Power to the (Right) People: Reply to Critics

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I would like to begin by extending my heartfelt gratitude to the scholars who participated in this symposium on *Democracy in Spite of the Demos*, along with the past and present editorial teams of *Critical Review,* especially Shterna Friedman and Samuel DeCanio. Above all, I thank the late Jeffrey Friedman for initiating the project. While I never had the pleasure of meeting Jeff in person, his generosity and intellectual honesty made an impression that will stay with me. I dedicate this essay to him.

*Introduction: A Tale of Two Sovereignties*

If it has any meaning whatsoever, democracy has something to do with ‘people’ and ‘power.’ To be committed to democracy is to be committed to some version of popular sovereignty. Of course, the devil lies in the details of the words ‘some version.’ Overwhelmingly, this is what democratic theory has taken as its charge: elaborating *what* version of popular sovereignty a commitment to democracy entails. At the broadest possible level, this could be understood in two ways. Popular sovereignty could refer to the will of the people, conceived in terms of their contingent empirical preferences, with no stipulations and no values external to these preferences imposed or presupposed. Alternatively, popular sovereignty could be understood in Rousseauian-Kantian terms: ‘the law one gives oneself’ is not determined by inclination, whim, or even tradition, but by the dictates of reason. The public interest is not a reflection of whatever people happen to want, but what they *would want* if their rational capacity were properly exercised.

Expressed at a high level of abstraction, the basic thesis of *Democracy in Spite of the Demos* is that contemporary radical, critical, and democratic theory is torn between these two conceptions. More specifically, the prevailing tradition openly disavows the Rousseauian-Kantian model while simultaneously appealing to it more or less surreptitiously; the theory books are full of pronouncements that banish this ‘Modern,’ or ‘Enlightenment’ understanding of autonomy and self-rule, but each decree is followed by an asterisk which brings it back in. With a foot in each camp, the usefulness of “democracy” as a tool of analysis or critique splits apart and breaks down.

More than one of the commentators express frustration that the book never defines democracy, but I maintain that this would be counterproductive to its aim. The book is not about whether democracy as such is good or bad. Indeed, it does even assume that democracy is a form of government. Its central question is whether the figure of democracy functions coherently as a tool adequate to the task that contemporary radical and critical theory has assigned to it, i.e., as the basis for a critique of the status quo. If you insist on utilizing this tool, the relevant question is how *you* define it. *Democracy in Spite of the Demos* considers a few answers to this question, and finds that in each case the conception of democracy is at odds with its application to the project of emancipation, or, indeed, any vision of social justice. Once we realize that a screwdriver is not the proper implement for hammering a nail, we must either trade in the screwdriver or abandon the undertaking altogether. But democratic theorists want it both ways, and so they continue screwing away at a nail that never budges.

The book grew out of the experience of its author: time and again, I encountered the claim or the suggestion that phenomena like Occupy Wall Street, Black Lives Matter, and Zapatismo are to be taken as exemplars of democratic contestation and therefore celebrated as embodying the “bottom up” and spontaneous will of the people. Likewise, forms of political organization that rely on state power, vanguardism, or the notion of popular education should be criticized as “top down,” elitist, and above all anti-democratic. But why are the examples of democratic eruptions always Left or progressive in character? Why, I wondered, should Occupy or the Zapatistas count as avatars of democratic contestation but *not* the Proud Boys or Moms for Liberty? This is the key challenge of this book.

The most common response to this challenge is to argue that Right-wing social movements are not *actually* democratic. This is because they break one or another of the rules of democracy: they are not properly “pluralist,” or self-limiting, or fallibilist, or they are predicated on denying basic rights to others in the polity. The problem with this response is that the Right-wing movements in question can (and do) say the same thing about Left-progressive movements.[[1]](#endnote-1) Does Occupy deny my basic right to hoard vast amounts of wealth? Is Black Lives Matter predicated on the marginalization of white people? Does feminism amount to a violation of “men’s rights”? *Only if we have an answer to these questions in advance can we determine if a given movement is “democratic” according to this standard or not*. If a social movement is called democratic or undemocratic on the basis of its content, then its status as such is not decided by whether it is actually “bottom up” or a spontaneous eruption of the will of the people. It is decided according to whether or not it meets a given epistemological or moral standard established non-democratically. If we observe a thousand people marching in the street chanting “banks got bailed out—we got sold out!” and contentedly conclude that democracy is taking place, but withhold the same judgment when a thousand march through the same street changing “you will not replace us!”, then we seem to know what is politically correct and incorrect before any people showed up on the street at all. In this case, the distinction between the proponent of democracy and the “top down” vanguardist loses its meaning. What, in the end, is the difference between the elitist who censures the *demos* as “ignorant” or “depraved” and the one who censures the *demos* as “undemocratic”?

Let us make this more concrete. Suppose that a proposal to permanently imprison all members of a given ethnic/racialized group was put before a democratic body. Suppose that at the end of the procedure, whatever it looks like (plebiscitary voting, a federation of small deliberative caucuses, etc.), the resolution passes with, say, 55% of citizens assenting. Members of the targeted group were allowed full participation, but as a minority group they were vastly outnumbered. Should this measure come to pass, since it has democratic authorization?

If we want to salvage the value of democracy, there are three possible answers to this question:

1. Yes.
2. No, because democratic excesses must be checked by liberal-constitutional rights, including the right not to be victimized for arbitrary reasons.
3. The question is a non-sequitur, because a real democracy would never do such a thing, i.e., the proper democratic procedure would not yield this result.

(1) is a perfectly coherent response to the question – this respondent simply values the democratic procedure more than the lives of those in the targeted group. I have no wish to engage in discussion with this respondent. (2) is also a coherent response, but it explicitly demotes the democratic procedure in favor of an appeal to liberal constitutional rights understood in a specific way. This respondent, it seems to me, is a liberal constitutionalist first and a democrat second. If certain rights are always and forever beyond democratic contestation, then these rights are the foundation of our political theory and not the figure of democracy. (3) is the most likely response from theorists committed to democracy as an end in itself. It is not, however, a coherent response. If we are convinced that “the proper procedure” (whatever this may be) would not yield results like this, then we have determined, in advance of the democratic process, which results are ‘correct,’ i.e., in accordance with some set of standards adequate to the democratic form, and which are not. And if we have the tools to decide this question already, of what use is the figure of democracy?

