued from the 2001 border debacle. Securing the transit across one of the busiest borders in the world required intense and continuous negotiations between Mexico and the United States. The main job of the Department of Homeland Security (DHS) was "to secure flows of people and goods moving toward, and intending to enter, the United States" (Bersin 2012, 394). It would require the creation of special lanes for low-risk trade and travelers that could rapidly cross the US border: the "best way to find the needle in the haystack [was] to make the haystack smaller" (Bersin 2012, 401). Cooperation from the Mexican (and the Canadian) governments to modernize border infrastructure (Toro 2023) is a task that continues until today (US Mission to Mexico 2022).

In brief, September 11 exacerbated contestations of the liberal script, which resulted in the evident enlargement of the physical border, and in the setting of nontangible boundaries affecting the life of many individuals pertaining to particular groups, nationalities, or religions, which we will discuss in the next section. Collective self-determination took precedence over individual self-determination, rights, and liberties. It was the US "collective" that needed protection. NAFTA and USMCA, however, survived, signaling the resilience of the economic aspects of the liberal script and US commitment to keep markets open for trade

The US government decision to reorganize transborder traffic to address the problem of the "undefended open borders," coincided with a growing opposition by large segments of the US public to a globalization process that, in their view, had only benefited a few and was transforming US society to the detriment of "mainstream America."

### **Identity Matters: Who Are We?**

In the post-9/11 mindset, fear of foreigners entering the United States and xenophobic sentiments intensified. As of 2003, tolerance for migrant workers crossing the border without documents diminished, in a political climate where the old narrative of the "Latino threat" would become popular again (Chavez 2013). The Border Protection, Antiterrorism and Illegal Immigration Control Act of 2005 "[turned] illegal entry into a felony" (Ghandnoosh and Waldinger 2006, 719). It also criminalized illegal presence and expanded the definition of "aggravated felony" to include illegal entry and reentry, among other things (National Conference of State Legislatures 2005).

In 2004, Samuel Huntington documented in his influential article "The Hispanic Challenge" the large and rapidly growing inflow of Latin Americans arriving in the United States in the last two decades of the twentieth century, to claim that this particular ethnic group—Hispanics—would be difficult to assimilate into US society and culture (Huntington 2004b). Considering that most migrants and refugees crossing or arriving at the US-Mexico border were Latin Americans; that the number of undocumented migrants in the United States had probably increased to between 8 and 10 million by 2003 (a number that has not changed since then, after reaching its peak of 12.2 million in 2007) (Passel et al. 2012, quoted by Rosenblum 2015); and that almost 1,700,000 Mexicans had legally migrated in the 1980s and close to 2,250,000 in the 1990s (accounting for 25 percent of total legal immigration), the assimilation problem—he argued—was bound to affect US politics and society (Huntington 2004b, 33, 35). According to his dictum, in the "new era, the single most immediate and most serious challenge to America's traditional identity comes from the immense and continuing immigration from Latin America, especially from Mexico" (Huntington 2004b, 32). The possibility of Hispanics becoming a large and powerful group developing their own identity "apart from the national identity of other Americans" (Huntington 2004b, 43) could eventually lead to "the rise of an anti-Hispanic, anti-black, and anti-immigrant movement composed largely of white, working-and middle-class males," a movement that he labeled "white nativism" (Huntington 2004b, 41).

Huntington was perhaps correctly interpreting the fears of many Americans, carefully instilled by politicians and the media (Mueller, this volume), of a "Hispanic invasion" (Massey 2021, 35–36; Chavez 2013, 28–38), a discourse that in tandem with the 2005 law mentioned above would facilitate the large-scale removal of undocumented migrants that took place at the beginning of the twenty-first century. Removals (deportations) of unauthorized migrants from different countries increased considerably after that year (although they declined slightly during the Trump administration). During the Bush presidency (2000–2008) approximately 2.2 million people were removed, and, between 2009 and 2015, the figure rose to more than 2.5 million (Department of Homeland Security 2016). In 2013, more than 435,000 immigrants were removed (representing 71 percent of total apprehensions at the border) compared to 165,000 in 2002 (about 14 percent of those apprehended)

(Department of Homeland Security 2019). Removals were the highest during the Obama years. After 2008, more than 4 million Mexican migrants have been deported from the US (Dang and Thornton 2022, 1). In other words, "[o]ne of the largest peacetime outflows of people in America's history," occurred before the arrival of Donald Trump to the US presidency (The Economist 2014).

In his book, Who Are We?, Huntington (2004a) further expanded on the US identity issue identifying a number of characteristics defining an American, which he found absent in the Mexican population living in the United States. Consequently, Mexican immigrants were unlikely to become Americans. He was implicitly suggesting sorting out newcomers by national or ethnic background, a policy considered unacceptable after World War II and certainly toward the end of the twentieth century. Distinguishing people or selecting migrants on ethno-cultural grounds, as Elke Winter reminds us in her review of Dumbrava, is contrary to liberal principles (Winter 2016). As was Donald Trump's objective of getting "the right people . . . to make sure that those we are admitting to our country share our values and love our people" (Trump 2016). As of 2008, the number of Mexican workers entering the United States without authorization began to dwindle; according to some estimates, their annual inflows "are the lowest they have been in decades" (Orrenius and Zavodny 2021, 103). But the number of unauthorized immigrants from Mexico living in the US increased as the traditional circular migration between the two countries slowly but surely decreased, mostly as a result of stricter border enforcement (Massey 2021). According to the Pew Research Center (2022), in 2021 the Hispanic origin population in the US was of around 62.5 million, of which 37 were Mexican (59.5 percent).

While Mexican undocumented migration began a 20-year-long decline, as of 2010, Central American migrants and asylum seekers—in particular from Guatemala, Honduras, and El Salvador-would reach the United States in considerable numbers after crossing the Mexican border with Guatemala. In 2014, organized in caravans, a large group of unaccompanied minors from these countries crossed through Mexican territory to reach the US border. President Barack Obama declared "a humanitarian emergency," called on Central American authorities and the Mexican government for help in the repatriation and reintegration of the migrants, and offered to address the "root causes" of migration. Hoping to obtain asylum in the United States, another caravan, which included numerous families, arrived in 2019 at the US-Mexican border. This time, however, Donald Trump (2019) called it an "invasion without the guns."

In the twenty-first century, the forceful defense of the liberal border script would not be conducive to a political compromise consistent with liberal values. Important political changes have taken place. Although most Americans have positive views about immigration, "views of immigration and race," according to Hout and Maggio (2021; also Garner, this volume), "became more correlated over the last twenty years," and "more correlated with political party preferences." After 2010, the confrontation between Democrats and Republicans regarding borders and migration was difficult to overcome. Polarization was entrenched and provided a propitious context for populist leaders and policies.

# Donald Trump and Deep Contestations of the Liberal Script

#### The Wall

In his successful electoral campaign Donald Trump promised to construct a wall along the entire US-Mexican border, a wall that had been under construction for more than two decades. His most popular electoral slogan, "Build that wall," was deliberately populist and oriented to fuel polarization by pointing at a simple solution to keep at bay people that for years "had only taken advantage of the United States" and constituted a domestic and an external threat. Trump shrewdly tapped into the well-established myth of an insecure border to the south, one that resonated in the ears of many who believed that open borders had allowed for the entrance, without authorization, of too many foreigners who were transforming US society and politics. He thus pledged to expel the 11 million undocumented migrants living in the United States. In his words: "[The immigration system] does not serve you, the American people . . . When politicians talk about immigration reform, they usually mean the following: amnesty, open borders, lower wages. Immigration reform should mean something else entirely. It should mean improvements to our laws and policies to make life better for American citizens" (Trump 2016).

