

WHAT THE WORLD SHOULD KNOW ABOUT THE FUTURE OF DEMOCRACY AND AUTOCRACY

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What is Democracy?

In theory, a democracy is a political system for choosing and replacing a government through free and fair elections. It requires the chosen representatives to follow the rule of law and to respect and protect the rights of all citizens. Generally, but not always, a democracy is based on a written constitution that applies equally to all citizens. But this definition is flawed. For starters, in what is generally believed to be the first democracy, Athens in the fourth century B.C., there were no elections and there were no notions of civil rights enjoyed by the citizens. And there was no written constitution. Instead, the citizens met together several times a year and selected their representatives by lot. Plato was a critic of Athens's "democracy." He believed that decisions should be made by learned people who acted on knowledge, rather than public opinion. The Athenian system was a failure and many believe that it led to the defeat of Athens by Sparta in 404.

The Athenian System of Democracy.

Let us take a further look at the The Athenian system. It was developed in the 6th Century BC in the city-state of Athens. The original purpose was to broaden the field of those Athenians who had a voice in assembly meetings that governed the affairs of state. Only aristocratic families has the right to participate in assembly meetings but after Solon was appointed "premier archon" (an archon is a Greek word meaning ruler), he enacted a written code of laws that could only be enforced by a court and he allowed all Athenian citizens to participate in the assembly meetings. Solon also broadened the functioning of the government by establishing property classes and creating councils of property owners and by creating an Ecclesia or Assembly open to all male citizens. Predictably, Solon's "democracy" was overthrown but soon restored when other rulers took power. However, after Athens's defeat in the Sicilian campaign, its experiment with democracy came to an end when its citizens believed that the new democracy had led to the defeat.

When Athens surrendered to Sparta, its government was in the hands of pro-Sparta oligarchs but after a year, pro-democracy elements regained control, Athens was a "democracy" until Philip II of Macedonia conquered Athens. After the Roman-Macedonian battle in 200, Athens again became autonomous but under Roman rule. Its "democracy" was again run by its "archons;" the Romans restored its previous government and Athens became a municipality of Rome.

The point of this is that Athenian democracy was never a "democracy" as we know it. Participation was available only to male citizens; women were left out. Their role was confined to working in the home and they were considered "second-rate humans." Citizenship was limited only to children of Athenian men and women.

In their later review of Athenian democracy, Plato and Aristotle criticized it as the "preponderant poor tyrannizing the rich" (that may sound backwards) and they considered it unjust. Others considered it reckless and arbitrary. Over time, other countries failed or refused to follow the Athenian model and there seems to be strong evidence that America and France, to choose only two examples, refused to adopt the Athenian model. Instead, they used the words

“popular sovereignty” instead of “popular participation.”² As a result, there were very few countries that used the Athenian model as their frames of reference. That may be one reason why in the beginning, the founders of the US Constitution were reluctant to give each citizen the vote.

The US Constitution and its Founders.

It is well understood today that the authors of the US Constitution neither created nor intended to create a democracy. Indeed, the word “democracy” does not appear anywhere in the Declaration of Independence or the US Constitution. Nor did the founders intend to create a document that touted and enshrined individual rights. The founders had no intention of allowing the “unwashed masses” to have a voice. According to the founders, it was the Electoral College that should select a president and it was the president that should select the members of the Supreme Court. It wasn’t until the 17th Amendment in 1913 that US senators could be elected by a popular vote.

In the debate that took place at the Constitutional Convention concerning whether a federal government or the various state governments should take precedence, part of the debate concerned the fact that the states were allowing too many people to vote, including women and African Americans, as New Jersey did until it was called on the carpet and changed its voting procedure in 1807 to allow only white men to vote. In other words, even if what we have today might be considered a “democracy,” the founders would probably react negatively to what they perhaps unknowingly created. Madison, for one, was worried about the “instability” that might be caused by having the masses actually know the truth. In his Federalist Paper No. 14, of November 1787, Madison wrote that “in a democracy, the people meet and exercise the government in person, [whereas] in a republic, they assemble and administer it by their representatives and agents. A democracy, consequently, will be confined to a small spot. A republic may be extended over a large region.” It is not hard to decipher which of the two he preferred.

Professor Richard Beeman of the University of Pennsylvania probably said it best when he wrote that most of the members of the Constitutional Convention believed that it was impossible to create a unified nation out of a number of independent republics, especially when they were spread out over a vast space, as Madison observed many decades earlier. It was left to Benjamin Franklin to remind the members that the proposed Constitution was “better than any alternative that was likely to emerge.”

The Civil War was probably a manifestation of the concern of the founders that they had created at most a very unstable and incomplete structure that did not resemble any “democracy” of which they were familiar. For that reason, the right to vote did not apply to poor people or women, not unlike the Athenian experience. The take-away is that even though Franklin referred to what had been created as “A republic, if you can keep it,” there is ample evidence that the

² See N. Kasfir, *Popular sovereignty and popular participation: mixed constitutional democracy in the Third World*, Third World Quarterly, Vol. 13, No. 4, 1992. Kasfir posits that “popular participation” has become a response to tyrannical regimes that persistently refuse to submit to popular accountability and that mass participation could also help topple governments heretofore impervious to the demands of their own people. He opines that popular involvement in government the starting point for reconstructing political order in many countries.

founders did not believe that their proposed constitution was sufficient to create a unified nation out of the republics that already existed. Professor Andrew Wehrman of Central Michigan University believes that “it was never meant to be ‘sort of a direct democracy, where all Americans would get to cast a ballot on all issues.’” Instead, he tells us, “they thought the vote was for the wealthy and educated . . . [Some of the founders] thought democracy was a dirty word . . . The constitution is written so that citizenship rights are very, very limited.” In other words, what we are experiencing today is something that the founders never envisioned, much less wanted. But is it a democracy?

The answer to that question is absolutely YES. Our current system of government, both on the state and the federal level, is unquestionably a democracy even if it may not have been considered one at its inception. For starters, the new constitution itself had to be ratified by the citizens before it became effective. Nothing in the proposed constitution was binding in itself. As the constitutional scholar Professor Akhil Reed Amar has written, “It was a mere proposal for the legal masters [of the founders], the American people, to consider and say yea or nay. Even though some of the “masters” such as women or African Americans were not included, the process was undeniably democratic. This is hardly surprising, since all of the states already had their own constitutions, which required approval by their citizens. Here, the new federal constitution mandated popular involvement in selecting the members of Congress, requiring that it become more representative than its predecessor, the Articles of Confederation, whose members were typically not chosen by direct popular vote. Property qualifications for voting would need to be low or non-existent. All of this was, of course, consistent with democracy.

Perhaps the best evidence of the fact that the new constitution would be a democratic one is the fact that the constitution was written with Washington in mind and with the knowledge that Washington would be our first president. Even though Washington remained largely silent during the Convention, on the very last day, he decided to speak, just before his colleagues were about to add their names to the engrossed parchment. Washington’s issue was the size of the House of Representatives—he thought it was too small. Even though the question of size had been considered many times by the members, Washington asked them to consider the size one more time. The delegates immediately and unanimously voted to rewrite the offending clause. Henceforth, there would be one representative for every thirty thousand constituents, instead of every forty thousand, enabling Congress to grow more quickly after the first census. This was clearly evidence of democracy in its creation and at work. As Professor Amar has written, “Unlike the Declaration of Independence . . . and every early revolutionary state constitution, the Constitution was put to a vote. And what a vote it was!”

The people themselves, the “masters,” liked the new constitution; they staged massive and dazzling pro-constitution parades that, in Amar’s words, “bespoke the terse text’s genuine popularity.”

When one adds the Bill of Rights and the other amendments to the Constitution—as our forebears did on several occasions—one cannot but conclude that even though the founders may not have desired a democratic constitution, they created one that lives on today as a clear representation of democracy at work. And to that end, there is nothing in the world today like it. It is true that we still elect our presidents through the electoral college and the various states have different rules for voting, whether in person, by mail or otherwise. But what we have is a better

democracy than almost any other country, if, in Benjamin Franklin's words "we can keep it." With autocracy around the corner, that is a tall order.

Democracy and the US Constitution.

Let us look a bit further into our early "democracy." Although there were sporadic references to democracy in the Constitutional Convention, the idea of democracy did not gain much traction before the 1790s. Many of the founders were skeptical of popular participation in politics. Many used the words "republic" and "democracy" interchangeably and in general, democracy as a pure form was held in low regard. The result was that the drafters agreed that the people only had a "virtual" power, and that any attempt to claim it more directly, as in a simple democracy, could be rebuffed by citing the legitimate authority of the legislature and duly elected representatives. In fact, in his *Federalist Papers*, James Madison distinguished the checks and balances in the new constitution from "pure democracies," which, according to him, have "ever been spectacles of turbulence and contention." Madison did not always win his arguments but he often disagreed with theorists, because a man in public life had to be more. "Practical attention" was required.

Benjamin Rush, a signer of the Declaration of Independence, set forth the common view of governance: "All power is derived *from* the people—but political power is not seated *in* the people; they possess it only on the days of their elections. After this, it is the property of their rulers, nor can they exercise or resume it, unless it is abused." As can be seen, this proposition is nearly the total opposite of what had been championed at the peak of the French Revolution. But it had traction with the American founders, which made elections a critical feature of their governance structure and led to decades of struggles over the right to vote.

The continuing problem, of course, was slavery, a problem that the French did not have, at least publicly. Jefferson, among many others, recognized that slavery turned slaveholders (including himself?) into "despots." Jefferson almost certainly knew that his Declaration of Independence referred, at least with respect to "all men" to their "being created equal." In fact, as Jefferson surely knew, that phrase was largely taken from the Virginia Declaration of Rights that had been written by George Mason. What few know—and perhaps should know—is that a major part of the Jefferson draft Declaration was stricken by Congress. It blamed George III for "waging a cruel war against human nature itself, violating its most sacred rights of law & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery." Historian Jill Lepore has written that the Declaration of Independence "marked a colossal failure of political will, in holding back the tide of opposition of slavery by ignoring it, for the sake of a union that, in the end, could not and would not last."³ There was no democracy mentioned in the Declaration, whether at its best or at its worst.

In 1787, fifty-five delegates came to Philadelphia to attend a Convention that they hoped would result in what they called *The Constitution of the United States of America*. (Two of the most important and necessary participants were out of the country: Thomas Jefferson was in Paris and John Adams was in London.) The goal of the participants was to rewrite—or completely

³ Jill Lepore, *These Truths: A History of the United States*, W.W.Norton & Co. (2018), p. 99.

eliminate—the Articles of Confederation, widely considered inadequate, and the first sentence of which said that “each state retains its sovereignty, freedom and independence.” George Washington, who was Commanding General of the Army and who became President of the Convention wrote that “Thirteen sovereignties, pulling against each other, and all tugging at the foederal (sic) head, will soon bring ruin on the whole.”)