Three of the participants in this symposium try to redeem democracy as a critical category by appealing to a version of one of these responses. Christopher Holman seems to appeal to (3), but ultimately settles into (1); Théophile Pénigaud employs a variation of (3), while Benjamin Schupmann doubles down on (2). I will consider them in this order.

*“The Relevant Facts”*

Holman suggests that instead of looking to Rancière, Mouffe, and Laclau for treatments of the critical import of democracy, we could look to the work of Castoriadis. According to Holman, Castoriadis offers a conception of democracy that maintains many of the hallmarks of the radical tradition—e.g., a recognition of plurality, contestation, debate, and *doxa* as essential to “the political”—while avoiding the troubling anti-realism that I ascribe to the other figures. Rather than “the immediate and voluntaristic expression of the individual’s will independently of reflective deliberation” (p. 6), the proper democratic procedure would involve “self-determination *in full knowledge of the relevant facts*” (p. 7). In a real democracy, the free exchange of opinion among diverse perspectives only functions properly “when certain background conditions facilitating reasoned knowledge acquisition are met” (p. 12). Although framed as another version of radical democracy, this intervention falls squarely in line with the deliberative tradition, where popular sovereignty is endorsed but tempered with epistemic-proceduralist caveats and provisos. Democracy is the rule on opinion, but only *informed* opinion; democracy means pluralism, but only *reasonable* pluralism (Fishkin 2011, 14; Offe and Preuss 1991; Cohen 1993, 282; Rawls 1996, 46, and 55–57). Holman argues that effecting this difference would address the book’s primary example: climate denialism. The empirical facts of climate change belong to a “natural stratum” which democratic participants must recognize and understand before debates about how to address it—a genuinely indeterminate political question—can commence. The patent climate denier, therefore, has no place in a true democracy.

In *Democracy in Spite of the Demos*, I briefly respond to this deliberative intervention by arguing that it only chimerically solves the problem it means to address. When we hinge the normative force of a category like “opinion” on the stipulation that it be “informed,” we shift from *formal* considerations to considerations of *content*. Is the standard for what counts as an “informed” or “reasonable” opinion itself established democratically? If so, then we are right back where we started: depending on how things go, we may find ourselves forced to deliberate with reference to the “relevant fact” that the Democratic Party is controlled by a cabal of Satan-worshipping pedophiles. If it is *not* established democratically, then we have decided what is informed and reasonable anterior to and in isolation from the democratic process—and if we can do this anyway, the theoretical and political function of democracy becomes unclear. If popular sovereignty should be respected *on the condition* that the people already recognize “the relevant facts” *as we understand them*, then the normative force belongs to this condition and not to the figure of democracy. In other words, if we can already adjudicate correct and incorrect political outcomes prior to the democratic procedure (on the basis of whether these decisions respect the relevant facts), then the democratic procedure, which was supposed to form the trunk of this theory, becomes an inessential ornament. In this case, what matters is figuring out what is reasonable and informed, and democracy can be left to one side.

This is how Holman responds to my criticism:

Busk’s conceptual operation…collapses the background conditions required for effective deliberation and the product of the reasonably instituted decision-procedure, which far from specifying in advance the deliberative output merely works with a substance that is accepted as a starting point by the participants (p. 7).

Presumably, however, if a “substance” of myriad “relevant facts” is accepted at the outset by the participants, certain products *will* be specified in advance. When a critic of democracy complains about the potential for bad outcomes, the deliberative intervention only works as a response if we presume that incorporating “the relevant facts” will have an effect on the outcomes of the procedure. Throughout *Democracy in Spite of the Demos*, I express concern about the democratic form given the prevalence of climate denialism among the actually existing *demos*. It is cold comfort to know that all participants have access to the relevant facts of anthropogenic climate change unless they *act* differently in light of this information.

Holman is actually ambiguous on the extent to which possession of “the relevant facts” would affect outcomes. He chides me for attempting to discredit democracy using climate denialism, ostensibly because a *demos* armed with all the relevant facts would choose better climate policies than our present, climate-ignorant *demos*. But then he says: “It might indeed be rational for some people to desire to undertake no action aimed at slowing or reversing climate change, in light of the perception of their own particular and idiosyncratic interests, for example for the sake of the valorization of their capital investments and so on” (p. 9). Now, I would certainly question the “rationality” of imperiling the future of the human species for the sake of short-term individual gain. Bracketing that, however, it seems that Holman is prepared to accept whatever outcomes result from the democratic procedure, provided that everyone has access to a set of “relevant facts” that may or may not affect their decisions.

In this case, Holman may be closer to respondent (1) in my thought experiment above. This is especially true insofar as Castoriadis’s “relevant facts” proviso seems to apply only to empirical matters rather than questions of value. But even this is applied confusingly. Holman writes: “democratic debate over what kinds of methods are acceptable for raising a child belong to the realm of *doxa*, but the fact that a child needs to be raised does not: it is a biological necessity” (p. 5). That a child must be cared for in order to survive is an empirical fact, but that we *should* enable children to survive is not. The person who wants to prevent climate stabilization for the sake of their investment portfolio does not care if we do or not.

If the incorporation of “relevant facts” has so little expected effect on the results of the democratic procedure, I fail to see why Holman would put it forward as a response to the problem signaled by my book. At the same time, it seems as though adopting the “relevant facts” caveat would have a massive impact on the character of democratic deliberation, depending on which facts one considered relevant. Should our society pass laws to discourage and inhibit the expression of LGBTQ identities? Some members of our society think so, because they regard non-heteronormative sexuality as immoral. Some of them justify this belief with appeals to religious dogma. Do the “relevant facts” have something to say here? Is the contentious notion that religious belief is a private affair that ought not impinge on the public realm itself a “relevant fact”? It is certainly not an empirical one. What about logical fallacies? Should the deliberating *demos* be tutored in good argumentative practices in advance of the process? Depending on where these lines are drawn, an observance of “the relevant facts” might have no discernible effect on the quality of democratic outcomes or it may transform the *demos* into something unrecognizable compared to its current form.