Pierce et al. (2018, 29) argue that Trump's approach to immigration was unprecedent in US contemporary history; he identified immigration as a problem, impacting on workers and the safety of society in general; his objective was to reduce the overall number of immigrants entering the United States. As discussed above, the stage was set for contestations of the liberal border script by the time Trump arrived at the White House, but it also coincided with various "crisis" at the US–Mexico border, that allowed him to insist on the need to preserve "US identity," in this way prioritizing collective over individual self-determination: "We also have to be honest about the fact that not everyone who seeks to join our country will be able to successfully assimilate. Sometimes it's just not going to work out. It's our right, as a sovereign nation, to *choose* immigrants that we think are the likeliest to thrive and flourish and love us" (Trump 2016, emphasis added).

By making American identity the center of his rhetoric, Trump "made public expressions of nativism socially acceptable for the first time in generations," expanded the number of his followers by doing it, and "spread more fear, resentment and hatred of immigrants than any American in history." His nativism included the 10 main charges nativists have leveled against immigrants: "They bring crime; they import poverty; they spread disease; they don't assimilate; they corrupt our politics; they steal our jobs; they cause our taxes to increase; they're a security risk; their religion is incompatible with American values; they can never be 'true Americans'" (Anbinder 2019).

By the time Donald Trump won the US presidency in 2016, the "wall" already covered one-third of the border. His proposal to continue with border constructions

was strongly opposed by Democrats in Congress and many social groups. Congress did not approve the funds to extend the wall, thus leading to a federal government shutdown in 2019. By declaring a national emergency, the president was able to divert funds to extend the wall (Felter et al. 2020), which at the end was not significantly enlarged during his administration (although it was refurbished and duplicated in various locations). The real purpose, writes Massey (2021, 46), of insistently announcing its construction, "was to signal to white nationalists that Donald Trump shares their rejection of persons originating to the south of the wall as potential Americans and [underscore] his resolve to block any increase in the number of such persons moving forward." A forceful protest and resistance of civil society, legislators, cities, and judges against Donald Trump's policies, were able to stop the construction of longer segments of the "brick wall" despite the enthusiasm of his core followers for the wall. According to the Pew Research Center, in 2016, 91 percent of fervent Trump supporters were advocates of "building that wall," but 61 percent of Americans were against it (Haberman and Shear 2016). Harassing migrants at the border was another dramatic attempt of Donald Trump to please his constituency.

### **Zero Tolerance Policy**

Initiated in 2017 as a "pilot project" in El Paso, Texas, family separation became an important part of the zero tolerance policy in 2018. It called for border authorities and immigration courts to arrest immigrants and subject them to criminal trial prosecution and incarceration, ultimately deporting them (Smith and Covarrubias 2022, 332). To comply with federal instructions and domestic law, families of migrants arriving at the border were separated, and their children placed in government custody. Classified as unaccompanied alien children, they were held in detention centers—some of them in detention cages. According to Pierce and Bolter (2020, 30), by June 2018, around 4100 children had been separated from their parents.

As photographs of children living in cages circulated worldwide, domestic and international outrage forced the Trump administration to stop the implementation of such a harsh policy. After the zero tolerance policy was canceled, a federal court ordered the Trump administration to reunite separated families, which turned out to be a difficult task, since there was no reliable database to use. The Department of Homeland Security would continue apprehending adults crossing the border without documents, but no longer to return them back home or just across the border, but to refer them to the Justice Department for prosecution (Smith and Covarrubias 2022, 332–333, Capps et al. 2019, 5). According to Jawetz (2019, emphasis added), there was no legal requirement to separate families at the border; it was a deliberate *policy choice*. During most of the pandemic period, the reunification of families was interrupted.

### **Asylum Policy: The Migrant Protection Protocols**

Another example of deep contestations of the liberal script for borders refers to refugees. As a signatory of the 1951 Refugee Convention and its 1967 Protocol, the United States is committed to upholding the principle of non-refoulement, i.e., protecting refugees from forced return. According to the 1980 Refugees Act, any alien who arrives in the United States is granted the right to apply for asylum (FitzGerald 2019, 36). Still, there are different ways to avoid these obligations (FitzGerald 2019). In 2018, Donald Trump sent members of the National Guard and the Marines to the border to prevent a caravan of migrants and asylum seekers departing from Guatemala and Honduras, composed mainly of families, from entering the United States. Shortly thereafter, circumventing both international and domestic legal and political restrictions, the Trump administration exported the responsibility of protecting the purported Central American asylum seekers by ordering their expulsion to Mexico, instead of allowing them to wait for their proceedings in the United States.

The Trump administration was not only getting rid of the problem, but was also pressing its Mexican counterpart into signing a "safe third country" agreement with the United States, which Mexico refused to sign. Such an agreement would have allowed the US government to lawfully return asylum claimants to Mexico to seek protection there. At the end, however, the return of migrants (including families with minors) would take place under the US Migrant Protection Protocols (MPP), best known as the "Remain in Mexico" program, which allowed for the expulsion of asylum applicants to Mexico, once the Mexican government consented to receiving them on humanitarian grounds.

To delay the admission of asylum applicants at the border in 2018, the Trump administration began "metering" asylum applications, i.e., accepting only a limited number each day; by curbing travel to the United States amid the COVID-19 pandemic it effectively halted asylum procedures; and under Title 42, an emergency health authority, it turned away most migrants and would-be asylum seekers at the US–Mexico border (except for "essential workers" that were needed in the US economy and were granted temporary worker visas).

According to Chishti and Bolter (2020), the Trump administration "walled off the asylum system at the US-Mexico border," which may have been effective in reducing the flow of migrants in 2018 and 2019, but failed to recognize the root causes of migration and the fact that migrants sent to Mexico (and Guatemala) were very likely to face conditions of crime and violence. "Human Rights First, for example, has documented more than 800 public reports of violent crimes against migrants waiting in Mexico under MPP" (Chishti and Bolter 2020).

The Trump administration would try to build other kinds of barriers, intangible walls, to prevent migrants, who had crossed the border without proper documentation and had lived in the United States for more than a decade or two, from staying in the United States. Shortly after taking power, Trump issued an executive order to impose travel bans on visitors, immigrants, and refugees from seven countries: Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen. Reactions against this measure were

immediate: demonstrations across the country and legal challenges, some of which resulted in court orders, temporarily restrained or enjoined some of the key elements of Executive Order 13769. Those opposing the presidential directive argued that it violated the US constitution's prohibition on the government establishing or favoring a particular religion (Pierce et al. 2018, 19–20). Facing opposition, Trump made two more attempts at "extreme vetting," but failed to accomplish his original objective of banning mostly Muslims from entering the United States. However, he managed to reduce the number of refugees allowed in the United States to 45,000 in FY 2018, the lowest number since the start of the program in 1980 (Pierce et al. 2018, 20 Executive Order 21).