The first draft introduced at the Convention was referred to as “the Virginia Plan.” Written by Edmund Randolph, the Plan outlined an entirely new national government with a national executive, a national judiciary and a national legislature of two branches, the first to be elected by the people and the second to be elected by the first. For the rest of the summer, the Virginia Plan was the only one on the table. But later, South Carolina’s Charles Pinckney proposed a draft that his colleagues had not seen; the attendees soon turned themselves into a committee of the whole and Washington stepped down as Convention President.

For weeks, the debate was whether the union of the states would be “merely federal” or whether there would be a “national government.” The words “federal” “national” and “supreme” were tossed around for days but nobody knew exactly what they meant. Gouverneur Morris of Massachusetts was direct: “When the powers of the national government clash with the states, only then must the states yield . . . we had better take a supreme government now than a despot twenty years hence, for come he must.” Nobody at the Convention had ever contemplated, much less ever seen, a “union” on such a large scale. As noted, the states were quite worried about a “federal” government—that they knew nothing about—that might impinge on their sovereignty, as well it might.

The Convention did not discuss much theory; the members knew what the state constitutions were and how they worked. Rather, as Catherine Drinker Bowen has written, the members would debate the rights of the states, not the rights of man in general. They did not discuss anything like the French constituent assembly of 1787 nor were there any quotations from Rousseau or John Locke. Their concern was what would happen in the states. John Dickinson of Delaware put an end to the discussion of government authority: “Experience must be our only guide. Reason may mislead us.”⁴

Elbridge Gerry, the so-called Massachusetts firebrand, told his colleagues that the principal purpose of the Convention was to solve the “excess of democracy” that existed in the states. His colleague Edmund Randolph put it like this: “[The principal purpose of the Convention was [to] provide a cure for the evils under which the United States labored; that in tracing these evils to their origin every man had found it in the turbulence and follies of democracy: that some check therefore was to be sought for against this tendency of our Governments.”⁵

One of the principal differences between the states and the new national government was that in the new Constitution, Congress represented the people and therefore the people ought to choose their representatives. James Madison asked, “who are to be the electors of the federal

⁴ Catherine Drinker Bowen, *The Story of the Constitutional Convention*, Little Brown and Company, 1986, p. 44.

⁵ Lepore, *supra*, p. 121.

representatives? Not the rich more than the poor, not the learned more than the ignorant, not the haughty heirs of distinguished names more than the humble sons of obscure and unpropitious fortune . . .". It is hard to tell whether he carried the day.

Another problem faced by the Convention was the differences among the states. Some were large, some were small; some had more people than others; some had slaves and some did not. And slavery was central to the discussion. As we know, an impasse was broken when the slave states were given far more representation in Congress than the free states as a compromise.

Still another problem was the creation of the position of the president, or the "executive." Most of the states had weak governors and strong legislatures, by design because the last thing the states wanted was to be governed by yet another monarch. Probably for that reason, the drafters of Articles of Confederation were reluctant to give too much power to the executive. The result was that the Articles didn't really work. The framers knew that but they weren't too sure what to do about it. Many were considering a two-person executive.

Thus, during the Constitutional Convention, one of the debates was how to make the executive more powerful while at the same time not creating a monarch. Would a two-person executive work? Alexander Hamilton, for one, was in favor of a strong executive. He gave a long speech to the Constitutional Convention in June 1787, urging the appointment of an executive who would serve for life and was selected by electors chosen by the people.

Along came James Wilson, a member of the Convention who was a highly regarded lawyer born in Scotland and living in Pennsylvania. Wilson told his audiences that a single person as executive would provide the "most energy, dispatch and responsibility to the office." (He apparently took that phraseology from Charles Pinckney (known as "Constitution Charlie"), who sat as a representative of South Carolina and was a staunch supporter of Slavery.

According to Catherine Drinker Bowen, Pinckney once rose at the Convention and urged that there should be a "vigorous executive." He did not say "president." His theory apparently was that the executive should be able to act decisively if and when necessary, something that the state legislatures had been unable to do.

Alexander Hamilton continued the debate in his Federalist No. 70, written as *Publius*. The principal thrust of Hamilton's No. 70 was that two executives were one too many. There should only be one. He called his proposal "the British plan." There were three proposals in his plan: ensure accountability in government, enable the president to defend against legislative encroachments on his power, and ensure "energy" in the executive, that is, making sure that he acted quickly and decisively when necessary. Only a unitary executive could do all three, according to Hamilton and Wilson. Wilson then rose and urged the creation of a single-person executive. As you can imagine, this proposal didn't go over too well, because the founders were still concerned about creating a monarch.

The reaction of the Convention was "a considerable pause." Edmund Randolph called Wilson proposal "the foetal monarchy" (spelling his); Benjamin Franklin and Edmund Randolph

countered with a plural executive, because that would limit the executive's power. Nevertheless, Wilson's proposal was approved by a vote of 7-3.

Hamilton and Wilson weren't talking about unitary executives because they were men who could touch their toes with one hand; they were talking about executives who could be decisive if the circumstances warranted, unlike the state legislators, who were deliberative, argumentative and slow. It should be clear that this is clearly not the "immunity" for breaking the law that the Supreme Court later mentioned in *Trump v. United States*; far from it.

To digress for a moment, what about the idea that this "energetic executive" would be permitted to commit a crime with impunity if it were necessary for him to perform his "energetic" duty, as our Supreme Court has recently ruled, as long as the President was acting within the "outer perimeter of his official responsibility?" Was the Supreme Court right when it says that is what the founders meant when they said that the executive should be "energetic" in order to "ensure good government?" Clearly not, as we will see in a moment.

Let us turn to Thomas Jefferson for some guidance. What if, in the course of his work, the president believed that he had to exceed his powers, even his so-called "prerogative powers" (*i.e.* powers not specifically described)? In his famous letter to John Colvin in 1810 (*i.e.* after Jefferson was out of office), speaking of the Louisiana Purchase, Jefferson asked whether the President was ever justified in violating the law in the interest of some greater good, such as protecting the country. Jefferson's answer was "yes," sometimes it is justified. The men who take on such high positions are obligated to make those decisions and they assume the personal risks of doing so.

Of interest here is the fact that Jefferson did NOT say that in making those decisions, the President was immune from prosecution; on the contrary, he said that if he must break the law or violate the constitution because of a higher and pressing goal, he must face the personal consequences of having done so. Here are his exact words: "The officer who is called to act on this superior ground, does indeed risk himself on the justice of the controlling powers of the Constitution, and his station makes it his duty to incur the risk." According to Jefferson, the officer must "throw himself on the justice of his country."⁶

We know that during the Constitutional Convention, everyone knew that George Washington was going to be president, including Washington himself. That is why he almost never spoke, and when he did, his only concern was that the president should have the authority to respond militarily to an invasion by Britain or France. The notion that Washington had to be "energetic" (in today's vernacular) frankly, makes no sense. The "energy" that Justice Roberts said the founders were talking about was "energy" that Washington already possessed, with the understanding that at the time, the words "acting with energy" meant acting quickly and decisively. Since George Washington had been the victorious Commanding General of the Army, he certainly knew how to do that.

⁶ Talking Points Memo: "Thomas Jefferson Disagrees with John Roberts About Presidential Immunity, July 4, 2024, <https://talkingpointsmemo.com/edblog/thomas-jefferson-disagrees-with-john-roberts-about-presidential-immunity>.)

In his book *Empire of Liberty*, Gordon Wood writes that Washington, “from the outset, knew what the new government had to do. As he said in January, 1789, his goal as president would be ‘to extricate my country from the embarrassments in which it is entangled, through want of credit; and to establish a general system of policy, which if pursued, will insure permanent felicity to the Commonwealth.’ ” That was a clear exposition of how Washington would act “quickly and decisively.” But his work most clearly did not require the “energy and vigor” that the Supreme Court now says is the reason for presidential immunity. Indeed, if the framers were so insistent on giving George Washington carte blanche to do what he needed to do, without any interference by the other branches, the Senate would not have had to go to a tie-breaking vote in order to give Washington the authority to remove executive officials without its advice and consent.

Indeed, when Washington went to the Senate to get its advice and consent to a treaty with the Southern Indian tribes, the Senate debated incessantly, after reading the draft treaty out loud, and then when one senator moved to submit the material to a committee for study, Washington was beside himself: “This defeats every purpose of my coming here. . . . [I’m] damned if I ever come here again.” Does this sound like the concern of the founders that the president must have “immunity” to do whatever he thinks is within his official duty?

Yet another problem was that the proposed Constitution did not have a Bill of Rights, even though almost all of the states did. A Bill of Rights was ultimately proposed and ratified but it was directed more to the states than to individuals. Madison and Jefferson had long debates about that issue, since one concern of the Constitution was that the states might try to take as much power as they could away from the new federal government, which they did not trust. Of minor interest is that it took the US Supreme Court until 1868 to include the words “Bill of Rights” in one of its opinions.

Benjamin Franklin, the oldest member at the Convention, urged his colleagues to approve the Constitution even though it still had flaws: “The older I grow, the more apt I am to doubt my own judgment and to pay more respect to the judgment of others. . . . Thus I consent, Sir, to this Constitution, because I expect no better and because I am not sure, that it is not the best.”

The debate over ratification was heated and broad. Publications such as *The Federalist Papers* were everywhere and the debate was primarily between the federalists and the anti-federalists. Ratification was close and armed clashes occurred between the two parties. George Washington, on his inauguration, said that “the preservation of the sacred fire of liberty, and the destiny of the Republican model of Government, are staked on the experiment entrusted to the hands of the American people.”

Was this an experiment in democracy? Perhaps. Was the continuing of slavery an impediment? Almost certainly. It would ultimately split the country in two. And recall that the 19th Amendment giving women the right to vote was not enacted until August 1920. It was not popular. Walter Lippman, the journalist, was among the critics: “Mass democracy can’t work . . . a tiny minority could very easily persuade the majority to believe whatever it wished them to believe.” And in Lippman’s world, the “majority” now included “gullible women.”

Fortunately, we have come a long way from Lippman in defining and respecting our democracy, however it is described. Take, for example, President Biden's recent commencement remarks at Morehouse College: "There is dissent about America's role in the world. Those who have different views should have their voices heard in the name of democracy. That's my commitment to you. To show you: democracy, democracy, democracy—it's still the way."

Have we lost our constitutional democracy? Professors Tom Ginsburg and Aziz Huq seem to think so.⁷ They claim that the global trajectory for democracies—as opposed to autocracies—does not look positive. But, they add, "a sudden and dramatic end to democracy in the United States, for example through a military coup, is highly unlikely." A sudden derogation of democracy is, in their words, "simply unnecessary." Would-be autocrats have a simpler option at hand, "one that is far less likely to catalyze opposition and resistance: the slow, insidious curtailment of democratic institutions and traditions." "The degree to which democratic norms are lost in the US in the near future will depend on how politicians and citizens react. The quality of our democracy will depend on what happens on the streets, what happens in the legislative backrooms . . . and most important, what happens at the polls. But it won't depend, in any simple way, on the Constitution. . . . [But] we would, in short, do well to reject feel-good talk about American exceptionalism and embrace some of the founders' bracing and necessary trepidation about the future."