At the very end of his review essay, Holman confirms what I suspected above, i.e., that he is prepared to accept any outcome provided it follows a formal procedure in which everyone has access to “the relevant facts.” If the “necessary background conditions” are provided, he writes, “I maintain I hold the position regardless of whatever particular content is willed under such circumstances” (18-19). “The fact that the people might under such circumstances will what Busk (or myself) consider ‘pernicious’ policies,” he goes on, “is simply that risk which Castoriadis identifies as being essential to democratic determination” (19). So, he is in fact in line with respondent (1) in my thought experiment above, provided that the procedure allowed everyone to learn and process the relevant facts. If democratic determination involves such risks, then I fail to see what potential benefits could outweigh them. In the case of climate change, the risk is nothing short of human extinction. It makes little sense to me to say that a form of political organization, ostensibly meant to secure the happiness, flourishing, rights, or dignity of human beings, should be allowed to imperil their very existence. But apparently this makes sense to Holman. In any case, it is unclear why his response to my book should have included this appeal to Castoriadis and the deliberative turn. My concern is that democracy—however conceived—may yield catastrophic outcomes. Holman’s response is simply ‘so be it!’

*“Enlightened Political Preferences”*

Pénigaud also attempts to answer the primary challenge of the book by appealing to categories from the deliberative tradition, and he maintains them more consistently. He argues for “a two-pronged conception of democratic legitimacy” that balances concern for “the fairness of the procedure” with “the content of the outcome” (p. 7). He cites David Estlund and Jürgen Habermas as exemplary of this kind of approach. For the former, “democratic authority…derives from the tendency of democratic procedures to produce good decisions,” and we can evaluate these decisions “based on a non-controversial benchmark, including a list of ‘primary bads’” (such as environmental collapse). The latter also tempers his proceduralism with the acknowledgment that “the democratic process is fruitful when institutionally designed to track over time the decision of those it affects would agree on in an ‘ideal situation of speech’ (free of violence, intimidation, prejudice-based disqualification, etc.).” This provides a “substantial account of what should count as a good political outcome.” The value of democracy is not established by “people’s majoritarian preferences *per se*” but from “enlightened political preferences” (p. 8).

What is in question, however, is not whether Estlund or Habermas have a coherent way to evaluate good political outcomes (they may or may not). The point is that, if these theorists are able to establish a criterion for politically good outcomes in advance, then the democratic procedure is itself unnecessary. We are simply identifying as “democratic” results which conform to a standard that has been decided non-democratically. There is a set of political decisions and outcomes which are acceptable because they are “reasonable” or “informed” and a set that are not because they fail to meet this criterion. Democracy thus becomes a tautology: democracies produce good outcomes by definition, because democratic results are *defined* as good results.

I will try to express this another way. To apply Habermas’s criterion, we must already know what people would agree on an “ideal situation of speech.” If we do not, then we have no way of “testing” our democratic procedure. And if we already know what fully informed, rational, and reflective people would do in a given situation, then our political commitments are based on these categories and not on anything added by the procedure. Likewise for Estlund’s model: he gives normative weight to democracy because citizens might object to being ruled by “experts,” but he is sure to include an asterisk about such objections being “reasonable”: “Some points of view are such that objections that depend on those disqualified points of view are not capable of defeating a proposed political justification.” He cites the example of racist beliefs, which are “morally weightless” (Estlund 2009, 17). So it turns out that our list of “primary bads” is *not* actually a “non-controversial benchmark” if we are dealing with the empirical *demos*—among whom, certainly, some racists lurk. What constitutes a racist belief is itself controversial (Calabro 2019).

To put it still another way: saying that we should respect the will of the people *when* the people are enlightened is a position that any political perspective could endorse. Everything hinges on what constitutes “enlightenment.” A monarchist could support democracy, provided it was “two pronged,” i.e., that it balanced respect for the procedure with a concern for good (i.e., monarchist) outcomes. The same could be said about a fascist (a point I will return to later). Indeed, Plato would not have disagreed with this statement: if the people were properly enlightened, he would have no objection to democracy.

Pénigaud could reply that the provisos introduced by the deliberative tradition represent limit cases: there is still a wide range of possible “acceptable” outcomes which the democratic procedure can and should adjudicate. Even if some outcomes are ruled out, not everything is determined in advance (like it might be for a monarchist or a fascist), only *some* things. But this is once again question-begging. If we must draw a line between acceptable political outcomes and unacceptable political outcomes, then the critical-theoretical question is *where* to draw this line and *why* to draw it in one place rather than another. Perhaps Pénigaud thinks there are ten possible “good” outcomes to a given problem, while I think there are five, or three, or one. I would be no less a democrat than him in this case; I just have a different understanding of what constitutes an “enlightened” view. In this case, we would be arguing about political *content*, and we may as well leave democracy out of the conversation.

Indeed, I would question whether “two-pronged” is the appropriate name for this approach, given that one prong (the concern for good outcomes) seems to take precedence over the other in a decisive way. The model is tested in those instances where the two ends conflict with one another. As Bernard Yack has insightfully argued, one is always compelled to pivot back to one or another when realizing both at the same time is untenable (Yack 2012). Of course, it would be desirable to have both good procedures *and* good outcomes, but which should be sacrificed in the event that this is not possible? In Pénigaud’s examples, the procedural elements are constrained by the caveat that they do not terminate in “primary bads” or outcomes that “enlightened” people would not accept. But there is no provision for the procedural elements to override (or even influence) what counts as a “primary bad.” So, the democratic procedure seems to be a junior partner in this relationship—not a second “prong,” but a subordinate clause.