Humanitarian considerations were often sidelined, as in the case of the Deferred Action for Childhood Arrivals (DACA) and Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) programs. The Trump administration intended to end DACA in 2017:

We will immediately terminate President Obama's two *illegal* executive amnesties in which he defied federal law and the Constitution to give amnesty to approximately five million illegal immigrants, five million... Anyone who has entered the United States illegally is subject to deportation. That is what it means to have laws and to have a country. Otherwise we don't have a country. (Trump 2016)

If implemented, the program would mean that an average of 915 immigrants would lose their DACA benefits (including protection from deportation) each day beginning on March 6, 2018. Once again, a powerful movement against Trump policies stopped their full implementation. A federal district court judge in San Francisco issued a nationwide injunction ordering the government to resume granting DACA renewals (Capps et al. 2019, 14–15). Not all draconian measures, however, could be stopped.

### **Conclusions**

Border policies in the United States, and in many other developed countries, have shifted toward selective closure. Walls and fences have proliferated around the world in the twenty-first century, to reach 50, most of them to separate wealthier from poorer neighbors (Wang 2020, 1–2). While the restrictive trend is not exclusive of the US, it is perhaps the most important liberal society that has engaged in deep contestations of the liberal script for borders.

The United States border policies after 1964, and in particular after the 1990s, were geared toward deterring the entrance of undocumented workers in search of better paying jobs in the US market. If the US–Mexico border has not been "sealed," it is because powerful business groups depend on migrants to remain competitive, and on open borders to engage in commercial transactions.

By and large, a liberal script shaped US border policies for many decades, in particular regarding free trade and the regulation of the US demand for unskilled labor. This compromise began to be questioned toward the end of the twentieth century when a large number of Mexicans and other Latin American began to stay in the United States, with and without authorization.

After September 2001, other functions of the border became central: protecting US territory and defining the homeland (Bersin 2012, 389). After 2005, the US–Mexico border was fortified by installing large segments of walls along it. The fortification was accompanied by a xenophobic discourse, quite salient during the Trump years, that affected the life of millions of Hispanics in the US.

Two main drivers of the shift away from long-standing liberal policies and practices stand out: (1) the national security dimension incorporated into US border policy after September 2001, which arouses fears and concern for "border security," frequently instilled by politicians; and (2) the end of the temporary or circular migration, which increased the stock of Mexican and other Latin American nationals that stayed in the US undocumented (11 million in the second decade of the twenty-first century) and heightening anxieties about the future identity of the United States. In this century, border protection and homeland security almost became synonyms.

Donald Trump was able to tap on these security and identity concerns to embark on the deep and unprecedented contestations of the liberal script for borders that characterized his administration. The decades-long narrative of "an invasion of aliens" only facilitated his job. He stated ideas held by a good number of Americans regarding their identity, their security and their welfare. He prioritized collective self-determination by attacking trade deals, most notably NAFTA, and expressing public contempt for undocumented immigrants. He adroitly played out the tension between individual and collective self-determination in the border liberal script.

These contestations, however, have been forcefully rejected by courts, states and cities, civil rights and religious groups, businessmen, and pro-immigrant interests, which favor an open border for trade and investments, and a humanitarian border policy, consistent with US liberal values and laws regarding the protection of those who reach or cross US borders to claim asylum or in search of better paying jobs. The defense of the liberal script prevented the US President from fully enforcing his most draconian programs. This chapter identified the most salient ones.

Documenting workers and moving asylum processing centers away from the border could lead to a new political commitment with the liberal border script. As for identity issues, they could unfortunately be addressed by limiting the political rights of individuals that arrived undocumented to the United States, thus sacrificing egalitarianism, a central value of liberalism and of democracies.

If, as the editors of this volume assert, "liberalism connotes the rule of law and the separation of powers, the universality of human rights, and democracy" (Börzel et al., this volume, 4), then we can argue that the liberal script has been deeply contested at the US–Mexico border.

And yet, Trump was not a cause but a consequence of significant changes in US polity and society. Xenophobic sentiments are on the rise in many developed

countries, not only in the United States, and they are putting at risk the survival of open societies. Nativist politics have been part of US political history for a long time. But it is not clear whether the recurring contestation of the liberal script for borders will find the political room in the near future to reach a compromise consistent with liberal values. The image of a liberal America deteriorated during the Trump years. These are difficult times for the liberal script.

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# 13

## A Conclusion

# The American Version of the Liberal Script, or How Exceptionalism Leads to Exceptionalism

Michael Zürn

All countries in the world are different from each other, yet the United States of America is exceptionally different.<sup>1</sup> The land was considered the most beautiful and auspicious promise by the settlers who left Europe because they felt religiously or politically oppressed. From its very beginnings, it was a multicultural country without a history of absolutism. Over time, ever more Europeans migrated to the US because it was rich in opportunities, especially economic ones. In its early stages, it was a country of free markets without feudal legacies and statist inclinations. The emerging "First New Nation" (Lipset 1963), i.e., the first major colony to revolt against a colonial power, proved utterly dynamic. Within a century, the US became independent, rights-based, democratic, and prosperous. Based on breathtaking industrialization, it moved up the international power ladder to the top. It was on the winning liberal side of two world wars and came up as the hegemon of the global system. In crucial moments, this hegemon acted more generously and universalistic than any other powerful state. Moreover, the US shaped the world through its consumerist culture and thriving entertainment industry. This blend of optimism, individualism, freedom, self-determination, prosperity, political moderation in a two-party system, and, above all, success made the US special and a liberal role model. Against this background and due to the constitutive importance of religion, the American self-description received a messianic layer (Tyrell 2021). As part of the American identity, the country was seen as the "city upon a hill." This messianic streak included the notion of the US as a beacon of hope for the world.

Moral purity is not what societies and states are about. Each of the components of so-called American exceptionalism has a dark side. The country was not empty waiting for European settlers, but the indigenous people were brutally expelled and persecuted. Ethnic stratification and racism were always features of American multiculturalism, with slavery as the darkest moment in that respect. In the economic realm, the success of the US quickly led to big business and powerful

<sup>&</sup>lt;sup>1</sup> I want to thank the participants of the Berlin workshop for their insightful contributions and Jascha Vonau for support in editing the paper.

oligopolies betraying the romantic idea of a free market. In defense of both the free world and economic interests, anti-imperialism was complemented with hard mechanisms of political control, including "imperial leanings," as Lora Viola (this volume) demonstrates in her chapter about inherent connections between liberalism and illiberalism. In environmental terms, American consumerism is the core of many of our environmental challenges, and its vaunted entertainment industry is often flat and profit-oriented. Last but not least, the religious determination of the settlers led to a society that from the early days on proved open to all kinds of imaginations and fantasies. Kurt Anderson (2017) has written a 500-year history of this fantasyland, describing a society that always proved exceptionally open to reality-denying imaginations. In this account, prophecies, charlatans, and conspiracy theories always played an important role in US society, with the exception of the period between 1920 and 1960.

Nevertheless, if one state in the global system was or is considered outstanding in soft power, it is the US (Nye 2004). The American script is unique in its attractiveness and, without a doubt, special. In this sense, one may subscribe to the Tocquevillian notion of "exceptionalism." In my understanding, exceptionalism means that it is only one of many versions of the liberal script, but an especially successful one (Hodgson 2010) with unique features, including the somewhat annoying self-description of being exceptional (see introduction).

Today, the city upon a hill is beleaguered. The US has a deeply polarized society, with a divided elite undermining the foundations of a formerly well-working democracy. Trust in public institutions is at an all-time low, and a significant part of the Republican Party's narrative includes conspiracies and rejects scientific evidence as a basis for political disputes. Moreover, the American-led liberal international order (LIO) is contested from both the inside and the outside. From the outside, the Russian attack on Ukraine is currently the most visible sign of contestation. The most visible internal symbol of the crisis has been the election of Donald Trump as president of the US and his ongoing struggle to regain power by all means, including the attack on the US Congress on January 6, 2021. This reflects the rise of an authoritarian populist movement that contests some liberal core principles, thereby representing an external contestation of the liberal script inside the US.