The take-away is that the word "democracy" means many things to many people. Our founders did not fully understand what it meant and their work shows the different views and misunderstandings about what they were working on.

We know that the "democracy" envisioned by the French at the same time was fundamentally different from our democracy. The US founders were not the only people struggling with what a "democracy" would look like and whether or not it was a desirable form of government. The French Revolution, which was underway at about the same time our founders were dealing with drafts of a constitution, offered a vision of democracy that was at once enervating and utterly impossible. Its after-effects can be seen even today in the French struggle with immigration and a new right wing, as we will discuss further below. The quick turn in France from what could be called—loosely—a democracy to what was clearly an autocracy in the person of Napoleon Bonaparte, is a lesson that we must learn.

The French Revolution.

As noted, the French Revolution was underway at the same time the US founders were considering the creation of a constitution and for that reason, they had their eyes on it. It is a useful example of the difficulty a country has in establishing democracy and it may give us some insight into why our founders were reluctant to consider creating a true democracy. It also gives us an early insight into how a democracy of any type can quickly turn into an autocracy if the proper precautions are not taken by those who are able to do so.

⁷ Tom Ginsburg and Aziz Huq, *How We Lost Constitutional Democracy*, in *Can it Happen Here*, William Morrow 2018, p. 135.

The cause of the French Revolution is usually attributed to a variety of forces, including an increase in population, high unemployment and food prices. Perhaps more important, Louis XVI was generally considered to be an incompetent monarch unable to solve the Nation's problems. The Estates-General had not met since 1614 but it was convened on May 5, 1789, slightly more than two months before the French citizens stormed the Bastille.

One of the difficulties Louis XVI had was that the Estates-General was composed of three separate "estates," the clergy, the nobility and the commons. The first and second could out-vote the third. But the third estate invited other "estates" to join them and in June, declared itself to be the National Assembly, holding that all taxes were illegal.

At first, the King held a "royal session" and declared that there would be no new taxes, but that it was up to the Estates to decide how to vote. The Estates held their meeting in a tennis court, to slight the King, and decided that a new constitution should be created. Members of the second Estate, the clergy, joined the third Estate and the King capitulated, ruling that the first and second Estates should join the third in the new National Assembly. On July 12, 1788, the Assembly went into a non-stop session, as to which King Louis threatened to use Swiss Guards to force it to close. On July 14, protestors and soldiers stormed the Bastille, marking the end of the Ancien Régime and according to some, the beginning of the French Revolution.

The National Assembly proceeded to attempt to draft a new constitution drawn from the new *Declaration of the Rights of Man and the Citizen*. This turned out to be far more difficult than anticipated. King Louis feared that a new constitution would curtail his authority and he attempted to flee Paris. He was captured and placed under house arrest in the Tuileries Palace. A new constitution was created in 1791 by an elected Constituent Assembly and reluctantly approved by the King. The constitution gave the right to vote to "active citizens," who were men who owned property. The King no longer had absolute authority but he still retained the power of veto (with some important limitations.)

In June 1792, Marie Antoinette's brother, Holy Roman Emperor Leopold II, mustered troops on the French frontier and King thought he was compelled to declare war on Austria but he vetoed the idea. In response, a large crowd of *sans-culottes* (laborers without fancy britches, called "*culottes*") marched to the Tuileries Palace and found an entrance. They cornered the King with cries of *Vive la nation* to which the King responded "*Oui, vive la nation*" and toasted the "people of Paris and the French nation."

In August, another uprising took place on the steps of the Hôtel de Ville, France's equivalent of New York's City Hall. The "*sans-culottes*" led the charge and they were led by Robespierre. The situation was becoming fraught with dissent. All politicians, including those in the Jacobin society, had their own printing presses and called for a new government that was "democratic or popular." The National Assembly was mindful of Jean-Jacques Rousseau's earlier statement that "we are approaching the state of crisis and the century of revolutions" and was torn between constitutional monarchs who did not want to rock the boat, moderate republicans in favor

of gradual reforms, and democrats who demanded that ordinary citizens be given a more direct role in making political decisions.⁸

Almost immediately thereafter, there was a large gathering in the Gobelins section of Paris⁹ to demand the dissolution of the Commune and the National Assembly. If, they argued, sovereignty truly belonged to the people, then only a true insurrection could guarantee that sovereignty. The Paris commoners claimed the “full power to rescue the Republic” and that popular sovereignty was an inalienable right that could not be delegated. According to Professor James Miller of the New School for Social Research, “for the first time since ancient Athens, direct democracy had become a concrete, collective goal—at least in the mind of the Parisian commoners defiantly convened that night at the Hôtel de Ville.”

The next day, the King and his family took refuge in the National Assembly and the Swiss Guards at the Tuileries opened fire on a group of insurrectionists known as the *fédérés*, many of whom were killed or retreated. A veritable slaughter ensued, resulting in mutilations of the dead bodies. As Professor Miller puts it, “the most radically democratic phase of the French Revolution thus began with a carnival of atrocities.”

The French Revolution set forth a chain reaction in the US. The US Constitution was ratified in 1789, shortly before the French constitution was adopted. The Federalists opposed the French Revolution and the Republicans cheered it.

John Adams had been sent to Paris in 1778 and knew the French well. He returned in 1779. In 1793, he wrote to his son John Quincy that the “Anti-Federalist Party . . . have probably provoked all crowned heads of Europe at last . . . and . . . may involve us in a war with all the world.”¹⁰

For the most part, the US was relatively unscathed by the French Revolution. There was an undeclared naval war with France during the Adams administration and a declared land and naval war with Britain under Madison’s administration, but that was about it.

Nevertheless, the Federalists, then in power, were concerned that the Republicans might adopt something like the French Revolution and, in Geoffrey Stone’s words, “plunge the United States into a similar period of violence and upheaval. [By contrast,] the Republicans feared that the Federalist sympathy for England denoted a desire to restore aristocratic forms and class distinctions in America.”¹¹ Both the Republicans and the Federalists attacked each other.

⁸ James Miller, “*Can Democracy Work: A Short History of a Radical Idea*,” Farrar, Straus and Giroux, 2018, p. 56.

⁹ Full disclosure: I used to live near the Gobelins area of Paris while I was studying at Sciences Po.

¹⁰ James Grant, *John Adams: Party of One*, Farrar, Straus & Giroux 2005, p. 361.

¹¹ Geoffrey Stone, *The Lessons of History*, in *Can it Happen Here?* Cass Sunstein, ed. , HarperCollins Publishers, 2018, p. 430, cited hereafter as Cass Sunstein.

The result was the enactment of the Alien and Sedition Acts of 1798. The Alien Act gave the president the power to deport any noncitizen he judged dangerous to the peace and safety of the US, without a hearing. It was intimidating but never enforced. The Sedition Act prohibited publication of malicious writings against the government and was enforced vigorously, but only against members and supporters of the Republican Party. The Act expired by its terms on the last day of the Adams administration.

What is the take-away from the French Revolution?

For our purposes, the take-away was that it was relatively simple to transform what we would today call an “autocracy” into a rudimentary form of democracy (Query whether the reverse is also true.) As we will see, the result was not quite what was desired or expected. For example, the French Revolution caused a great deal of death and destruction. The drafts of the constitution were many and intensely debated. The principal draftsman, Condorcet, was so disillusioned that he offered to convene primary assemblies if his draft were not adopted. Instead, he was arrested along with other National Assembly delegates. The new draft, which was adopted in a week by the *sans-culottes*, proclaimed that “insurrection was the most sacred of rights and the most indispensable of duties.” It was quickly ratified but never implemented. In October 1793, a Revolutionary Government came to power with extraordinary powers including the repression of counterrevolutionaries, thus beginning the Jacobin Reign of Terror.

One consequence was the transformation of France into a one-party state, controlled by a small clique of Jacobins, led by Robespierre, and asserting the necessity for the creation of a dictator in the original Roman sense. The party could suspend the rule of law any time there was a crisis. The second consequence was the Jacobin dictatorship itself. This led to a debate concerning the limitations on the expressions of popular sovereignty in order to protect individual liberties. This was not exactly what Rousseau had in mind, when he said that “the people are sovereign in one respect and subject in another When sovereignty is unlimited, there is no means of sheltering individuals from governments”¹²

The final consequence (and in Miller’s words, the most ironic) was the creation of a new concept called “representative democracy.” It had been thought that the election of representatives was an aristocratic, not a democratic process, since a democracy required direct access to political officers. But here, the election of representatives was considered to be preferable to a purely direct democracy. Condorcet, mentioned above, tried to draft a constitution that delegated power via elected regional assemblies to a national assembly that could represent the “general will of the entire French nation.” Thomas Paine, who was then in France, wrote in *The Rights of Man*, that “by engrafting representation upon democracy, we arrive at a system of government capable of embracing and confederating all the various interests and every extent of territory and population, and that is also as much superior to hereditary government as the republic of letters is to hereditary literature.”

Two years later, Robespierre agreed: “Democracy is a state where the sovereign people, guided by laws that are their work, do by themselves everything they can do well and by means

¹² James Miller, *supra*, p. 86.

of delegates everything that they cannot do by themselves.” According to him, “modern democracy may perish, not just from the aristocracy of those who govern but also from contempt on the part of the people for the authorities that they themselves have established.”¹³

Unfortunately, Robespierre also argued that the indigenous sovereignty of the people had to be first replaced by an interim dictatorship and then by a representative democracy in which the people would hand over power to a new government of the “just and wise.” That marked the end of France’s attempts to introduce a truly self-governing democracy. The Jacobins executed more than 17,000 people, including the King and Queen. More than 20,000 were simply left dead. The Jacobin Reign of Terror controlled the nation. When it was all over, more than 250,000 people were murdered. According to Miller, the “French Revolution had produced a new understanding of democracy—and a hecatomb.”¹⁴

What had happened? Primarily, the Reign of Terror morphed into a settlement of personal grievances and the Jacobins arrested the “enemies of freedom.” In October, 1794, the constitution was suspended and Marie Antoinette was killed by guillotine. “Enemies of the people” were not permitted to defend themselves. Robespierre was executed, after attempting suicide.

France was then governed by a five-person “Directory.” Napoleon Bonaparte commanded a French army that was battling Austria, and he was offered the opportunity to lead an invasion of England. He declined, but took on an invasion of Egypt instead. In 1799, he commanded an invasion of Syria, which failed. In 1799, Napoleon was part of a coup that overthrew the Directory, in an event that was known as the “coup of 18 Brumaire.” Napoleon was made first consul and his goal was to restore the pre-Revolution France. In 1802 he was made consul for life and in 1804, he crowned himself emperor of France in Notre Dame Cathedral in Paris.

In addition to Napoleon’s military exploits, he reestablished the French aristocracy and gave out titles of nobility. But as a result of his disastrous military escapades, including the Russian invasion and a war with Spain and Portugal, Napoleon abdicated in 1814 and was exiled to Elba. In 1815, he escaped and led a force against Belgium. In June, 1815, he was defeated at Waterloo and spent the rest of his life in exile in St. Helena in the South Atlantic. His body was later entombed in the Invalides in Paris.