In Pénigaud’s intervention, we can observe the ambivalence that I described at the outset in full force. We want the people to be sovereign, but we do not want racism and environmental degradation. These are not things that rational people *would* want. A certain hands-off, value-neutral respect for the autonomy and pluralism of the people is counterbalanced with a Rousseauian-Kantian impulse to prescribe the reasonable course of action, as if this were *given* independently of the will of the empirical *demos*. In some instances, however, Pénigaud reverses the polarity of this ambivalence, as when he criticizes me (in line with Holman) for conflating facts and values: “the author refers to climate skepticism and xenophobia as equally ‘pathological beliefs,’ as if they may be addressed at the same level, which blurs the distinction between values and facts” (p. 10). Although earlier he seemed to include antiracism among the basic conditions for good democratic outcomes (“prejudice-based disqualification” is not allowed in the ideal speech condition), here he places “xenophobia” on the side of properly debatable opinion. “Politics has to deal with the *fact of disagreement*,” he writes. “If there were no (at least some reasonable) disagreements, there would be no politics” (p. 10).[[2]](#endnote-2)

If we are separating facts from values, and saying that only the former need to be clearly agreed upon before democracy can function—the rest is “disagreement”—then there is actually nothing in this model to prevent the result described in my thought experiment above. Perhaps advocates of interring the minority group were not confused on any “facts”; they simply hold the opinion that members of this group ought to be interred. Is basic human equality a “fact”? Perhaps Pénigaud would say that punishing someone for their racial background is not reflective of any “reasonable” value (and I would certainly agree), but then we are back where we started: if we can adjudicate which sets of values are reasonable and which unreasonable, “the *fact of disagreement*” ceases to mean anything. We have to respect differences of political opinion, *except* in the case of *certain* opinions; we must affirm pluralism *once* a set of perspectives has been ruled out. If this is what democracy means, then no one past, present, or future could ever object to democracy.

This is an opportune time to bring up Pénigaud’s comments on climate change. Like Holman, he argues that *Democracy in Spite of the Demos* makes a mistake in treating climate denial as a political opinion, faulting “the author’s exclusive focus on aspects of climate change that are inherently non-political” (p. 11). He then invokes Arendt’s claim that distinguishing facts from values is essential for “the political’s dignity,” suggesting that while the empirical facts of anthropogenic climate change are not themselves open to properly political contestation, making these facts available to everyone is a political task of the highest importance. Indeed, Arendt says both that “the political” is about debating things “which cannot be figured out with certainty,” and that “the attempt to change the record” (i.e., lying) is itself a political act (Arendt 1979, 316-318; Arendt 2006a, 245).[[3]](#endnote-3)

What is missing from this schematic is an account of *ignorance* and *misinformation*. In 2015, members of the city council of Woodland, North Carolina rejected a proposal to build a solar power farm. The farm would have eased the area’s dependence on fossil fuels, but the public expressed concerns at the council meeting: solar farms, they thought, would suck energy from the sun and cause cancer (Osborne 2015). Is what happened here not “political”? The debate clearly occurred in isolation from basic scientific facts, but it is also not necessary that anyone was deliberately spreading what they knew to be false information. The citizens who attended this city council meeting were just wildly mis-and-under-informed. But if politics can only take place once everyone is informed, it would seem as though the Woodland town council meeting exists in a pre-political twilight zone, where decisions are made that affect scores of lives and livelihoods but which Arendt and Pénigaud refuse to call politics. In this case, a massive program of political education on an unprecedented scale would have to take place before “the political” could even begin.

Pénigaud, along with Holman and Schupmann, question what my suggestion to abandon democracy as a value “would imply *practically*” (p. 9). This is certainly a fair question, but it is a question that would apply in equal measure, if not more so, to this version of deliberative democracy. Both Pénigaud and Holman frequently appeal to a set of “background conditions” that would be necessary before proper deliberation could take place. Access to information is ostensibly one such condition; but then again, did the Woodland citizens not have *access* to the fact that solar panels do not deplete the sun’s energy? This set of conditions would have to be more robust, but neither Pénigaud nor Holman say much about them. Is addressing income inequality necessary before real democracy can be established? How much should income inequality be rectified? Does racial justice need to be achieved before real democracy can thrive? What does achieving racial justice mean? Can real democracy be instituted under capitalism? If not, what kind of non-capitalist system is most conducive to democracy? An even more vexing problem: what if the citizens of this true democracy decide to institute an ‘anti-democratic’ policy (like reintroducing gross income inequality)? Should this democratic will be checked by some extra-democratic sovereignty entity?

There seem to be a lot of ‘political’ questions that need to be settled before *the political* can get off the ground. If we can address any problematic or worrisome aspect of contemporary democratic politics by claiming that, since certain conditions do not obtain, its results are neither truly democratic nor even political, then the normative currency of the figure of democracy is deferred until this future counterfactual state is realized. Depending on which conditions we regard as necessary, implementing them may be especially difficult and bewildering if we remain committed to respecting “the fact of disagreement.” In any case, to posit a future condition in which a deliberative procedure produces consistently good results is no more “practical” than anything I suggest in the book.

Such conspicuous distance between the empirical *demos* and the “enlightened” (or “informed” or “reasonable”) *demos* is a thorn in the side of deliberative democratic theory. When books like *Democracy in Spite of the Demos* point out the shortcomings of the former, critics like Pénigaud and Holman are quick to point out that under different conditions, things would be different. At the same time, however, both commentators display a desire to rehabilitate the actually existing *demos*, to say, in other words, that things are not really so bad even under present conditions. Pénigaud notes that climate denialism is less prevalent in his home country (France) and concludes optimistically: “Beyond the domestic context of U.S. politics, which, from a global climate perspective, could almost be called provincial, the ‘demos’ is Earth’s best ally” (p. 11).[[4]](#endnote-4) Climate denialism should be understood in broader terms than the straightforward rejection of its reality: minimizing or discounting its scope, severity, or speed are also forms of climate denial. In fact, failure to recognize that rapid decarbonization must take place within a few decades to keep warming below 2°C is climate denial. And since the IPCC is unequivocal that decarbonization cannot be achieved without “rapid, far-reaching, and unprecedented changed to all aspects of society” (IPCC 2018), failure to recognize *this* is also climate denial.[[5]](#endnote-5) Bearing this in mind, it is more difficult to count the *demos*—even the French *demos*—as an ally for the Earth. Furthermore, given its oversized emissions rates and imminent plans to become the world’s “Climate Leviathan” (Mann and Wainwright 2018; Klare 2019; Miller 2017; Chaturvedi and Doyle 2016), the United States cannot in any way be considered provincial in the fight against ecological destruction.