The rise of authoritarian populism is not exceptional to the US. Authoritarian populist leaders are in power in various countries, such as Hungary, Turkey, India, Venezuela, and Russia. Moreover, it has gained leverage in all established democracies. In this sense, it is a common phenomenon. However, the US again represents a particular case within the group of consolidated democracies. No other consolidated democracy is as polarized in society and politics. Trust in public institutions is very low compared to other liberal democracies. In no other consolidated democracy do we see such a strong faction within the authoritarian populist movement that contests the liberal script externally (with the possible exception of Italy). Moreover, in no other consolidated democracy do authoritarian populists act so openly independently from the notions of truth and truthfulness. Nowhere else can we observe such a strong "truth decay" and "national reality crisis" (Müller, this volume).

How can we understand the relative strength of the beleaguerment of the liberal city upon a hill? To answer this question, I build on the introduction (Börzel et al., this volume) and many chapters in this volume to develop an endogenous explanation: American exceptionalism breeds the exceptional strength and form of authoritarian populism in the US today. To clarify the argument, it is first necessary to deconstruct the language of exceptionalism. When I speak about American exceptionalism, I refer to a specific American version of the liberal script (see Börzel et al., this volume). Each liberal society has to handle a set of tensions built into the liberal script. In this sense, each liberal society is exceptional, meaning none is exceptional. Therefore, I point to the specific features of the American version of the liberal script: (1) it is based on a strong belief in markets and the merit principle; (2) it features a political system full of checks and balances; (3) it has a multicultural or cosmopolitan tendency; and (4) it comes with a strong community orientation on the local level that proves incredibly open to truth decay. I argue that these features have produced the economic, cultural, and political conditions under which authoritarian populism blossoms exceptionally well.

I develop this argument as a conclusion to this volume by referring to the chapters of the volume. Still, the chapter is not the conclusion that takes up all the threads laid in the earlier chapters. It is a conclusion that develops one argument by taking up a thread that pops up in different ways in all preceding chapters. The chapter proceeds as follows. In the first section, I identify the notion of authoritarian populism with a clear ideological component as the form that best describes most contemporary populist movements contesting the liberal script. In the second section, I distinguish the major versions of the liberal script by pointing to its internal tensions. In the third section, I argue that most features of the American version of the liberal script are conducive to authoritarian populism. These features explain the strength and radicality of authoritarian populism in the US. In this sense, one may state that American exceptionalism breeds the exceptional Trumpist version of authoritarian populism in the US.

# **Populisms**

In his chapter about varieties of populism in the US, Hans-Jürgen Puhle (this volume, 48) "insist(s) on a parsimonious use of the concept." In doing so, he focuses on "'populist' elements, styles, rhetoric, or campaign techniques that characterize a particular mode of an otherwise defined movement and can be combined with any kind of political intentions from the far right to the far left" (Puhle this volume, 48). Against this background, Puhle sees the US as the "homeland of modern populism." His historically rich account points to eleven stages of populist energies, strategies, and movements. In line with this conception, Omar Ali (this volume) describes a "black populism" that has always struggled against the exclusionary mechanisms of the two-party system, with Black Lives Matter being the current version of this black populism.

Conversely, in Marcia Pally's (this volume) understanding, populism is more an ideology than a style, rhetoric, or campaign strategy. She aims to synthesize ideational approaches with social psychology to distinguish between stronger and softer populism, with many contemporary evangelicals on the stronger side. She builds on Takis Pappas (2016), who sees populism as a way to respond to present or anticipated duress with us—them binaries that draw from historical-cultural notions of society (Pally, this volume). Pally's approach comes close to the dominant one for studying contemporary populism, which is the ideational one (Mudde and Kaltwasser 2017). In this view, populism is "defined as a set of ideas that not only depicts society as divided between the 'pure people' versus the 'corrupt elite,' but also claims that politics is about respecting popular sovereignty at any cost" (Mudde 2004, 542). Accordingly, the emphasis on anti-elitism and popular sovereignty is a thin ideology, i.e., a specific set of ideas distinct from thick ideologies—such as liberalism—because it has limited programmatic scope (Freeden 2003). Consequently, populism needs to pair with a host ideology of the left or the right.

I also follow the ideational approach and consider populism more than just a political strategy of leaders independent of their underlying political vision, as Ali (this volume) does (see also Weyland 2017). In this context, I focus on "authoritarian populism," which I, however, characterize as a thick ideology. From a cleavage perspective (Lipset and Rokkan 1967; Mair 2005), no ideology speaks to all potential issues but responds to the urgent problems of a given era. In this perspective, ideologies only develop in interaction with competing ones and bind together the topics relevant to a given cleavage. Such an ideology does not depend on sophisticated philosophical texts but on the "capacity to fuse ideas and sentiments" to "create public justifications for the exercise of power" (Müller 2011, 92).

Authoritarian populism, in this view, represents one pole in a new cleavage that juxtaposes the losers and winners of globalization. The underlying social revolution of the new cleavage is globalization. Most analysts consider the social changes triggered by globalization and Europeanization decisive (Rogowski 1989; Kriesi et al. 2012). Authoritarian populism stands for TAN (Traditional/Authoritarian/Nationalist), or the communitarian pole, as opposed to GAL (Green/Alternative/Libertarian), or the cosmopolitan pole (Marks and Wilson 2000; de Wilde et al. 2019). It involves a particular understanding of politics and democracy, characterized by four features (see Schäfer and Zürn 2021, 64–66):

- (1) Political communities end at national borders. For populists, political responsibility and national borders are congruent. They deny that people of foreign origin can even potentially be members of the political community. Political decisions must, therefore, take only the interests of their own population into account. Cross-border responsibility and solidarity are seen as a betrayal of the ordinary people. This set of convictions makes contemporary populism nationalist.
- (2) The nationalism of authoritarian populists is anti-pluralist and assumes a homogenous popular will. Not all people that live in a country are part of

the people. Authoritarian populists draw a sharp dividing line between the true people and those who do not belong to it. In France, la France profonde counts more than the multiethnic cities, and in Germany, the slogan Wir sind das Volk (We are the people) chanted by Pegida or AfD supporters, excludes people with a migration history but also left-leaning and multicultural districts like Kreuzberg. Authoritarian populism has a homogenous idea of the people.

- (3) The popular will is given and does not develop in the public sphere. Which goals the people want (and how these can be achieved) are not constituted or changed in dialogue and debate with each other. Instead, the outcome is fixed from the outset. Therefore, there is no need for complicated procedures to make the right political decisions. This makes current populism decisionist.
- (4) The will of the majority must be implemented. Representation does not consist of a constant exchange between the representatives and the represented, in which the former can decide autonomously yet are obliged to explain themselves and justify their decisions based on reasons and evidence. Instead, authoritarian populism wants to implement the (given) majority will in an unadulterated way. Individual and minority rights, as well as expertise and science, are considered disruptive. This element of authoritarian populism can be labeled majoritarianism.

In sum, authoritarian populism can be defined as a political ideology that is majoritarian and nationalist (Caramani 2017). It is majoritarian by pitting a majority's homogenous will against liberal rights, tolerance, pluralist will, and truth formation. It is nationalist by pitting the significance of borders and the national will against an open-world society with influential international institutions. These beliefs are bundled in constructing a firm antagonism between corrupt and distant cosmopolitan elites and the decent and local people.