If it be said that Napoleon was an autocrat, which he may have been, he was a failure. He never really controlled France, although he led its reconstruction efforts after the revolution. He was never the head of state, although he led the French army in several European battles, many of which he won, although some of which were colossal failures.

What is Autocracy?

¹³ James Miller, *supra*, p. 87.

¹⁴ A “hecatomb” is a “great public sacrifice,” usually, in Greece or Rome, of one hundred oxen. Today it is used to signify an *extensive* loss of life.

NYU Professor Ruth Ben-Ghiat's recent book *Strongmen* examines the careers of sixteen "autocrats" or near "autocrats" in order to understand what, if anything, they had in common that led to their "successes" as autocrats. Some of those she examines, such as Donald Trump, did not succeed as autocrats, but came close. She writes that authoritarianism remains a "surprisingly fuzzy concept. We still lack a common language to speak about the governments of twenty-first century authoritarian rulers who repress civil liberties but use elections to keep themselves in power." She notes that recent labels include "hybrid regimes," "electoral autocracies," or "new authoritarianism," none of which is satisfactory.

She also notes that all of her subjects established "personalist rule, which concentrates enormous power in one individual whose own political and financial interests prevail over national ones in shaping domestic and foreign policy. Loyalty to him and his allies, rather than expertise, is the primary qualification for serving in the state bureaucracy, as is participation in his corruption schemes." Does this sound familiar?

Professor Ben-Ghiat described the longevity of today's authoritarians. "Personalist rulers can be long-lasting rulers, because they control patronage networks that bind people to them in relationships of complicity and fear."¹⁵ Her "strongmen" are creatures of fear. They are wary of those they repress, of elites who can turn on them and enemies who wish to remove them. For those reasons, authoritarians use blackmail and "clientelism" to tie people to them.

To understand authoritarianism, it is important first to understand how authoritarians managed to gain power and to stay in power. Many say it is equal parts seduction and threat, coupled with "man to man" diplomacy. Authoritarians proclaim law and order and then enable lawlessness when it suits them. Italian Prime Minister Berlusconi made the Italians feel good about breaking the rules, just as he did. For that reason, authoritarians are "one of us."

Professor Anne Applebaum has spent most of her life living through and trying to understand the meaning of autocracy and how it germinated. One of her more recent works, *Twilight of Democracy: The Seductive Lure of Authoritarianism*, is truly frightening. Not only did she live through the takeover in Poland by the Law and Justice party in 2005, but she spent months if not years trying to understand how that happened. As it turned out, it was directly out of the autocracy playbook: First the Supreme Court was packed, then the party took over the state public broadcaster in order to run straight-forward ruling-party propaganda. Civil servants were fired by the droves. "The point of all these changes was not to make the Polish government run better; it was to make the government more partisan, the courts more pliable." For example, the Polish government prohibited public debate about the Jewish Holocaust. Immigrants became targets, especially Islamic immigrants and homosexuals.

Generally speaking, authoritarians have no master plan. They are con men and opportunists who would do anything necessary in order to get the absolute authority that they crave. They will blame their own people, not themselves. This clearly happened in Poland.

¹⁵ Ruth Ben-Ghiat, *Strongmen*, W.W. Norton & Co. 2020.

How should we respond to an authoritarian take-over? According to Professor Ben-Ghiat, “to counter authoritarianism, we must prioritize accountability and transparency. Authoritarians are not above the law, but they pretend that they are. Legal and illegal, fact and fiction, and celebrity and politics all blend together until everything is a confidence game.” Ben-Ghiat uses CBS’s Norah O’Donnell’s reaction to Donald Trump’s 2020 State of the Union speech as an example of what not to do: “Although the speech contained multiple false statements about economic growth during his presidency, O’Donnell hailed it as a triumph by the ‘reality TV president . . . a master showman at his best.”

Ben-Ghiat also writes that America has played an outsized role in the success of authoritarianism around the world, primarily by allowing US banks to support them. She calls out the law firm Greenberg Traurig for working for Orbán and Erdoğan, as well as handling the Turkish president’s affairs abroad. She also notes that Trump’s national security advisor Michael Flynn simultaneously worked for Erdoğan representing Turkey’s interests in America.

What is the US to do? It has never experienced dictatorship or foreign occupation. Are we now at risk of becoming an authoritarian country? Ben-Ghiat thinks so. “By the time many recognize the scope of the danger at hand, the costs of the head of state’s destructive character and style of governance are often all too evident.” Her example is Trump’s response to the Covid outbreak: “He called COVID-19 no worse than the flu, peddled unproven or deadly cures and obstructed mass testing.” A data firm employed by the Trump campaign received \$2.85 million from the \$2 trillion stimulus fund, or fourteen times the average payout. Trump’s response: “If you don’t dominate, you are wasting your time.” She adds: “Never underestimate the strongman’s tenacity and his will to do whatever it takes to stay in power.

Professor Ben-Ghiat goes further: In a speech she saw as “normal in the authoritarian tradition,” Trump’s 2017 Inaugural Address included the typical tactic of leaving the audience uneasy and uncertain of what he will do next: “The time for empty talk is over. Now arrives the hour of action.” Of course, he never fully described what the action would be, but the audience didn’t care. In his speech to the Economic Club of New York in November, 2019, Trump added another typical authoritarian invitation: “Dictators? It’s OK. Come on in. Whatever’s good for the United States.”

Political scientists Norman Orenstein and Thomas Mann saw the same thing in a similarly troublesome way. They wrote that “the GOP has become an insurgent outlier in American politics. It is ideologically extreme; scornful of compromise; unmoved by conventional understanding of facts, evidence, and science; and dismissive of the legitimacy of its political opposition.” Ben-Ghiat added: “By the time Trump started his campaign in 2015, the Republican party had largely abandoned democratic notions of mutual tolerance, and its commitment to bipartisan governance had waned.” In addition, Trump’s advisors, including Steve Bannon, Roger Stone and Paul Manafort, had already advised strongmen around the world, including Matteo Salvini, Mobutu, Marcos and Ukrainian president and Russian enthusiast Victor Yanukovich.

Many authoritarians have used great resolve and courage and risked their lives to attempt to create a different society. Authoritarians are transparent about prioritizing their self-preservation over the public good. Ben-Ghiat recommends that those who wish to block an authoritarian begin

by reaching across the lines to stop a new cycle of destruction, knowing that solidarity, love and dialogue are what the strongman most fears.

What is the take-away? Notwithstanding Cass Sunstein's peroration that "it is possible that a series of modest actions on multiple fronts, executed patiently over a long period of time, could eventually produce dictatorial power," the simplest answer—and probably the correct one—is that fascism cannot come to America simply because our government is so large and unwieldy. According to Professor Tyler Cowen of George Mason University, "no matter who is elected, the fascists cannot control the bureaucracy, they cannot control the judiciary, they cannot control semi-independent institutions . . . and they cannot control what is called 'the deep state.'" In other words, "big government is useful precisely for (among other reasons) helping to keep government relatively small."¹⁶ Or in the words of Professor Noah Feldman of Harvard Law School, "It can't happen here." But he adds judiciously, "[M]y conclusion should not be taken to mean that we don't need to remain vigilant, even mildly paranoid, about the risks of democratic reversal . . . For civil society at least, the sentinel function calls for some aggressive outrage."

Why Nations Fail: The Role of Political Parties in the Decline of Democracy and the Rise of Autocracy.

There seems to be little doubt today that differences in incomes and standards of living separate the rich countries of the world from the poor ones. In fact, the differences are palpable. In December 2010, a street vendor in Tunisia set himself on fire, which created the so-called "Jasmine Revolution" leading to the Arab Spring. Tunisia's leader stepped down, followed by the ouster of Egypt's ruler Hosni Mubarak.

The cause of these ousters was clearly poverty. In many of the poorest countries, more than half of their populations live in poverty. How does that happen? Is it climate? Geography? Ignorance of what to do? As Daron Acemoglu and James Robinson have answered emphatically in their work *Why Nations Fail*, the answer is a clear NO. They conclude that it is man-made political and economic institutions that underlie economic success or the lack of it. And more to the point, they conclude that revolutions do not themselves change anything. Countries such as Great Britain and the United States became rich "because their citizens overthrew the elites who controlled power and created a society where political rights were much more broadly distributed, where government was accountable and responsive to citizens, and where the great mass of people could take advantage of economic opportunities." This may be an overstatement but it appears to be directionally correct.

¹⁶ Tyler Cowen, *Could Fascism Come to America?*, W.W. Morrow 2018, p. 37.

But how does that happen? Some of these poor countries, such as North Korea, are clearly being run as autocracies whereas countries such as South Korea were blessed by leaders who forged a society that “created incentives, rewarded innovation, and allowed everyone to participate in economic opportunities.” The difference, according to Acemoglu and Robinson, is due to politics.

This raises a serious question for us: are we headed in the same direction? According to those who have studied Project 2025: A Mandate for Leadership created primarily under the auspices of the Heritage Foundation, the answer is also a clear YES but the rationale is different from those espoused by Acemoglu and Robinson. They argue that “Inflation is ravaging family budgets, drug overdose deaths continue to escalate, and children suffer the toxic normalization of transgenderism with drag queens and pornography invading their school libraries.”

What is the solution? according to former President Trump in his 2016 acceptance speech, “I alone can fix it.” He added: “If I happen to be president and I see somebody who’s doing well and beating me very badly, I say go down and indict them.” For good measure, he added that he would fire “radical Marxist prosecutors that are destroying America . . . [and he would] “appoint a real prosecutor to go after the most corrupt president in the history of the United States, Joe Biden, and the entire Biden crime family.” This is clearly more than politics and all this would take place in the name of “Christian Nationalism” in which, according to Trump’s colleague Russell Vought, “Christ-ordained civil magistrates would exercise authority over the American public.” If you think this sounds familiar to what happened in North Korea (except for the Christian Nationalism part), you are not alone.

But what does this have to do with today’s political parties? In fact, quite a bit. In their recent work, *The Hollow Parties: The Many Pasts and Disordered Present of American Party Politics*,¹⁷ Professors Schlozman and Rosenfeld have written that with respect to what they call the “Long New Right” beginning with the days of Barry Goldwater, whose RNC Chair Dean Burch, upon hearing about the Ku Klux Klan’s support for his candidate in 1964, responded that as long as the KKK is “not in the business of overthrowing the government, we are not in the business of discouraging votes.” Apparently our political parties, especially the Republican Party, have fallen down on the job. They argue that political parties must be renewed and re-created but there is no evidence that is taking place, unfortunately.

Schlozman and Rosenfeld take the view that former President Trump “did a full hostile takeover of the Republican Party: and that he beat all the established factions in the party in 2016.” In doing so, Trump was not merely “renewing a political party,” but he became “A figure straight

¹⁷ Princeton University Press, 2024; see also D. Acemoglu & J. Robinson *Why Nations Fail*, Crown, 2012

out of the populist strand, never before elected to office and hardly a loyalist to the party whose banner he carried.” Trump easily bested a field of rivals with impeccable Republican credentials and Schlozman and Rosenfeld added that “for models of political parties that emphasize nomination and coordination, the events of 2016 proved particularly climactic.” They observed that “with Trump, populism and presidentialism converged . . .”. But, they add, “the country’s partisan divide is deep and it is not going anywhere. Better to build robust parties than to leave hollow shells and unaccountable actors the task of containing the furies of the age. And better to summon the immense collective power of parties to tackle the challenges of our time than to consign ourselves to the drift and rancor of a system in deadlock—or to succumb to demagoguery.”