Holman, for his part, objects to my stating that men’s rights activism and the *Front national* (now called the *Rassemblement national)* represent democratic movements: “it has not been definitively shown how such movements are in any way democratic in form. Is it simply because they have some minimum quantity of popular support? But how popular, exactly, are they? No social scientific data is presented with respect to this question” (p. 18). Here, it seems to me that Holman is not arguing in good faith. First of all, the *Rassemblement national* has finished second in the last two presidential elections – this is probably some indication of popularity. But in any case, in the context of this passage I was operating with the non-majoritarian understanding of democracy put forward by the radical democrats. Occupy Wall Street and Zapatismo do not constitute majorities, but this does not prevent democratic theorists from lionizing them as positive examples of democratic contestation. Men’s rights activists appear in public to demand the rectification of what *they take to be* a form of oppression against them: at a formal level, this should be considered an instance of democracy at work. Much of chapter three is dedicated to defending this claim, so I am at a loss to understand why Holman acts as if it is not supported at all.

I highlight these moments only to call attention to the ambivalence they reveal. Even if every French citizen joined the *Rassemblement national*, even if data showed that 51% of people supported men’s rights activism, and even if Trump receives 80 million votes next time instead of 70 million, Pénigaud and Holman could still argue that democracy as an ideal remains unblemished because the conditions for a real democracy remain to be established. So, if we cannot count empirical instances of ignorance and pathology as reflecting on the value of democracy, why are we allowed to appeal to instances of the *demos* doing well (or at least better)? The beliefs and behaviors of the actually existing *demos* are either relevant or they are not. But Pénigaud and Holman want it both ways. When I cite evidence of the infantile and regressive character of large segments of the population, this can be dismissed as irrelevant because the proper deliberative conditions do not obtain. But Pénigaud’s reportage on French climate consciousness is meant to provide comfort. Holman cites a review of the book by Benjamin McKean, who makes a point of saying that Trump did not win a majority popular vote (p. 18). But even if Trump had won a landslide, this would not penetrate the deliberative armor (because the right conditions do not obtain), so pointing this out is a non-sequitur.

One final comment about Pénigaud’s contribution. He is the only participant to challenge my reading of the figures I criticize (specifically Arendt, Rancière, and Mouffe), and there are few remarks that I cannot let go untouched. First, on Arendt: Pénigaud claims that Arendt passes no value judgment on “the social,” that she does not exclude the poor from political life, and in fact that “the only entry barriers Arendt mentions are a taste for politics and the trust for one’s equals,” which “do not correlate with any social conditions” (p. 5). Whatever shortcoming *Democracy in Spite of the Demos* may have, I do not believe that failing to support its interpretations of figures with ample textual evidence is one of them, especially in the case of Arendt. One example should suffice. Arendt writes:

[T]he trouble was that the struggle to abolish poverty, under the impact of a continual mass immigration from Europe, *fell more and more under the sway of the poor themselves, and hence came under the guidance of the ideals born out of poverty*, as distinguished from those principles which had inspired the foundation of freedom. For *abundance and endless consumption are the ideals of the poor*: they are the mirage in the desert of misery…And while it is true that freedom can only come to those whose needs have been fulfilled, it is equally true that it will escape those who are bent upon living for their desires (Arendt 2006b, 130, emphasis added).

Reading this, it certainly seems that an aptitude for politics correlates to social conditions. Pénigaud does not explain how I am misrepresenting this or any of the other myriad passages that I cite, nor does he offer any alternative readings of specific material. He simply asserts that I am wrong about Arendt, and goes so far as to accuse me of “strawman argumentation” (p. 6). Again: the chapter on Arendt is replete with detailed readings of passages from various works, cross-referenced with several generations of scholarship, and with attention paid to textual ambiguities. It is still possible that I am misreading Arendt, but this is far from being established by Pénigaud’s remarks.

Pénigaud makes similar comments about my analysis of Rancière and Mouffe. In the chapter examining both of these figures, I juxtapose their broad theoretical interventions with their occasional *ad-hoc* remarks on contemporary politics, diagnosing a contradiction between their analytical categories (openness, plurality, indeterminacy, anti-realism, dissensus) and their sweeping judgments about certain (Right-wing) political movements. Pénigaud first says that he does not see any inconsistency in Rancière’s rejection of Right-wing politics (because “equality” is essential for democracy) or in Mouffe’s (because fascism carries “threatening potential for any political opponents”) (pp. 6-7). I spend much of chapter 3 anticipating this objection, but I will repeat it here: Right-wing movements claim that *liberals and left-wingers* undermine equality and threaten political opponents (Bauer 2015). We cannot decide between these competing claims unless we have, in advance, specific ideas about reality, history, and the good life. Rancière and Mouffe tell us elsewhere that presuming to hold the truth of these matters over and against competing interpretations is antidemocratic, but then, when it comes to comment on the rise of Right-wing populism, its wrongness is taken as obvious.

After saying that he sees no contradiction here, Pénigaud shifts gears slightly, defending Rancière and Mouffe from a different angle: “Occasionally, of course, *citizens* Rancière and Mouffe may express snap judgments…Should these utterances be placed at the same level as the core concepts of their philosophical works? I don’t think so. It seems to me this kind of *ad hominin* argument does not have much merit” (p. 7). Citing a passage from an author’s published works, arguing that it is inconsistent with other commitments they express in writing, is not *ad hominem.* The entire point of the chapter is that the radical democrats do not apply their principles consistently. I fail to see how citing instances where they attempt to apply the principles could amount to poor argumentation—especially because, again, these citations come from major published works and not the individuals’ personal social media accounts. “*Ad hominem*” is another bold charge that Pénigaud should be more cautious to employ.

*“Basic Liberal Rights”*

Rather than pivoting to deliberative categories, Schupmann brings a liberal-constitutionalist perspective to the table. This approach, he claims, could constrain the problematic aspects of the *demos* identified in the book while maintaining a coherent model of democratic legitimacy. Being more focused on the “radical” tradition, this is a literature that *Democracy in Spite of the Demos* did not seriously engage. I would argue, however, that it falls prey to the same ambivalence described throughout the book and reiterated above.