Authoritarian tendencies are inscribed in these four characteristics. If dissenting opinions are inadmissible, the work of the opposition must be made more difficult or suppressed altogether. If courts prevent the people's true will from being implemented, measures are necessary to overcome these blockades and prevent them in the future. The authoritarian populists in power attack the separation of powers, derogate the press, and show open disregard for parliamentary procedures. Where populist parties are in control, they often suppress the opposition, undermine the independence of courts, and try to control the media so that effective opposition, rule of law, and independent scrutiny become impossible. Thus, authoritarian populism is thicker than just the thin ideology of juxtaposing the establishment against the people—it also contains a notion of a political order that replaces representative democracy with a "supposedly direct representation between the people and the leader" (Urbinati 2019, 7).

The conception of authoritarian populism I propose in this chapter does not deny that populist styles, mechanisms, and campaign techniques can be used by parties and movements that do not have an authoritarian ideology. There are indeed good

reasons to believe that populist styles have been more prevalent in the history of the US than in most European countries (Puhle, this volume). The popularity of populist styles in the US may easily be one of the historical reasons that help to explain the success of the Trump movement and, thus, the polarization in American society and politics. However, the Trump movement and its detrimental effects on American democracy cannot be grasped with reference to their populist style only. It is the underlying ideology that matters.

I also do not challenge the idea that there are populist movements for which the concept of thin ideology is appropriate (Pally, this volume). If the defining element of populism is only a juxtaposition of the pure people with corrupt elites, it is indeed possible to think of leftist and potentially democratizing forms of populism. For instance, the 1989 movement in Eastern Germany that led to the breakdown of the Socialist regime used the slogan "Wir sind das Volk" and juxtaposed the oppressed people with the degenerated party elite. Likewise, black populism, if considered more than a style, is a movement with progressive inclinations (Omar, this volume). In Southern Europe, Syriza or Podemos are currently considered, together with Bernie Sanders, as the most important representatives of current left populism (Mudde and Kaltwasser 2017; Manow 2018). While probably not all these so-called leftist populists even fulfill the criteria of a thin populist ideology, I do not deny that the concept may be useful for some purposes. Nevertheless, I maintain that the authoritarian character of the current wave of populism—which can come in a leftist version, as Chaves and Maduro have shown—needs to be taken into account to understand the rise of populism in our times.

Thus, I stick to the concept of authoritarian populism since this phenomenon erodes the liberal script and the world. It is not populism per se. First, the share of authoritarian populists in the current rise of populist parties over the last three decades is dominant and further growing (Timbro 2019; Norris and Inglehart 2019). Authoritarian populist parties—and in line with the new cleavage, to a lesser extent, green parties—have become significantly stronger in most electoral democracies since the 1980s (Armingeon et al. 2020; Benedetto et al. 2020). Second, declining established parties are increasingly replaced by other new parties, including Emmanuel Macron's "The Republic on the Move" (*La République En Marche!*) in France and the "Coalition of the Radical Left" (*Syriza*) in Greece. However, these parties challenged and replaced old parties without showing anti-liberalism, anti-pluralism, anti-proceduralism, and anti-internationalism. They may be described as challenger parties that partially use populist techniques (De Vries and Hobolt 2020). In any case, they are not contesting the liberal script externally.

Against this background, I consider the current American malaise as the result of a strong authoritarian populist movement that contests some of the core principles of the liberal script. While the Republican party, under the influence of Trump, joins the long list of successful authoritarian parties, the situation in the US is particularly consequential. The Trump movement has captured the Republican party and has received at least 44.6 percent of the popular vote in each presidential and congressional election since then. This is more than in other established democracies—with

Italy as an exception. Moreover, the Trump movement appears exceptionally radical, as demonstrated by the attack on the Capitol on January 6 and its repetitive reference to conspiracy theories, including a permanent attack on conventional truths (Anderson 2017). Moreover, there seems to be no other consolidated democracy whose affective polarization is as strongly developed as the one in the US (Iyengar et. al 2018). Affective polarization refers to "the extent to which partisans view each other as disliked out-group" (Iyengar et al. 2012, 406). The fast-growing research on polarization still contains conceptual ambiguities but has clearly started in the US and in contexts beyond the US is still in its infancy (Roellicke 2023 for an overview of 70 leading articles in the field). This reflects the relative prevalence of polarization in the US compared to other consolidated democracies (see also Mau et al. 2023). Overall, authoritarian populism is exceptionally strong and effective in the US. In this context, the power of authoritarian populism in the US is more comparable to countries like Turkey and Poland than to Scandinavian or Western European countries. This most recent American exceptionalism can be explained using the exceptionalism of the American version of the liberal script.

## The Liberal Script: Tensions and Varieties

In our understanding, the liberal script, like any societal script, consists of statements on how to organize society (see Börzel and Zürn 2020; Börzel et al., this volume) and a grammar that connects these statements (Freeden 2013). To unfold the argument that the specific (exceptional) American take on the liberal script explains the extraordinary strength of authoritarian populism in the contemporary US requires a somewhat more detailed description of the liberal script.

The grammar of the liberal script can be described by distinguishing first-layer and second-layer principles (see Zürn and Gerschewski 2021 for the following). First-layer principles serve as desirable regulative ideas and justificatory reference points for additional aspects of the liberal script. The reference to individual rights in the Declaration of Independence is a prime example: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness." Because "these Truths" are "self-evident," there seems to be no need for further justification; they are fundamental to the liberal script (Freeden 1996; Wall 2015). Liberty refers not only to private freedom but to authoritative limitations to liberty to protect the liberty of other individuals who are of equal moral worth (Williams 2005, 83). This authoritative source, in turn, needs to be legitimized by the consent of the individuals.

Second-layer components are strongly associated with the liberal script but often justified with reference to first-order principles. One may order the second-layer principles along political, economic, and societal principles. In political terms, the rule of law and collective self-determination are second-layer features, as illustrated by liberalism's turn against arbitrary power exercised by monarchs or entities like the church (Fawcett 2018; Rosenblatt 2018). In economic terms, the second-layer components of the liberal script are principles of property rights, market exchange, and a broad notion of a principle of merit. These components also resonate with the rich tradition of classic economic liberalism.

In the societal sphere, the diversity of lifestyles is a crucial second-layer component. Indeed, during the twentieth century, "alternative categories based on gender, ethnicity, religion, and sexual orientation slowly worked their way into mainstream liberal consciousness" (Freeden 2015, 50). In this context, Omar Ali's (this volume) history of the black movement struggling against exclusion is a prime example. In the cross-cutting sphere, progress and the growing control of nature through human reasoning coexist with an epistemology that emphasizes the permanent need to question existing insights and ask for rational procedures to produce knowledge (Popper 2013). On the one hand, this epistemology involves an element of humility and thus acknowledges the limits of rationality and planning. On the other hand, the major promise of liberalism is long-term progress based on knowledge advancement.

All of the components of the liberal script are related to one other. Some of them reinforce each other, others stand in tension with each other. Contestations of and struggles about the meaning of existing concepts are integral to the liberal script and an open society. Tensions describe a relationship between two or more items that do not stand in a zero-sum relationship with each other. Tensions need to be balanced—otherwise, the common band tears. Any completely one-sided stance on the liberal tensions moves out of the liberal space. For instance, a society that does not regulate the individual with collective rules at all cannot be liberal since it will suppress the rights of the weak. Likewise, an unlimited and unrestricted collective agent that completely dominates the individual cannot be liberal.