Talk, however, is cheap. We are not “creating incentives” and “rewarding innovation” in our political parties. Rather, as candidate Trump has warned when he was running for president in 2024, he would “begin the largest domestic deportation operation in American history. Project 2025: A Mandate for Leadership (hereafter Project 2025) promised that a Trump presidential immigration policy would include “arresting, detaining, and removing immigration violators anywhere in the United States.” And according to Trump colleague Stephen Miller, they would be held in large-scale “internment camps” prior to deportation. That is not a “renewal of a political party,” it is pure autocracy.

But there is more: Trump’s Project 2025, of which he later denied knowledge, promised that there would be a “biblically-based, social science-reinforced definition of marriage and family” so that only heterosexual men and women would be recognized, and “the removal of protection of discrimination on the basis of sexual or gender identity, and the elimination of provisions pertaining to diversity, equity and inclusion from federal legislation” would be required. What is more, “individuals who have participated in DEI programs or any initiatives involving critical race theory might be fired.”¹⁸ This sounds surprisingly like Professor Applebaum’s description of the “Truth and Justice” party in Poland in 2005.

What has happened to our political parties? In the beginning, our nation slowly abandoned individual attacks on each other in favor of more organized parties that brought about a new continuity and structure. More important, the parties of the 1790s and early 1800s, were organized around relatively stable coalitions. However, arguments and debates between individuals continued. One might have wished for more coalitions between and among individuals—or even between the parties—but the ambivalence about collective political action reflected in the Constitution persisted into the early 19th Century. Andrew Hamilton wrote that the ill-effects of

¹⁸ Project 2025, *Wikipedia*, [https://en.wikipedia.org/wiki/Project_2025#:~:text=Project 2025](https://en.wikipedia.org/wiki/Project_2025#:~:text=Project%2025).

the party format might be mitigated by making one party a check on the other. "If this is not the language of reason, it is that of republicanism."

Nevertheless, each party saw itself as the defender of the nation against the other. President Washington, in his Farewell Address, took up the issue directly: "The . . . domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism There is an opinion that parties in free countries are useful checks upon the administration of the government and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchical cast patriotism may look with indulgence, if not favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged."¹⁹

Washington was prescient. When he was President, Thomas Jefferson told his attorney general to "sink federalism into an abyss from which there will be no resurrection of it." Political parties were slowly but surely moving toward political conflict. In his inaugural address, President James Monroe called political parties "the curse of the country."

The Jacksonian Presidency created what was called the "Second Party System" in which the delegate conventions replaced legislative caucuses and consensus-building mechanisms extolled the virtues of teamsmanship. The Second Party System resulted in rallies, parades and songs and state and local parties created their own networks. Workers who succeeded received "spoils" and the Second Party System developed what Schlozman and Rosenfeld called "the political game itself."

In the interest of time, let us briefly fast-forward to the New Deal political parties. It was hard to tell where the New Deal of FDR stood. Was it partisan or ideological; bipartisan or nonpartisan? Did FDR merely co-opt the political parties for his own advantage? Perhaps. In fact, FDR argued that "leadership can be successful only through the greatest amount of party harmony." To that end, he sponsored legislation desired by the southern barons as well as that desired by local party organizations.

At the same time, traditional party machines played a slightly different tune: they would defer to general liberalism in national politics and "divide and conquer" at home. The result was the general decline of the political party and the increase of new and more active groups. Party

¹⁹ Emphasis added.

bosses such as Jim Farley and Arthur Schlesinger Jr. continued their work on the tradition machinery of mobilization but behind their back, FDR secretly considered forming an alliance with his opponent Wendell Willkie to unite the Republican Progressives and the Democratic party into a new party. That never happened, but it opened what Professors Schlozman and Rosenfeld called “the crosscutting of programmatic and partisan lines.”

When Truman became President after FDR’s death, he attempted to limit the political parties to domestic politics only: “Partisanship should stop at the water’s edge . . .”. Underneath this peroration was civil rights, and in particular an assault on Jim Crow that the southern states could not countenance. They created a third party known colloquially as the “Dixicrats,” the principal purpose of which was to throw the vote into the House of Representatives, where the Southern States would at least demand something in return for their acquiescence.

The take-away from this review is simply that during this period the national revolution was slowly but surely being accepted—in a somewhat modified form—by local party officials. Local reform committees grew up everywhere, giving us Adlai Stevenson and Robert Wagner, for starters. Women and civil rights activists joined the local party organizations. However, these local party organizations never quite figured out how to market their organizations to their national counterparts; they were at an impasse. The result was the Chicago Democratic Convention of 1968, with speeches inside the walls and armed police outside. Once again, Vietnam and civil rights took center stage: Martin Luther King Jr. was assassinated in April. Club politics essentially disappeared and were replaced by the people. For example, George McGovern said that “the real heart and soul of a political party is its policy, its philosophy, its stand on the great issues of the day. Really the only purpose of party reform is to provide a vehicle through which those policies can be determined by the people rather than the bosses.” This may not appear to be entirely true to democratic principles, but it certainly was a far cry from autocracy. Unfortunately, in most cases, it did not happen.

However, autocracy was closer than many imagined. In its Conservative Political Action Conference in February 1975, the Conference passed a resolution that provided that “the question of our allegiance to [the two major] political parties is a matter of increasing doubt to conservatives.” This gave birth to Professor Schlozman’s and Rosenfeld’s “Long New Right.” It was an “us-against-them” approach that became a rallying cry for the conservatives. It has been argued that this cry was originally one used by Joseph McCarthy and supported by one of his counsel, Roy Cohn who, it turns out, was also a mentor to former President Trump. This was not a democracy; was it a preview of autocracy?

The Long New Right members were disciples of the John Birch Society, founded in 1958 which had a strict, secretive and conspiratorial bent. This organization, more than any other of its

time, turned political parties from promoters of harmony to alarmists. According to Robert Welch, the Birch Society founder, President Dwight Eisenhower was a “dedicated, conscious agent of international communism.” The NAACP was “part and parcel of the Communist conspiracy to overthrow democratic governments of this nation and its sovereign states.” Thomas Jefferson would have been aghast at such descriptions.

To carry out its agenda, the Birch Society promoted the creation of “controversy and the element of conflict and drama.” Its songbook had lyrics such as “Deck the halls with Commie corpses.” And its principal agent was Barry Goldwater. To Goldwater—as it was to Welch—“social conflict is a means to majority.” If you think that this is a first step on the road to autocracy, you are not far off. Along came Newt Gingrich, who had little use for the Republican Party leadership and who told the College Republicans in 1978 that “You’re fighting a war. It is a war for power . . .”.

A Third Generation of conservative republicans had just come of age, in the person of Patrick Buchanan, who wrote President Reagan’s speeches and who as a young man revered Joseph McCarthy and Francisco Franco. He later served in President Nixon’s administration. By contrast with Gingrich, Buchanan was more of a centrist who promised to stop bad trade deals, restore manufacturing and rein in bankers, all fairly centrist Republican positions.

It can thus be seen that political parties can foster the creation of autocrats by creating conflict and by supporting policies that autocrats would find helpful to their causes. They can also appear to be two-faced, if the circumstances warrant. Senate Majority Leader Mitch McConnell, who roundly criticized then President Trump for instigating the January 6 Insurrection, and who later totally exonerated him, is a good example.

But it can also be seen that political parties—at least those in the US—cannot in themselves create a pathway to autocracy. The pathway is too long and the causal facts are not sufficiently obvious. That may be why this country has never experienced an autocrat or autocratic principles since its inception, with the possible exception of Project 2025, which appeared to be aimed clearly at an autocrat-in-the-making. Unfortunately, unless our current political parties have come up with a set of guard-rails for a potential autocrat, we will soon be reading an even more frightening book by our autocracy scholar, Professor Anne Applebaum, *Autocracy Inc., The Dictators Who Want to Run the World*.²⁰

²⁰ *Diversified Publishing*, July 23, 2024.

Authoritarianism and Economics

Some have argued that an authoritarian government is better for a nation's economy than a democracy is. The theory is that autocrats distribute wealth and property widely and because they are in charge, they don't have to deal with all those "checks and balances, hearings and debates, judicial reviews and individual rights issues." As the CATO Institute recently described an autocrat's plea, "What's needed is action, not more empty debate or selfish individualism."²¹

Viktor Orbán, discussed at length below, is a poster child for an autocrat who promoted autocracy as the antidote to instances of democratic "backsliding." Orbán minced no words in promoting his autocracy: "No policy-specific debates are needed now, the alternatives in front of us are obvious . . . [W]e need to understand that for rebuilding the economy it is not theories that are needed but rather thirty robust lads who start working to implement what we all know needs to be done." This became known as the "Thirty Robust Lads" method of improving a nation's economy.

Unfortunately for Hungary, Orbán's economy, fueled by an autocrat, turned out to be nothing of the sort. In an article published in August 2022 quoting a former minister and governor of Hungary's Central Bank, the NY Times wrote that "Reality is suddenly knocking on Orbán's door. . . . We are between Botswana and Tobago." It is hard to tell whether Hungary's economic failure was based on Orbán's socialist economic policies or his misunderstanding of economics in general and Hungary's economics in particular. Orbán brought in loose monetary and fiscal policies which increased economic growth—temporarily—but as the NY Times reported, "left the government with a big deficit, high debt-servicing costs, and no obvious way to fill the hole . . .".

Another example of the relationship between democracy and economic growth can be found in our own Jim Crow practices until about 60 years ago. Because of Jim Crow, the South routinely reported low wages, low productivity, low education levels and malnutrition. There was no incentive for innovation and development. Lynching and white mobs destroyed Black communities. Democracy as the North knew it did not exist. That the stagnation in the South was a political problem is evidenced by the reversals that occurred later in the 20th Century.

²¹ Tom Palmer/CATO, "No, Autocracies Don't Make Economies Great," November 23, 2021.

Leaving Orbán aside, most of today's autocrats have learned better, and they have made it appear that they are now working within a framework that is like a liberal democracy and that explains their redistribution of wealth and property. Some call that "Autocratic Legalism."²² The autocrats make it appear that they are mimicking democracies that operate within the rule of law, but they are really dictating distributions and the like themselves, behind the scenes. Their theory is apparently that once they have pulled off their one-time redistribution they can promise to follow what Smith calls, quoting the economist Roger Lagunoff, "a rule of law—a stable allocation of property from that point forward." In other words, the autocrats appear to nationalize assets from the incumbent elite, which are then slowly privatized by the new elite.