We can see this from the outset, when Schupmann outlines three key features of the framework: (1) “equal chance for every member to express their interests,” (2) “countermajoritarian rights guarantees,” and (3) value-neutrality—it “cannot be designed to achieve a particular ‘right’ outcome in advance” (p. 3). Features (2) and (3) would seem to be in direct conflict with one another. If a particular understanding of “countermajoritarian rights” must be protected against the potential results of democratic process, then certain outcomes *are* proscribed in advance. Consider the thought experiment above: Schupmann would regard the imprisonment of the minority group as transgressing their “rights,” but in this case a particular outcome (i.e., the defeat of this proposal) is already decided, and the procedure is expressly designed to avoid this and similar outcomes. I do not understand how we can conceive of “rights,” such as the right not to be imprisoned for arbitrary reasons, without importing specific “values,” such as the value that racial discrimination is unacceptable. Any democratic framework that respected “rights” could not possibly maintain “value-neutrality” at the same time.

This is another example of the tension between popular sovereignty conceived in terms of the contingent preferences of the empirical *demos* and the Rousseauian-Kantian notion that autonomy means the freedom to act in accordance with our rational interests. We can see both impulses at work in Schupmann’s contribution. Just after introducing the three principles, he writes:

*Members must have final control over the political agenda*, where “relevance” itself is defined by whatever members believe it to be. Even the procedures themselves—the rules of the game—should be open to amendment if members deem it necessary (p. 3).

Here, the polarity is charged strongly in one direction: the people should be given power over the political agenda, over what counts as a “relevant” political question, and even over the rules of democratic procedure. The constitution itself can be amended by its members. Later on in the piece, however, Schupmann approvingly cites Germany’s 1949 “Basic Law,” referring to its “explicit unamendability” as a core strength (p. 13). This follows a discussion of Rawls’s political liberalism, which Schupmann characterizes this way:

[Rawls] insisted that [basic liberal rights] be taken off the political agenda entirely. This depoliticization is considered legitimate because his method of political constructivism demonstrated that authoritative and binding normative truths could be established without relying on transcendent normative facts (p. 12)

Now, the polarity is reversed: members do not actually have final control over the political agenda, and certainly not over core constitutional principles or the procedural rules of the game. A particular set of liberal rights, grounded in authoritative and binding normative truths, is taken off the table entirely. If the empirical people do not recognize these truths, so much the worse for them. The complete autonomy granted by the large print is taken away by the “basic liberal rights” specified in the small print.

Advocates of this approach may reply, not unreasonably, that protection of life and limb is a necessary condition for participation in the political process. Insofar as equal access to participation is a fundamental democratic principle, a measure like the one described in my thought experiment above would violate this principle. In the most technical semantic sense, then, certain political outcomes are foreclosed in advance, but this is strictly to protect the most basic condition of democratic legitimacy, i.e., equality. For the sake of philosophical precision, I would note that the normative ballast of this approach is the figure of equal rights rather than popular sovereignty as such. Again, insofar as the popular will might be checked by an appeal to “basic liberal rights” *but not vice-versa*, the latter is the foundation of the theory and not the former. This is ultimately a minor terminological point.

There are more serious difficulties, however, in utilizing this framework as a tool for political analysis and critique, particularly if it clings to the mantle of “democracy.” That racial-ethnic background is not sufficient grounds for imprisonment is a relatively uncontroversial idea, but a host of problems arise once we begin parsing what belongs in the category of “basic liberal rights” and what falls outside of this category. If, for example, one thinks that a fetus should be granted full legal personhood, then a democracy like the United States permits hundreds of thousands of arbitrary murders every year—and is thus no democracy at all. Only if an *unamendable* “right to life” is enshrined in the constitution could it attain democratic legitimacy. Even if 90% of the public favors access to abortion, this is no more relevant than if 90% of the public favors interning a given racial group: the transgression of basic rights is the same. This is, in fact, what many in our political community believe.

Examples like this could be multiplied. Is openly carrying a gun a “basic liberal right”? Declining to vaccinate children? Owning and inheriting private property? Different elements of the *demos* will answer these questions in radically different ways. *Which* empirical controversies should be “taken off the political agenda entirely”? Why those and not others? If we salvage the value of democracy by placing a given set of norms beyond popular contestation—a set of norms not decided by a democratic procedure—then the value of democracy becomes as tautological and circular as it is for the deliberative tradition. Democracy is good, *provided* that democracy is contained within the bounds of the good. The difficult question of what is good and why may be answered, and this answer may be satisfactory or not, but it is answered in isolation from the empirical *demos* and its actually existing beliefs and desires. A libertarian may tell us that true democracy requires a minimal state and near total negative liberty, while a communist will say that true democracy is impossible without a centrally planned economy (to protect the basic right of not being dependent on a market). What are they arguing about? Not democracy, but libertarianism vs. communism. So why not simply have this argument and leave the question of “true democracy” to one side?

This ambivalence bubbles up to the surface in interesting ways, as when Schupmann discusses the rise of “illiberal democracies” such as Victor Órban’s government in Hungary. Such regimes, which “fail to guarantee basic liberal rights to all members,” cannot be called democracies at all, so Schupmann joins Nadia Urbinati in deeming “illiberal democracy” an oxymoron (p. 12; Urbinati 2019, 10). It would not be difficult, however, for supporters of these regimes to agree with that sentiment while disputing the set of liberal rights that ought to be respected. If one draws the lines between the contestable and uncontestable differently, Órban’s regime may look like a restoration rather than a divergence.