Four tensions within the liberal script are especially important (see Börzel et al., this volume; Zürn and Gerschewski 2021). Each of these can be loosely associated with one of the above-mentioned spheres. We will see that the American version of the liberal script is distinct on each of these counts, making it together somehow exceptional.

(1) Rights versus Majority: In current varieties of the liberal script, the notion of collective self-determination is closely associated with the democratic principle. Democratic practices are conceived as participatory and egalitarian. However, giving a voice to all does not ensure that it is a liberal voice. A majority of those with civil and political rights may favor policies that work against these rights of the minority. In democratic theory, checks and balances and the independent role of nonmajoritarian institutions solve this problem. Checks and balances shall prevent one power within a political system from going astray. Nonmajoritarian institutions can be defined as entities that exercise some level of specialized public authority separate from other institutions and are neither directly elected by the people nor directly managed by elected officials (see also Thatcher and Stone Sweet 2002, 2). These principles are expected to protect the democratic process and the civil, political, and social rights of institutions by trumping majority institutions.

Historically, American self-perception centered on the majority. The subject dominated debates between British and American intellectuals during the American Revolution. While the Americans pointed to the will of the people, the British side emphasized the rule of law and individual rights. These majoritarian inclinations have been translated into some direct-democratic procedures on the local level and are most visible in the institution of the primaries. In this context, majorities do not only elect candidates but also select them.

In the course of time, the US has, however, vigorously protected individual rights over the democratic process. The Madison and Hamilton element of the American constitution has increasingly beaten the Jeffersonian and Jacksonian traditions (for this terminology, see Anderson and Garrison, this volume). The separation of powers is the prevalent feature of US politics. The president has to work together with Congress, while congressional decisions rarely translate the majority's will into law. Instead, the outcome can be understood only as the result of a complex and unforeseeable negotiation process between all parties, often leading to "gridlock and dysfunctional governance" (Garner, this volume, 78). Moreover, the role of courts, especially the Supreme Court, is significant. Robert Benson has pointed to the importance of active courts in the history of civil rights in the US (Benson, this volume). Overall, democracy at the central level in the US involves different actors with veto opportunities (Tsebelis 1995). This creates difficulties for the majority to see how their preferences translate into policies.

(2) Markets versus Solidarity: Property rights and market competition are integral to the liberal script. In some understandings, liberalism cannot even be separated from capitalism (see Kocka 2013 for discussion). In this view, a private economy based on capital entitlements and free exchange is necessary for freedom and the cause of dynamic innovations and wealth in liberal societies (Schumpeter 2005; Weber 1956). At the same time, such an economy produces inequalities that may surpass any reasonable notion of merit. Moreover, high levels of sustained inequality undermine the equality of opportunities in the economic realm. Economic wealth can be translated into undue cultural and political influence (Dahl 1989). In short, a market economy may violate social rights.

There is much variation in how the tension between markets and solidarity is handled. For instance, based on Hall and Soskice's framework (2001), scholars have distinguished different varieties of capitalism, including coordinated, liberal, dependent, and hierarchical forms of market economies. Similarly, Esping-Andersen (1990, 1999) has distinguished different types of welfare regimes. Scandinavian welfare states focus much more on state regulation of the market. High taxes finance a strong welfare state that supports people of temporary or permanent need. Moreover, strong regulation is supposed to control big companies aiming to avoid any radically skewed market outcomes. Many economists criticize strong welfare states for undermining performance, innovation, and growth.

The American creed takes a clear position on this tension. It emphasizes property rights as a fundamental right of individuals, and it is traditionally characterized by a strong belief in markets, high trust in business, and internalization of the merit

principle. The market is the default solution, and state interventions in markets are regarded with skepticism. Compared to most other consolidated democracies, the share of the gross domestic product distributed via the state is small despite the vast military expenditures. Likewise, the social security level is low, especially compared to Scandinavian welfare states. Müller (this volume, 31) shows that even the press and media "privileges the quest for private profit" and created a "highly commercialized free market place in ideas" with little role for the state or other public institutions. Since none of the other chapters in this volume talks about the political economy of the US, I take this as an indicator of how uncontested the American interpretation of the liberal economic sphere is. The distinct American emphasis on the economic sphere even impacted the perception of the liberal script in general. The "Americanization" (Rosenblatt 2018, 245–264) of the liberal idea in the mid-twentieth century made economic aspects loom large when assessing today's liberal script. As a result, today's liberalism is often reduced to economic ideas of neoliberalism.

(3) Competing Interests versus Common Good: A somewhat less obvious tension within the liberal script concerns the self-understanding of the society the script addresses. It emerges in the societal realm but also has political consequences. While the liberal script foresees autonomous individuals with the capacity to develop their own will and preferences, it distinguishes between private and collective goods. This tension leads to different understandings of the public realm. In one extreme variety, the public is the arena where competing interests come together to bargain. In this view, politics comes close to a market of predetermined interests. The outcome of this game is a more or less fair aggregation of private interests. Theories of pluralism (including asymmetric pluralism) conceive the political realm in this way (Laski 1930; Schumpeter 2005). In another variety, the public is where the collective strives for the common good. Individuals are embedded in communal norms and participate in arguing and deliberation, in theory, leading to an outcome that transforms prior interests. Different varieties of the liberal script balance this tension in different ways. While republican orientations emphasize the common good and the collective will, pluralist versions emphasize the free interplay of interests.

Again, the American take on this tension of the liberal script is indeed special. While Jefferson strived for a well-informed public early on, the public sphere remained far from the ideal of a deliberative public (Müller, this volume). American politics on the central level is very much seen as interest-based, especially when it comes to the coordination of different local interests in federal decision-making. In this context, political observers in Washington introduced the notion of porkbarrel politics, i.e., the legislator's practice of slipping funding for a local project into a budget. Conversely, community and solidarity prevail at the local level. Pally (this volume, 117) convincingly describes how evangelicals are embedded in the communitarian traditions on the local level: "White evangelicals, as Americans, are informed not only by evangelical history but by the historico-cultural resources undergirding American notions of society and government, importantly, suspicion of 'outsiders' and government/elites." Puhle (this volume) shows how the populist appeal was

always stronger in rural areas due to its communitarian rhetoric. This is true for the progressive grassroots movement in the nineteenth century as well as the Trump movement. The American version of the liberal script deals with this tension by separating the "nasty" and interest-based center from the communal attitudes on the local level. At the same time, individual and local views are sacred.

(4) Cosmopolitanism versus Bounded Community: The fourth manifestation of inbuilt tensions of the liberal script concerns border struggles (de Wilde et al. 2019). A long-standing debate within liberal political philosophy has pitted those emphasizing universal responsibility to humanity (Caney 2005; Pogge 1992; Singer 2002) against those emphasizing that there are "limits to justice" (Sandel 1998) in geographical, institutional, or cultural terms (see also Nagel 2005; Walzer 1994). On the one hand, cosmopolitanism is the necessary implication of liberal and universal thinking in a globalized world (Beitz 1979; Goodin 2010; Pogge 1989). In this view, the growing density of transactions across borders leads to a global community of fate (Held 1995), suggesting similar moral obligations to all people independent of national borders. On the other hand, scholars have pointed to the normative dignity of smaller human communities (Miller 1995) and the decisive institutional context of the state (Nagel 2005). In this view, the proper development of the community may even trump an absolutist version of individual rights. These positions can be subsumed under the notion of communitarianism.