Does democracy deter growth, as some of the autocrats have argued? Quite clearly, NO. Several groups of mathematical economists have spent significant time researching this question and the answer is unanimously that it does not. For example, a relatively new institute the "V-Dem Institute" at the University of Oslo, Norway, has found that "democracy does not deter growth even in countries with weak state institutions." Building democracy before state capacity does not hurt long-term development. Its studies found that there was an overall positive relationship between democracy and development. On the other hand, the economists found vast variations in economic development outcomes in autocracies.

However, an even more robust analysis was recently undertaken by two professors, Martin McGuire of the University of California, Irvine, and Mancur Olson, Jr. of the University of Maryland.²³ Although most of their work was highly mathematical, their conclusions are quite unexpected, at least for the layman: "[W]henever a rational self-interested actor with unquestioned coercive power has an encompassing and stable interest in the domain over which the power is exercised, that actor is led to act in ways that are, to a surprising degree, consistent with the interests of society and of those subject to that power." In other words, an autocrat who has all of the unquestioned power needed to carry out his agenda may, in certain circumstances, act in the interests of his (or her) people.

A third study, by Professor David Epstein of Columbia University and Professor Peter Rosendorff of the University of Southern California, written twenty years ago, undertook to examine why some countries living under dictators, experienced relatively high growth, while others did not. In fact, they found that autocracies exhibited greater variation in growth rates than did either partial or full democracies. They observed that dictators came in two types: those whose personal objectives often conflicted with growth promotion, and those whose interests dictated a preoccupation with economic development. On the politics side, they found that autocracies extract rent through force, and that members of the society spent an inordinate amount of time

²² Tyler Smith, *The Economics of Autocratic Legalism*, American Economic Association, Sept. 20 2023.

²³ *The Economics of Autocracy and Majority Rule*, 1996

trying to defend their property against state predation. To jump ahead—that is, bypassing their elaborate mathematical models—they conclude that “even dictators will leave the market sector alone if their economic returns at the margin mean less to them than the loss of political support from their favored groups. Conversely, the worst situation economically occurs with a politically secure autocrat who can turn all of his energies towards extracting resources for political benefit.”²⁴ In considering the significance of the Epstein-Rosendorff report, we should remember that since their work was undertaken twenty years ago, it may not be applicable to autocratic nations today.

What is the take-away from this discussion? It is simply that in general, democracies are better than autocracies in ensuring the provision of public goods, including education, public health and infrastructure “because they manage markets more effectively; and because they channel contestation into political compromise rather than political violence.”²⁵ What can we do to make sure this continues? “Experts should elucidate the likely economic consequence of democratic erosion, ensure business leaders can distinguish clearly between normal partisan policy disputes and dangerous challenges to the system of government itself, and articulate the effect democratic decline can have on the way businesses interact with government. . . . Business leaders . . . have a strong incentive to reinforce democracy in the United States and should move to address the educational and institutional barriers to that important work.”²⁶

What Can We Learn About Democracy and Autocracy From Other Countries, Such as France?

At the very least, we can learn to be vigilant and to re-examine our basic values. On June 9, 2024, French President Emmanuel Macron dissolved the French National Assembly and called for new national elections for the European Parliament, of which France currently has 27 members. The reason was the activities of Jordan Bardella, a staunch disciple of the far-right French politician (and thorn in Macron’s side) Marine LePen, whose conservative party apparently won 33 percent of the vote for the elections, or more than half of Macron’s *Renaissance* party (“RE”). (Subsequent French elections for the National Assembly, concluded on July 7, 2024, resulted in a partial victory for Macron’s party, and another left-wing party known as *Nouveau Front Populaire* (“NFP”).

One of the core issues in both votes was immigration. In 2022, more than 5.1 million immigrants entered the European Union. Bardella argued that if “France becomes the country of everyone, it will no longer be the nation of anyone.”²⁷ What Bardella was really talking about was not changing France’s immigration laws—at least not at the moment—but building into the European Parliament a far right contingent of members—here about 150 of the 720 seats—for the purpose of making it more difficult for the EP to pass laws. Chairwoman Ursula von der Leyen

²⁴ Epstein & Rosendorff, *When Are Autocracies Economically Efficient?*, August 15, 2004. Preliminary Draft.

²⁵ Vanessa Williamson, Senior Fellow, Urban-Brookings Tax Policy Center, *Democracy is good for the economy. Can businesses defend it?* April 30, 2024.

²⁶ Ibid.

²⁷ NY Times, June 10, 2024, p. 9.

put it this way: “The center is holding. But it is also true that the extremes on the left and on the right have gained support, and this is why the result comes with great responsibility for the parties in the center.”²⁸ But why? Isn’t France still the country of *Liberté, Égalité et Fraternité*? Apparently not. For the French, immigration is synonymous with nationality and at least according to the French Right, the only way to preserve French nationality was to limit immigration to nationals.

Because of the US debate and concern over the issue of immigration, it is worth spending a few moments understanding the French experience in more detail.

We are not alone in expecting specific modes of conduct, behavior and dress for those immigrants who seek a better life in our country and who wish to become citizens. France has been struggling with these issues for many decades, with mixed results. Perhaps more than any other country in the western world, France has debated and discussed the notion of French nationality: What does it mean to have French nationality and identity? Why do we care? Does it have anything to do with our own immigration crises and our attempts to reign them in? Let us take a look.

The first French Commission to study that question was Commission de la Nationalité created by the Chirac government to reform the Code de la Nationalité. Its charge was to clarify the law and to suggest reform. But it went further. Its two-volume report was titled “Être français, aujourd’hui et demain.” (To Be French, Today and Tomorrow.) It is said that the dominant French idea of integration today came from that report.²⁹

The report stated that “Identité national et integration des étrangers ne sont pas antinomiques et doivent être étroitement corrélées.”³⁰ In other words, national identity and integration of immigrants are narrowly correlated. Professor Adrian Favell noted that prior to the issuance of that report, the dominant philosophy in France for immigrants was “insertion,” sometimes called “assimilation,” not integration. Professor Émile Temime of Aix-Marseille University, defined “Insertion” as a system that permitted the immigrant “à préserver, au moins partiellement, l’identité d’origine, les spécificités culturelles, les modes de vie . . .”³¹

²⁸ CNN World/Europe, June 10, 2024.

²⁹ Adrian Favell, *Philosophies of Integration: Immigration and the Idea of Citizenship in France and Britain*, Palgrave, 2d Ed. 2001, p. 42.

³⁰ M. Long (Chair), *Être français, aujourd’hui et demain*, Commission de la Nationalité, 1988, p. 82.

³¹ Émile Temime, *France, terre d’immigration*, Gallimard, p. 152.

In other words, immigrants should continue to preserve, at least partially, their original identities, cultures and standards of living. “Insertion” or “assimilation” was an instrumental approach that was only loosely associated with the idea of identity. It was not necessary that immigrants be fully integrated into French culture; it was sufficient that they obtained housing and basic welfare needs. They were measured and monitored but did not have French “identity.” The approach was entirely pragmatic: to avoid social disturbance. In the pre-1980s period, the number of immigrants was driven primarily by economics, not by their desire to become French.

Things began to change with the oil crisis of the 1970s. France did not need as many immigrants. When North African immigration resumed in the 1980s, their integration was difficult. They lived outside the large cities and transportation to the city was difficult. Typically there was only one employed family member and the immigrants either did not have access to, or did not care to use, cultural resources.

The 1988 report of the Commission de la Nationalité fundamentally changed the perception of immigrants and how they might become French. It moved away from “insertion” and toward “integration.” It created (or at least re-created) the notion of “Republican Citizenship.” The theory was that after the French Revolution, which abolished the monarchy, at least in theory, the “idea” of the nation became paramount. Political and cultural equality and individual rights replaced the monarchical system and defined the nation.

Almost by definition, such a system demanded a social unity. The individual citizen had individual rights, but also owed a moral duty to the nation. Even though in the years immediately following the French Revolution immigration was encouraged, by the late 1790s, foreigners (étrangers) were considered enemies; many were expelled from Paris and other towns. The perception was that “people born outside France had other loyalties and obligations, so only French people could enjoy full rights in France.”³²

The Napoleonic Code acknowledged the possibility that foreigners could in fact become French citizens, but they had to seek permission first: “A foreigner who wanted to become French was obligated to obtain permission from the government to establish himself in France.”³³

³² M. Rapport, Nationality and Citizenship in Revolutionary France: The Treatment of Foreigners, Oxford Univ. Press 2000, p. 7, quoted in Sarah Seigle, Identity in Translation: The French Perception of Immigration, 1789-Present, Digital Commons @ Connecticut College, Jan. 2012, p. 28.

³³ J. Heuer, The Family and the Nation: Gender and Citizenship in France (p. 4), quoted in S. Seigle, *supra* note 32.

Professor Adrian Favell tells us that the idea of Republican Citizenship “argues that the rules of immigration and the process of integration can be set in strongly republican, citizenship-based terms, because they are a direct continuation of the decisive period of nation-building that took place during the Third Republic (1871-1914), itself a reworked inheritance of the Revolutionary and Napoleonic periods.”³⁴

It was claimed in this 1980s period that France has a particular cultural identity—citizenship—that was an integral part of its nation-building process. Citizenship was based on what Favell calls “associative membership within the political space.”³⁵ He says that this was nothing but a myth; the notion of “republican citizenship” was a 1980s invention that was not based on historical reality.

The reality was that beginning with Napoleon, the French citizens were perceived not as a part of the social community based on equality but rather were perceived as tools that he could use to obtain hegemony. It is true that Napoleon told the French people that they were superior to all others but he did not behave as if he truly believed that. “Napoleon was conscious of the need for a new social hierarchy in France, one based on service to the state rather than the accident of birth. . . . What has been described as Napoleon’s ‘re-hierarchization’ of French life involved a complete reordering of the social system.”³⁶ This reordering did away with the notion of equality, in recognition of the apparent truism that it is not actually possible to have liberty, equality and fraternity at the same time. Although he was not an autocrat in today’s sense, he was probably a dictator and a hegemon. France was certainly one after the Directory was overthrown in November 1799.

But Napoleon’s new social hierarchy had another motive for existing: he was in charge of it. His creation of social hierarchy could be seen as the first step toward his march to become the sole leader of France. France was probably not an autocracy, but it was a controlled state and a European hegemon.

The 19th Century was a difficult time for immigrants in France. Conditions were horrific and disease was rampant. Anti-immigrant sentiments were strongly held. A law was passed in 1888

³⁴ Favell *supra*, p. 44.

³⁵ *Id.* p. 45.

³⁶ A. Roberts, *Napoleon, A Life*, Viking 2014, pp. 464, 465.

that required foreigners to register. No one was speaking of “integration.” There was no notion of republican citizenship.