This is not only a hypothetical possibility. John O’Sullivan, former editor of *National*

*Review*, follows Ryszard Legutko in distinguishing liberal democracy from *liberal-democracy* (hyphenated). The former refers to the classical tradition and its emphasis on individual freedoms, while the former includes a set of commitments belonging to the contemporary ‘progressive’ Left that, O’Sullivan argues, have been surreptitiously smuggled into the definition of liberalism without adequate justification. He writes:

One of the most crucial differences between these two regimes is openness. Liberal democracy is a set of rules designed to ensure that government rests on the consent of the governed. Except within the broadest limits, it does not inherently dictate what policies should emerge from government or what social arrangements should be tolerated or prohibited. It is open to a wide range of policy outcomes and willing to accept a genuine diversity of social arrangements, including traditional ones. […] Liberal-democracy, however, has policies and prohibitions built into its ideological structure. It is not really open to institutions and policies that run counter to its ‘liberationist’ instincts. It increasingly restricts their freedom to maneuver on anything from parental rights to national sovereignty. It is even hostile to some fundamental values of liberalism such as free speech. Accordingly it sometimes comes up against the wishes of the voters expressed in elections and referenda (O’Sullivan 2016, vii).

If, for example, a majority of concerned citizens does not want its children exposed to “gender ideology” or “critical race theory” in school, a properly liberal democracy should respect their parental rights. When someone like myself or Schupmann pops up to say that actually, liberal equality requires a recognition of LGBTQ identities and a reckoning with racial justice, O’Sullivan could respond that we have presupposed a particular (and not necessarily popular) understanding of rights and morality (liberal-democracy). When we *identify* democracy (or in this case, liberal democracy) with a set of specific and empirically controversial political commitments, the formal qualities of the democratic procedure cease to have any meaning. We likewise find ourselves in an embarrassing position when “undemocratic” positions dominate elections and opinion polls. I was struck by this sentence from Schupmann: “[Voters] continue to elect antidemocratic candidates” (p. 7). The people, it turns out, are not in favor of rule by the people.[[6]](#endnote-6) This is a crystallization of the divergence between the people’s empirical estimation of their own interest and something else that would constitute its *true* interest. Like Holman and Pénigaud, Schupmann actually puts all of the theoretical eggs in the latter basket, while maintaining the nomenclature and the iconography of the former.

Finally, as I mentioned earlier, Schupmann expresses concern about the practical consequences of turning away from democracy:

How should the masses, determined to be ‘incompetent’ under current social conditions, be governed until they have been educated and are capable of governing themselves? How should laws and policies be decided? Since Busk has rejected democracy as the ultimate criterion for legitimate political order under such conditions, it is not clear how his alternative programme really differs from the Platonic order he critiques: until the people have been educated in matters of political ‘right,’ does he not also mandate a form of elite rule? (p. 10).

These are good and challenging questions, but they would apply with equal force to any theory that posits a distance between the empirical *demos* and a counterfactual ‘true’ *demos*. If the masses do not respect “basic liberal rights” understood in a specific way, how they should be governed until they can be reeducated and rehabilitated into true liberal-democrats? Schupmann appeals to the judiciary as the “guardian” of constitutional democracy, an unelected and unaccountable body which, in the last instance, protects the people against itself. On the climate question, he says that this body could “invalidate laws and policies that threaten the ability of future generations to live as free and equal members of a democratic public order” (p. 14). We can only imagine the popular resistance to a court of climate czars that bans SUVs and slashes meat consumption in the name of something that most citizens do not really believe in. It is also far from clear that rapid decarbonization could be achieved without infringing upon other “basic liberal rights” (Busk 2023, 39-40). The potential for “tyranny” (p. 11) is no less severe in this case, and this is no less Platonic than anything I suggest in *Democracy in Spite of the Demos*.

*Is “Socially Necessary Delusion” Necessary?*

To one extent or another, all of the respondents discussed so far take issue with the latter two chapters of the book as a solution to the problem diagnosed by the first three. My appeal to the early Frankfurt School and its understanding of socially necessary delusion was not, however, intended to be a “solution” in the sense that it details a different form of government or program for achieving social justice. It is only an alternativeapproach to understanding and critiquing the status quo with the intention of changing it. For reasons that I hope are clear by now, I do not think that democracy functions coherently as a loadbearing category for critique. If democratic theory is vexed by the gap between the empirical *demos* and the real *demos*, perhaps this should be the object of its analysis. In other words, it may be time to shift from an emphasis on the formal characteristics of democratic politics (never consistently applied anyway) to a focus on the ignorant, misinformed, pathological, and even deranged quality of the *demos* as it confronts us today. As I put it in the book, the question would not be “how do we give the people a voice?” but “why do the people speak so wrongly?”

The end result of this analysis would not be Platonic elitism; it would not be content to point out the backwardness of the masses and the need for elite guardianship. It would, instead, be vanguardist, i.e., oriented toward diagnosing the social conditions that give rise to false consciousness and mass delusion with the aim of contributing toward a transformation of these conditions. Climate denial provides the clearest and most important model for this approach: the capitalist economic system cannot incorporate the facts of climate change, and so they must be denied, distorted, or ignored. The business of critical and radical theory should be to analyze this system and the forms of consciousness it gives rise to, rather than humbling itself before the wisdom of a carefully selected ‘people.’ Instead of glorifying social movements as such—again, inconsistently—popular tendencies should be evaluated by the extent to which they inhibit or advance a project of emancipation understood in a specific way. Deliberative, constitutional, and radical theories of democracy already do this implicitly. My suggestion is that we make it explicit.

Andrew Norris is the sole respondent to anchor his commentary in this aspect of the book, rather than trying to rescue democracy from the flames of irrelevance. He poses a question that troubles every theory of ideology and false consciousness: if delusion is a *necessary* feature of certain social conditions, how is it that individuals who live under these conditions respond to this necessity in differentiated ways? How is it that some seem to escape it altogether? He points to a passage near the end of the book where I highlight a debate between Eldridge Cleaver and William F. Buckley. Echoing Marcuse and Adorno, the former argues that “the people” are “deceived” by “lying and vicious propaganda” such that “they’re in no position to really function in a realistic manner.” Buckley retorts: “Why are you uniquely situated to have penetrated this national delusion?” Norris notes that although I remark on the similarity between Buckley’s tone and that of my theoretical opponents, I do not actually address the legitimate challenge it poses. “As irritating as Buckley may have been, his question needs to be answered” (p. 15).