Again, different versions of the liberal script take different positions on this tension. Great Britain had a strong universal rhetoric during its empire's peak. Similarly, the EU rejects overly nationalist interpretations of the liberal script. Historically, though, liberalism is closely connected with nationalism. Liberals fought for the nation-state, and nationalism, in turn, had a liberal imprint for some time in the first part of the nineteenth century before it became more chauvinist in the second part of the century.

Comparatively speaking, despite a strong liberal nationalism, the American stance leaned toward the cosmopolitan pole for most of the twentieth century. While the struggle for independence aspired towards collective self-determination and the rejection of foreign power, the community that aimed for collective selfdetermination was already multicultural. Moreover, the settler society was open to welcoming new waves of migrants. This does not deny the prevalent racism and the oppression of the indigenous people. The openness referred mainly to white Europeans but always implied recognition of concern for people living outside of the country. Regarding foreign policy, the US aimed to stay out of European nationalist power struggles. Still, it extended the territory and its influence southwards across the continent, making the national community even more multicultural. Toro and Covarrubias (this volume) argue that the openness for Latin Americans lasted until the 1980s. While isolationism remained strong after World War I, things changed fundamentally with World War II, after which the US emerged as a global hegemon. As Anderson and Garrison (this volume) show, US foreign policy became fully internationalized with strong bipartisan support. Accordingly, "[a] solid majority of Americans have supported an internationalist stance" (Anderson and Garrison, this volume, 212). As a result, America's global mission became a "creed rooted in common terms of reference, symbols, and ideologies" (Anderson and Garrison, this volume, 216). Thus, the US has been and continues to be the backbone of the LIO—the "indispensable nation," as Madeleine Albright described it in 1988 (Börzel and Risse, this volume). Lora Viola (this volume) demonstrates how often the US violated liberal principles in its foreign policy without questioning its internationalist stance.

In sum, a version of the liberal script prevailed in the US that is highly individualist in the political realm, protecting the rights of its members. Likewise, individualism and liberty shape the economic realm. Compared to all other consolidated democracies, markets and merit play a much more uncontested role in the American creed. These views translate into a view of politics as the place for exchanging threats and promises based on fixed interests. On the local level, this is countered by a strong communitarian inclination. Finally, the US stood for an open and cosmopolitan version of liberalism for a long time. This combination proved to be a success story in the twentieth century. The US was the most powerful, prosperous, dynamic, and attractive country in the world—and in this respect undoubtedly exceptional. Today, things look somewhat differently: A strong and effective authoritarian populist movement, a deep polarization in politics and society, growing isolationism, and some decline in wealth and power are signs of change. In the following pages, I argue that the current problems result from the American interpretation of the liberal script, as outlined in this section.

# Why Is the American Liberal Script Conducive to Authoritarian Populism?

The Trump movement and, by now, large parts of the Republican party, display all four features identified in section one as constitutive for authoritarian populism. It is *nationalist* by challenging US-internationalism and putting "America first" (Börzel and Risse, this volume). It is an *anti-pluralist* nationalism that builds on the ideal of a homogenous popular will located in the American homeland. Liberal cities are considered to be under the control of liberal cosmopolitans, and migrants are seen as a threat (see Ali as well as Toro and Covarrubias, this volume). The popular will of the brave American people is given, well known by the genius of Donald Trump, and needs to be implemented without further ado. This *decisionism* is illustrated, e.g., in the chapter by Parolin (this volume) about *Julius Caesar* in Central Park. Finally, minority and individual rights cannot limit the majority's will. This *majoritarianism* is highlighted in the chapter by Benson (this volume). It is, therefore, necessary to control the courts and, not least, to disavow the liberal media (Müller, this volume).

The strength and effectiveness of authoritarian populism are exceptionally high in the US compared to other consolidated liberal democracies. Both the Republican Party dominated by authoritarian populists and the presidential candidate received votes in the previous three congressional elections and the last two presidential

elections that more often than not led to a majority of votes in the Congress or the Electoral College. Within Western Europe, only Italy comes close to such results. Garner (this volume) shows how deeply American society is polarized along partisan lines and how this polarization plays out in the political system. Most scholars see pernicious polarization—an extreme form of affective polarization—mainly taking place in the US (McCoy and Somer 2021). None of the Western European liberal democracies shows similarly strong signs of polarization. Pally (this volume) captures the specific role and meaning of evangelicals in this authoritarian movement. This religious component is missing in most authoritarian populist parties in Western Europe. Müller (this volume) describes the destruction of the public sphere(s) in the US. As a result, the decay of truth orientation in political battles has moved further in the US than in other consolidated democracies. Even Puhle (this volume, 60), who puts forward a broad understanding of populism acknowledges: "All this reached a new quality when, during the attack on the Capitol in January 2021, even violent transgressions were encouraged, justified, and condoned."

Garner (this volume, 71) shows the enormous level of polarization in the US and puts forward an explanation. In his view, a vicious cycle of societal and political polarization "has warped the US political system away from the Founding Fathers' original vision." Building on the work of Sean Theriault (2008), he identifies four factors that help to explain the ideological polarization in the US: (1) societal restructuring, (2) congressional redistricting, (3) primary nominations, and (4) procedural changes. "What has emerged, put simply, is an electoral and political incentive for members to constantly attack the other side and oppose everything the other party promotes, both inside the Congress as well as on the campaign trail" (Garner, this volume, 77). This is a strong and convincing account.

Two qualifications are necessary for my argument in this conclusion. Garner (this volume, 83) writes in the concluding section: "Put simply, at this moment in time, America has a party system where one party mostly operates within the liberal script while the other is increasingly turning to serious and dangerous external contestations of that liberal script." For this reason, I consider polarization largely a result of the rise of the authoritarian populists that contest the liberal script. The "pernicious polarization" certainly has accentuated this process (vicious cycle) but did not produce the authoritarian populists. I am, therefore, mainly interested in the rise of authoritarian populism in the first place.

How, then, can we explain the rise of authoritarian populism? As Garner (this volume) demonstrates, features of the political system of the US play a role. A political process that includes primaries allows for heavy gerrymandering, and the manipulation of procedures provides good reasons for the success of authoritarian populists when they enter the game. However, most of these supply-side explanations have some problems understanding why authoritarian populists have grown in importance in almost all countries with an electoral system despite all the differences in specific rules (see also de Vries and Hobolt 2020). Therefore, it is necessary to start with societal changes that lead to the demand for authoritarian populists and add supply-side explanations in a second step.

In the remainder, I focus on three demand-side theories for the rise of authoritarian populism and show that they all point to explanatory variables for which the American version of the liberal script has produced comparatively high values. Stated differently, the American version of the liberal script accentuates the determinants of authoritarian populists more than other versions of the liberal script. To put it simply, American exceptionalism (defined as the American take on the four major tensions of the liberal script) explains the exceptional strength of authoritarian populism in the US.

We can distinguish three accounts of authoritarian populism that can complement each other because each points to conditions conducive to the rise of authoritarian populist movements. First, the economic insecurity perspective emphasizes the distributive consequences of economic globalization and postindustrial transformation. Growing inequality, the rise of precarious working situations, and a gap between labor productivity and the real wage index in advanced economies led to the growth of authoritarian populism (Flaherty and Rogowski 2021; Hobolt 2016; Manow 2018; Przeworski 2019). The economic explanation also points to the new grievance between thriving cities and declining regions (Broz et al. 2021). Second, the cultural backlash perspective suggests that authoritarian populism results from a reaction against the postmaterial value change. Authoritarian populism then responds to multicultural practices, the growing importance of antidiscrimination movements, and minority identity politics (Fukuyama 2018; Hochschild 2016). At its core is the struggle of the prosperous white male to keep his privileges (Lipset and Raab 1970).