Fast forward a hundred years to 1980. The 1980s debate on nationality was not an attempt to retrieve what had existed since the time of the Revolution. Rather, it was brought about by larger issues of governance. Yes, it was true that many if not most of the immigrants of that period were from North Africa and were Muslims but there was no culture clash like the ones that existed at the end of the 19th Century. The notion of “insertion” “functioned precisely because it was not really a grand idea at all, but a loose collection of narrowly targeted practices, which avoided treating the big symbolic political questions that were to blow up centre-stage in the 1980s.”³⁷

The larger issues in the 1980s debate had to do with politics : cross Europe and the move toward decentralization that was antithetical to the central socialist state that the Mitterrand government was wedded to. This decentralization coupled with the increases in immigration of Muslims, led to political pluralism, something to which the French were not accustomed. Add to this the fact that in this period the political integration in Europe was recognizing – and required recognition of – non-nationals and you can see the basis for a fundamental political debate and the creation of the far right.

Historically and culturally, France had been a meritocracy, but for a few obvious exceptions. Only the smartest students were eligible to participate in the public administration. Le Pen wanted to preserve that culture but the tide was turning. That may be why the reports of the 1980s and 1990s recalled the notion of “Republican Citizenship” as the way to reconcile the divergent views that were forming. Leaving aside whether it was a historically accurate notion, the idea was to create a new center that would be able to withstand the pressures from the right and the left.

This leads us to try to understand the issue of North African – and principally Algerian – integration. The 1983 “banlieu (neighborhood) revolts” made it clear that the North African immigrants, largely Muslim, had not integrated. Azouz Begag, a former minister for equal opportunity and a professor who taught at Florida State University and Cornell, among many other places, wrote that “If France had seized the opportunity that was there in the 1980s, a less demagogic path could have been taken. But the opportunity was lost. In response to each banlieu revolt, successive governments reacted in lukewarm or Machiavellian fashion, brandishing and gradually devaluing the words equality, fraternity, solidarity and citizenship”.³⁸ “There is now

³⁷ Favell, *supra*, p. 47.

³⁸ A. Begag, *Ethnicity and Equality: France in the Balance*, Bison Books 2007, p. 87.

an entire generation for whom the word integration evokes ambiguity, trickery, and disillusionment.”³⁹

The issue, of course, is linked to the French notion of nationality and citizenship. How do the North Africans, in the words of the 1980s report “become French?” What principles are contained in the notion of “national membership?” What does “integration” really mean? Begag responded: “Integration? The word has wilted and lost its power.”⁴⁰

France has always had an exalted view of its place in the world, a civilization based on the highest ideals of liberty and human rights. These were not just rights to which citizens were entitled but they were fundamental and integral to the notion of citizenship itself. That means, it is said, that there must be full integration of all residents into the body politic. Does the US insist or even expect the same from its immigrants? Have we ever?

The report “Être français” did not set forth rules restricting immigration; rather it set forth rules for successful integration. Citizenship was not to be based on birth, or blood or religion, but on a voluntary acceptance of full participation into the body politic. French nationality was not to be based on the way in which citizenship is obtained but upon acceptance of French identity, with all that entails. We now know this was a fantasy. In practice, it meant, or should mean, that French nationality can co-exist with cultural differences, religious and linguistic differences and other differences. It meant that the French way of dealing with immigrants is no longer to be based on insertion but full nationalist integration into the body politic. Unfortunately, that did not happen in France. Has it happened in the US?

Since the French Revolution and more specifically since the 1905 law on secularism, France has been a secular nation in which there is a separation between church and state. The idea is that the state should not interfere in religion but it should permit different religions to operate independently. Although the same proposition is a fundamental tenet of the US Constitution, Project 2025 proposed turning the US into a nation controlled by what is called Christian Nationalism, which would be a fundamental departure from our history and tradition.

The problem with integration today in France largely concerns Islam. To what extent can Islam conform itself to the French public order? Can Islam be recognized as a public religion, like

³⁹ Id. p. 91.

⁴⁰ Id.

Catholicism or Judaism? The 1980s report explicitly addressed this issue. The goal was that the fully-integrated Muslim immigrant would be expected fully to embrace and be a part of French national identity. Was that possible? Could some of the practices of Islam be reconciled with French political and cultural norms? Could polygamy, for example, be reconciled with and accepted in the French cultural order? The head-scarf issue ("l'affair de foulard") that we see being debated in France today is only the latest evidence that those questions have yet to be satisfactorily answered.

"Achieving social order from cultural and political pluralism" as Favell tells us, is difficult and it is especially difficult when "morality is manipulated by the high church of the state . . . The universal French mission is bound to run up against the harsh difficulties of accommodating different cultures and – internationally speaking – different institutional practices toward the problems."⁴¹

The Report of the Commission de la Nationalité, published in 1988, proposed changes in French immigration law, in particular with respect to Algerian immigrants. It proposed, for example, that children of Algerians born before 1962 would no longer be dual citizens. Those between the ages of 16 and 20 who desired French citizenship would have to make a declaration to that effect.

However, those proposed laws were put on hold due to the election of the Socialist President, Mitterrand. The debate between those who advocated a "social contract" basis for citizenship and "citizenship by birthplace" was rekindled. That debate continues in France just as it does in the US, but there is no evidence that it will ever come to an agreed-upon result in France, just as there is no evidence that birthplace citizenship will ever change in the US.

In 1989, three Muslim schoolgirls were barred from a French school because they wore a religious head-scarf in class. This "affair de foulard" added fuel to the debate. The result was the election of Nicholas Sarkozy, a center-rightist, in 1993. As a result, the reforms to the French immigration law, the Code de la Nationalité, proposed by the Commission de la Nationalité, were superseded by the so-called Pasqua laws (named after Charles Pasqua, Sarkozy's Ministre de l'Interior). The result was, according to Professor Favell, that "the two issues of immigration and integration had become indistinguishably mixed up in everyone's mind."⁴²

⁴¹ Id. p. 87.

⁴² Id. p. 156.

Immigrants thought that once they were integrated and once they become citizens, they would take their rightful place in the social order. Ignored by this thinking was what happened before integration and citizenship. Border control was a problem and les banlieues were disintegrating.

Many of the new Pasqua laws were in fact similar to those proposed by the Commission, although some of the intellectual elites refused to recognize that fact. Other Pasqua laws were far more restrictive.⁴³ Still others were required to bring France into full compliance with the Schengen Agreement (i.e. no boundaries between certain members of the European Union).

Throughout, two central philosophical questions remained: "What is French national identity and how is it obtained?" Another way of asking that question is to ask more pragmatically: "How can the desired social order be maintained in a pluralistic society?" Was it really possible, as Mitterrand tried to do, to ignore the ethnic differences? By contrast, the far right emphasized them and the fact that they were being exacerbated by illegal or clandestine immigration. The Front National's battle cry was "Immigration Zero." (Does that sound familiar?) If French nationality is to be obtained by integration into the social community, then, in the words of Sarah Seigle of Connecticut College, "[T]he way the State has been framing French national identity is actually contributing to a lack of reciprocity within the integration process for migrants. They are essentially trying to integrate into a society whose State-established self-definition already excludes them."⁴⁴

Despite all of this, France has not given up on integration. Every year, the French Minister of the Interior awards a "Prix d'Integration" for an immigrant who integrated himself or herself "exceptionally well" into the culture of France.⁴⁵ When migrants first arrive in France, they must sign a "contrat d'accueil et d'integration" and they must attend a training session that introduces them to French culture and to what it is like to live in France. They must undergo a skills assessment. School-age children receive integration classes in French language and culture. In the US, we have little or nothing like this.

⁴³ For example, some laws prohibited foreign graduates from working for French employers and others would not allow foreign spouses who had been in France illegally prior to marriage to remain in France.

⁴⁴ Seigle, *supra*, p. 100.

⁴⁵ *Id.* p. 91.

In 2005, the French government enacted a “social cohesion plan” whose purpose was to increase integration in areas with high densities of immigrants. Notwithstanding those initiatives, naturalization for immigrants remains a significant hurdle. There are strict language requirements and knowledge of French history and culture is required. Naturalization by marriage remains difficult and the requirements change constantly. There remains a “fundamental inconsistency” between France’s universal values on the one the one hand and France’s refusal even to acknowledge ethnicity on the other. “If policies condemn the inequality based on ‘origin’ and yet refuse to use the criteria of ‘origin’ for policy purposes, there is a fundamental contradiction.”⁴⁶

The take-away from this discussion is to compare the US approach to our immigration dilemma and crisis with that of France. The reason for the comparison is obvious. When he was president, Trump made expulsion of immigrants one of his highest priorities, even though our founding fathers who created what we today call a democracy encouraged it. Who should we trust more? George Washington or today’s politicians? Yes, we have immigrants, and yes, we have “illegal immigrants.” But what we do not have—and what the French at least attempted to create—was a practical approach to permitting immigration by promoting integration. To be sure, the jury is still out on this idea, but we have no comparable program in the works, as far as we know.

We should not forget—although most of us never knew—that our first president, George Washington, wrote that “the bosom of America is open to receive not only the Opulent and respected Stranger, but the oppressed and persecuted of All Nations and Religions, whom we shall welcome to a participation of all our rights and privileges.” Similarly, Alexander Hamilton and James Madison enthusiastically supported “encouraging foreigners” where they will be on “a level with the first Citizens.” George Mason too was in favor of “opening a wide door for emigrants.”

Yet today, we build walls and put barbed wire in rivers to prevent immigrants from coming into our country, and when they do, they face backlogs in our court systems of many years during which many of them are not even allowed to work.⁴⁷ In fact, some of our leaders and former leaders propose deporting hundreds of thousands of immigrants seeking a better life in our country. According to our system, only an autocrat –which we do not today allow—could do that, but it remains on the table, according to some.

What does the Dreyfus Affair tell us about Democracy and Autocracy?

⁴⁶ See generally A. Murov, Immigration and Integration Policy in France: Relationship between policy research and political decision-making, University of Tartu, 2014. The quotation is taken from p. 89.

⁴⁷ As of December 2023, there were three million immigration cases pending in US Immigration Courts. Immigration Judges averaged 4500 pending cases each.

Thanks to Professor Applebaum, the short answer is “quite a bit.” Her finding is that the Dreyfus Affair in France in 1894 “prefigured many of the debates of the twentieth century—a controversy that holds a mirror up to the arguments of the twenty-first century as well. It is an excellent vehicle for understanding the benefit of democracy and the perils of autocracy.

Many of us remember from our school books that Alfred Dreyfus was an Alsatian Jew serving in the French army who was accused of passing information to Germany. We also now know that Dreyfus was innocent, and that the real culprit was Major Ferdinand Esterhazy, an officer who later resigned his commission and fled to Germany.

Of interest to us—and to Professor Applebaum—was that the Dreyfus Affair exposed a far-right cult in France that pushed conspiracy theories that created a chasm between the two halves of the French people. To those Dreyfus opponents who believed in the conspiracy theories and dropped their commitment to the truth, the French nation was on the verge of destroying its cult of ancestry and place. They claimed to be the “true French” as opposed to the “capitalist Jews” who were trying to destroy France. Emil Zola, the writer, said in his work *J'accuse*, that although he did not bear personal animus to the men who had fabricated a case against Dreyfus, “the act I am hereby accomplishing is only a revolutionary means to hasten the explosion of truth and justice.”