To be clear, there is a crucial difference between the intent of Buckley’s question and that of Norris’s intervention. Buckley is essentially rebuffing the notion that some people are deluded while others see the truth. Norris does not necessarily deny this; regardless of how or why, climate deniers have a more distorted conception of reality than radical climate activists. The problem is, if we theorize this delusion as a *function* of antagonistic social relations, why does this function seem to apply in contingent and haphazard ways? Cleaver is *part* of ‘the people’ he (not incorrectly) diagnoses as being deceived, so this mass ensnarement is only partial at best. But this would seem to introduce a variable not considered by the theory of false consciousness. “If this process is really *necessary*,” Norris writes, “the extent of the contingency needs to be limited; it cannot be entirely arbitrary.” If we are prevented from recognizing our own interests by objective conditions, why have these conditions permitted some of us to recognize *this*? Or, as Norris phrases the question: “How is it that our wills are still even partially our own?” (p. 15-16).

There are some passages from Adorno that bring this problem to the fore, including one quoted in the book but not properly dealt with there: “If there really is no correct life in the false life, then actually there can be no correct consciousness in it either” (Adorno 2005, 120). On the one hand, we can see a critical insight here, especially in the context of climate change: even those of us well-versed on the scientific consensus cannot fully incorporate this knowledge into how we live our lives under present conditions. On the other hand, this would seem to contravene the possibility of diagnosing false consciousness at all, insofar as such a diagnosis could only be made from the point of view of an emancipated state that does not yet exist. In any case, this insight did not prevent Adorno from itemizing forms of ideology and social pathology; perhaps there is *more or less* adequate consciousness in the false life, if not a “correct” one.

I confess that I have no strong answer to Norris’s question. I do not know what conspiracy of circumstance, voluntaristic act of sheer willpower, or aleatory swerve of particles make it such that, under given conditions, some people are more enlightened than others on political matters. Research and analysis in political epistemology, social psychology, and even cognitive neuroscience may help advance our understanding here, and I would not foreclose any area of inquiry that may contribute to this knowledge. However, I would hasten to add two caveats which, I hope, will make it clear why I still find Adorno and Marcuse’s model of “socially necessary delusion” indispensable.

First, such a research program would have to presuppose a set of basic epistemological principles: if we are trying to figure out *why* so many people believe that Ivermectin cures COVID-19, we must take for granted that this is unscientific nonsense. Likewise for the belief that the Day of Judgment foretold in Revelations is nigh. The “epistemic pluralism” that characterizes much democratic theory would have to be abandoned or so heavily qualified that it would lose its meaning. Second, this investigation would need to make constant reference to the social order in which individuals’ beliefs and thought patterns take shape—not only at the level of family, region, race, gender, or ‘income bracket,’ but in terms of the what this society requires to reproduce itself on a material level, i.e., the exploitation of labor, the legitimation of obscene affluence, and perpetual economic growth.

Without minimizing the difficulty of the task, and without skipping ahead to an answer, these two caveats would change the tenor of the conversation. This becomes evident when, a few pages after posing his crucial question, Norris critiques *Democracy in Spite of the Demos* for obscuring the “affective” in favor of the “cognitive”:

Is admiration for a relentlessly cruel, dishonest, and self-serving man who boasts of committing sexual abuse something that is well treated by Busk’s analysis? Is such admiration a kind of “socially necessary delusion”?...One aspect of this challenge is its focus upon the affective (emotional, psychological) aspect of politics, as opposed to the cognitive emphasis which Busk’s general orientation would seem to commit him (p. 19).

I do not object to analyzing the emotional and psychological aspects of politics, though this is not done very much in the book. But the two caveats described above are essential here. We cannot call Trump “dishonest” without being able to parse true claims from false ones. Even a label like “cruel” will depend on a set of beliefs about the way things are. Likewise, this judgment about those who admire Trump’s affect (a judgment I share) must be made with reference to the world in which any given supporter exists: a ruthlessly competitive, hyper-individualistic, fundamentally amoral system in which most people will work long hours for low pay while a few elites enjoy luxury beyond comprehension. Frustration, resentment, and hostility are natural responses to this state of affairs. When coupled with centuries of constant, organized, well-funded mental conditioning to the effect that socialism is evil, that any attempt to change things is futile, and that certain groups are only fit for certain kinds of labor, these affects are easily misdirected and misapplied. Pathologies and delusions, even when they are not in a strictly epistemic-cognitive register, are nevertheless socially necessary in this sense. Without bearing this in mind, we are only moralizing about individuals and implicitly absolving the conditions that produced them. As Adorno once remarked, racists are not likely to be swayed by opprobrious name-calling, nor indeed by appeals to data and statistics. Rather, he says, “they should be made aware of the mechanisms that cause racial prejudice within them” (Adorno 2005, 102). Likewise, while establishing the empirical facts of climate change is important, it is crucial to make people understand why they are being conditioned to deny it. Whether such a project could be successful—on racism or on the climate catastrophe—remains to be seen.

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Notes

1. “The American right…eagerly accused President Obama and the liberal Democrats of being the *real* fascists” (Neiwert 2017, 357). [↑](#endnote-ref-1)
2. This is a claim that one encounters again and again reading democratic theory. I have not, however, come across an *argument* for this claim. [↑](#endnote-ref-2)
3. She counts “that everyone should have adequate housing” as something that *can* be figured out – which Pénigaud would presumably consider a value rather than a fact. [↑](#endnote-ref-3)
4. He also writes that “based on the judgment of an enlightened cross-section of the population, an overwhelming majority would be inclined to support the most comprehensive climate policies ever implemented” (p. 12). Of course, better outcomes would follow if only an “enlightened cross-section” participated in the democratic process. [↑](#endnote-ref-4)
5. According to the Yale Climate Opinion Map’s survey of the United States, only 72% of the population acknowledges that global warming is occurring, and only 57% believe that present warming trends are anthropogenic. Roughly half agree with the statement that “the president should do more to address global warming,” and only one third report that they discuss the topic at least occasionally or hear about it regularly in the media. See Marlon et al. 2021. [↑](#endnote-ref-5)
6. This intervention is consonant with much liberal-constitutionalist handwringing over “populism” that has appeared recently (Arato and Cohen 2021; Müller 2016; Mounk 2018). For a discussion of the notion of an ‘undemocratic *demos*,’ see Busk 2021, 688ff. [↑](#endnote-ref-6)