Third, it is necessary to complement the existing accounts of authoritarian populism with a political explanation that points to the path-dependent effects of certain institutional decisions taken at historical junctures after World War II (Zürn 2022). Accordingly, the cartelization of party politics that started after World War II (Benedetto et al. 2020; Dahl 1965; Kriesi 2014; Mair 2013) has led to a decline of trust in parties and democracies since the 1960s. The subsequent rise of nonmajoritarian institutions at the national and international level from the early 1980s has locked in policies that align with liberal cosmopolitan thinking. Together, these two developments have decreased the responsiveness of political institutions and the perception that they are out of reach for the silent majority (Schäfer and Zürn 2021). This perception is decisive for the rise of authoritarian populism. It is not the unfavorable policies that cause dissatisfaction but the feeling that these policies cannot be changed within the "old system." In the words of Nadia Urbinati, the confidence that "no majority is the last one" (2019, 91) gets lost.

The American interpretation of the liberal has created a constellation in which all these determinants for the rise of authoritarian populism are especially accentuated. The emphasis on rights has, in line with the political explanation of authoritarian populism, led to a political system with vigorous checks and balances, many strong nonmajoritarian institutions (regulatory agencies, Supreme Court, Central Bank), and a political pork barrel in Washington that Robert Dahl described—already in the 1960s—as

politics of compromise, adjustment, negotiation, bargaining; a politics carried on among professional and quasi-professional leaders who constitute only a small part of the total citizen body; a politics that reflects a commitment to the virtues of pragmatism, moderation, and incremental change; a politics that is un-ideological and even anti-ideological...[Many citizens see this form of politics] as too remote and bureaucratized, too addicted to bargaining and compromise, [and] too much an instrument of political elites and technicians. (Dahl 1965, 21-22)

This kind of political system is conducive to the rise of authoritarian populists, as argued in the political explanation. It fosters a form of politics perceived as distant, autopoietic, and nonresponsive to the people's demands in the homeland. Today, many populist parties pit the imagined will of the (silent) majority against the supposed technocratic rule of liberal experts and employ all the nasty techniques identified in the chapter by Garner (this volume).

The individualist stance and the strong market orientation of the American interpretation of the liberal script also reinforce economic factors conducive to authoritarian populism. The absence of a welfare state is one of the reasons why inequality in the US is higher than in most other consolidated democracies. In 2019, the GINI index value of the US was 0.49—higher than in all consolidated liberal democracies of Western Europe. The absence of an active state has also led to an enormous gap between world-leading growth centers, especially in California and Massachusetts, and regions of industrial decline and rural zones with a growing sense of distance to the centers. While Hillary Clinton received more than 80 percent of the votes in all ten largest US cities, Donald Trump dominated in rural areas (see also Pally, this volume). This development is reflected in a significant transformation of the electorate of the two parties in the US. Until the 1990s, more wealthy people voted for the Republicans. This has changed with the importance of the cleavage between rural communitarians and urban cosmopolitans. The voting counties of Joe Biden equaled 70 percent of America's economy, jumping from 64 percent for Hillary Clinton in 2016 (Muro et al. 2021).

There is one more mechanism of US market creed that fosters the rise of authoritarian populists. The quality media, which is crucial in orchestrating public debates, was challenged by private media companies much earlier in the US than elsewhere. In general, the US media have always been private and largely followed economic incentives. In addition, the unequal economic dynamics of sparsely controlled markets have given the US an enormous advantage in digitalization compared to other consolidated democracies and allowed for the rise of digital giants. As a result of these and related developments, the liberal public sphere has been weakened. While Müller (this volume, 37) maintains that "the emergence of the self-enclosed right-wing ecosphere predates the internet," the destruction of the public sphere has enhanced the rise of authoritarian populists via vicious circles.

The American version of the liberal script deals with the tension regarding the self-understanding of the society in an extraordinary way, leading us to aspects emphasized by the cultural explanation of authoritarian populism. Whereas politics on the central level is widely seen as interest-based, community and solidarity prevail on the local level. This level-specific assignment may have worked for a long time, but due to the growing rural-urban divide, it reinforces the perceived division between the homeland-communitarians and urban cosmopolitan forces. Pally (this volume) convincingly describes how evangelicals are embedded in the communitarian traditions on the local level, leading to overwhelming support for Trump among these communities: 86 percent, with a steep growth since 1996. Likewise, Puhle (this volume) demonstrates how the populists, who always had a strong base outside the cities, became more authoritarian and radical in recent years.

Finally, the solid multicultural and internationalist imprint of the American liberal script also works in favor of the anti-pluralism and nationalism of authoritarian populists. According to the cultural explanation, the backlash can be expected to be especially strong in the US. The historical openness of a settler society has led to a multicultural society. Strong antidiscrimination movements like Black Lives Matter (Ali, this volume) and unclosed borders (Toro and Covarrubias, this volume) to the South are necessary components of such a society. However, the moment when the white population with Anglo-Saxon, Scandinavian, and German origins is about to become a minority, authoritarian-populist backlash can be expected (Norris and Inglehart 2019).

Internationalist policies with cosmopolitan rhetoric also strengthen authoritarian populists. These policies feed the narrative that homeland people are exploited by cosmopolitan liberals who instrumentalize international institutions for their purpose, transfer American money to all parts of the world, and undermine American strength. While this narrative does not pass a reality check (Viola, this volume), it is successful in a globalized world where decisions can hardly be traced back to one (institutional) agent. Internationalism has led to a world of complex, multilevel politics. This has strengthened the forces in the US that challenge and contest the internationalist foreign policy of the US (Börzel and Risse, this volume).

Overall, the features of the American version of the liberal script, with its take on the four built-in tensions, have created an economic, cultural, and political environment that is highly conducive to the rise of authoritarianism. For this reason, the relative strength and effectiveness of the Trump movement in the US are not surprising. As this section demonstrated, it can be explained by applying the existing economic, cultural, and political explanations of authoritarian populism.

### **Conclusion**

The liberal script is heavily contested in the US. Forces inside the country have put forward an external contestation of the liberal script. Those who had doubts know better since January 2021. The American malaise stems from the rise of a radical and powerful authoritarian populist movement that contests some of the core principles of liberalism. While successful authoritarian populist parties exist outside of the US as well, the situation in the country is special. The Trump movement has support

from almost half of the electorate, which is exceptional for a consolidated liberal democracy. Likewise, the significant polarization of American society and politics is unique.

How can we understand the strength of the contestation in the US? Based on the chapters in this volume, an endogenous explanation seems plausible: American exceptionalism breeds the exceptional strength and form of authoritarian populism in the US today. To make this catchy line convincing, the language of exceptionalism has been grounded. Accordingly, exceptionalism refers to a specific American version of the liberal script based on how it deals with the tensions built into it. The four features of American society that derive from the liberal tensions are decisive: the strong belief in markets and the merit principle; a political system full of checks and balances; a multicultural or cosmopolitan inclination; and a strong community spirit on the local level. I argue that these features have produced the economic, cultural, and political conditions under which authoritarian populism blossoms exceptionally well.

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