What is little known—and of relevance to our exercise—is that even though Dreyfus won in the end, the Dreyfus backlash came to life once more in the early twentieth century. The Anti-Dreyfusards gained force and adopted a “conservative outlook” based on family, Church and nation. [Those who have read *Project 2025* will immediately recognize a similarity between the two.]

The point of this exercise is that, as Professor Applebaum tells us, “Before Trump’s election, different definitions of what it meant to be an ‘American’ were on offer as well. Even though we fought a civil war that struck powerfully against the nativist, ethnic definition of what it means to be an American, it lived on long enough to be reincarnated in 2016.”

To Professor Applebaum, the core question is “How is a nation defined? Who gets to define it? Who are *we*? . . . Maddingly, we have to accept that both futures are possible. No political victory is ever permanent, no definition of ‘the nation’ is guaranteed to last, and no elite of any kind, whether so-called ‘populist’ or so-called ‘liberal’ or so-called ‘aristocratic’ rules forever. . . . We always knew, or should have known, that history could once again reach into our private lives and rearrange them. We always knew, or should have known, that alternative visions of our nation would try to draw us in. *But maybe, picking our way through the darkness, we will find that together we can resist them.*”⁴⁸

In other words, the battle between democracy and autocracy is still with us but maybe, just maybe, “we can resist” and hold out for democracy. Our future, and that of our descendants, depends on it.

⁴⁸ Emphasis added.

How Dictators Succeed and how Democracies turn into Autocracies

Let us assume that one of our future presidents was riding in his limousine on the way to the White House after his or her inauguration. Let us further assume that in the little time available between the inauguration and arrival at the White House the new president issued a highly classified Presidential directive firing more than a thousand civil servants because they were opposed to his or her agendas and appointing a friend as the Acting Attorney General, after firing the current Attorney General.

Let us further assume that on the first full day in office, the new president unilaterally suspended all US weapons shipments to Ukraine, issued a directive to his new Acting Attorney General calling for the immediate arrest and deportation of all immigrants living—or looking for a place to live—in the US but who do not possess certified citizenship papers, and dropping all pending federal charges against his friends. On the same day, he fires the head of the Internal Revenue Service and appoints his son-in-law, a non-practicing lawyer, as the acting IRS head, with instructions immediately to lower the tax burden on wealthy friends who were very generous to him during the successful campaign.

This is obvious fiction and we know that none of the above scenarios actually took place. Nevertheless, it is worthwhile considering what we would have done—and should have done earlier—if those actions actually took place. Would they represent the beginning of an autocracy? Were there guard-rails that should have been put up? Are such guard-rails essential to preventing autocracy from taking place?

The time has come to consider how democracies fail and how autocrats seize or otherwise obtain their power. This could be the single most important question of our time. Our guides will be Professor Ruth Ben-Ghiat of NYU, who wrote *The Strongmen: Mussolini to the Present*, Professor Eric Posner of the University of Chicago Law School, whose essay in Cass Sunstein's book *Can It Happen Here?* is titled *The Dictator's Handbook, US Edition*, and Professor Tim Snyder, Yale's eminent historian, chronicler of totalitarianism around the world and scholar of the relationship between the politics of inevitability (i.e. "the future is just more of the present" and the politics of eternity (i.e. "time is no longer a line into the future, but a circle that endlessly returns the same threats from the past") whose most recent book is titled *The Road to Unfreedom: Russia, Europe, America*.

Sunstein warned us that fiction writers such as Sinclair Lewis have long played with alternative histories of the US, in which some kind of authoritarianism ends up triumphant. His advice is very clear: "Inside every human heart, there is a fascist waiting to come out." He goes on to warn us that if only a few things went the other way, our history would be entirely different. For example, "If Adolph Hitler had been smarter, maybe most of Europe would have ended up under the Nazis." He adds that many of his authors think that "[former president] Trump's words and deeds have put the can-it-happen-here question on the table."

Professor Ben-Ghiat will show us how that turned out to be true for the sixteen autocrats she writes about, and that it might also turn out to be true about the seventeenth, former president Trump. She reminds us that "In fact, strongmen do not vanish with their exits from power, but

instead remain as traces within the body politic of their people.” She adds that “to oppose authoritarians effectively, we must have a clear-eyed view of how they manage to get into power and stay there.”

Professor Posner will ask us to assume that “[A future president] does seek to become a dictator in the fullest sense and that powerful institutions stand between him and the scepter. He would need to subvert those institutions in order to seize the prize.” He adds that “It’s worthwhile, if only as an exercise, to imagine how this subversion might work” and he takes us on that journey.

Professor Snyder writes about the difference between political inevitability and political eternity. He argues that no one is responsible for either one: with inevitability, “we all know that the details will sort themselves out for the future” whereas within eternity, no one is responsible because we all know the enemy is coming no matter what we do.” He offers something more: perhaps the most intelligent—and certainly the most substantive, direct and troublesome—an analysis of former president Donald Trump. His most devastating perception is the following: “From an American point of view, Trump is a garish building on Fifth Avenue in New York City. From a Russian point of view, Trump Tower is an inviting site for international crime.”

Fasten your seatbelts!

Professor Ben-Ghiat’s Sixteen Autocrats and One Potential Autocrat

Time does not permit a thorough analysis of Professor Ben-Ghiat’s sixteen autocrats, so we will choose brief summaries of five that who will offer clear and lasting descriptions of what it takes for a man (always men) to make the move from a relatively benign existence to that of an autocrat. Our choices are Benito Mussolini, Adolf Hitler, Recep Tayyip Erdoğan, Victor Orbán, and Vladimir Putin. Our sixth choice gave us some autocratic head-fakes when he was president, and more direct autocratic leanings when he was running for a second term as president.

Mussolini

We begin with Mussolini. As a young man, he had a strange life. As a schoolboy, he carried brass knuckles and sexually assaulted women. His later wife recalled how frightening he was when he called for “social insurrection.” Professor Ben-Ghiat reminds us that his rise to power was linked to his ability to charm rich male conservatives and the teaching he received from rich women about “how to behave at crucial moments of his political life.”

Fascism as we know it today emerged from World War I, where civil and military boundaries disappeared. Mussolini took advantage of the chaos and concluded that violence was necessary as it would induce war veterans who lost everything to persecute their domestic “enemies.” He and Hitler ran fascist parties at the same time. Each reduced the world to black and white and was being presented as someone “with absolute faith in himself and his own powers of persuasion.” (Does this sound familiar?) Mussolini gave himself the title “*Duce*” which was a Latin title for military leader, and the black shirt. His followers didn’t care about violence; they worried more about going after the left.

Mussolini claimed Italy's right to create an empire and encouraged violence against France, Great Britain and smaller countries. In return Victor Emmanuel III appointed him as prime minister. He weakened whatever democracy was left, and he privatized many of the larger companies. The Parliament, at his urging, passed a law giving any party receiving 25 percent of the vote two-thirds of the seats. So much for "stealing" an election.

Any person who criticized his party of corruption was quietly—and sometimes not so quietly—murdered. Socialist Giacomo Matteotti created a dossier of Mussolini's corruption and when he was bombarded by death threats in Parliament, responded by saying that "now you may write the eulogy for my funeral." This may have been prescient. Two men attacked Matteotti, dragged him to a car and killed him. It turned out that the car was registered to the head of Mussolini's secret police and although Matteotti's body was not found for a long time, Mussolini was quickly accused of the crime. His response: "Do whatever is necessary to stay in power" In Parliament, he declared that "I, and I alone, assume political, moral and historical responsibility for all that has happened . . . If fascism has been a criminal association, I am the head of that criminal association . . . Gentlemen, Italy wants peace, quiet, work, and calm . . . We will give it by love, if possible, or by force, if necessary." If that reminds you of the expression "I alone can fix it," you are not far off.

To fast forward Ben-Ghiat's description of Mussolini, which is far more detailed than this short summary of a small part of it, let us remind our readers that Mussolini was finally imprisoned by the Fascist Grand Council in July 1943 and released by Adolph Hitler in September of that year. Hitler placed him as the head of a Nazi client state, the Republic of Salò, and he was executed by partisans in April 1945.

The take-away from this brief discussion of Mussolini is that, like most autocrats, Mussolini created a persona for himself: growing up, he was bully and a predator and in later life he was *Il Duce*. His modus operandi was to abuse and sometimes to kill those who opposed him. Not only was he larger than life, his image was that he was different from and better than everyone else. His autocracy was very much a personal one, without much more than domination for government, institutions and citizens. He did not appear to have a fundamental program for improvement of society or betterment of government. He was the center of the universe; apparently that was all that mattered to him. And our lesson is that we know what happened to him.

Hitler

Probably more books have been written about the life of Adolf Hitler than one could read in a lifetime. Here, we will speak only of Hitler's early days, in order to gain some insight into his quest for autocracy. As a young man, Hitler wanted to be an artist, but his father, a drunk, beat him mercilessly. "Never" his father demanded. Instead, his father insisted that Hitler pursue a career in

civil service.⁴⁹ On one occasion, Hitler was beaten unconscious. It is widely believed that his upbringing encouraged Hitler in later life never to accept defeat.

When Hitler lost a bid for the Reich presidency in 1932, he went to court to have the result annulled. Understandably, the court was not impressed, given that then President Paul Hindenburg had won by nearly six million votes. Hitler's response? Declare victory. He claimed, erroneously, that his party had won by two million votes and that "that is a feat that has never been equaled, and I have done this despite the unconstitutional ban placed on my broadcasting election appeals." Hitler's battle cry was *L'audace, l'audace, toujours l'audace* of the Frenchman, Georges-Jacques Danton before the "great terror" in France. Hitler went even further: "I shall continue as I have begun, I shall attack, attack and attack again." (Does any of this sound familiar?)

One principal difference between Hitler and Mussolini was that Hitler had an agenda, and Mussolini apparently did not. Hitler's agenda was to destroy the German political system. He was especially against those who had agreed to the Versailles Treaty, stating that "heads will roll." He was opposed to a multiparty system that pitted some Germans against others. Unlike Mussolini, Hitler was positioning himself as a political leader, not a revolutionary. His oratory was described as "trivial and bombastic" but his intuition was described as "lightening fast." His two major criticisms? "Jewish influence and the Treaty of Versailles."

His speeches were often described as "meaningless and empty" but that was not their point; the medium was the message. And his argument was the quick rise of his political movement, National Socialism. His goal? To become the future Chancellor. His speeches often ended with this: "If the nation fulfills its duty (i.e. voting for National Socialism), the day will come when we will again be granted a Reich of honor and freedom, work and bread." In our current vernacular, "Make Germany Great Again."

But the way was not so easy for Hitler. He had to find a way to transform his fake election falsities into actual political power. A man named Kurt von Schleicher was the ultimate power broker but Hitler had very little relationship with him. Schleicher commanded the country's military forces and was respected by then Reich President, Paul von Hindenburg. Hindenburg had ultimate authority to appoint chancellors at will and Hitler needed to find a way to gain their respect and more important, their appointments. Schleicher finally agreed to meet with Hitler. At the time, Hitler had a private army of about 400,000 storm troopers in his National Socialism party and he wanted Schleicher to schedule new elections and to appoint Hitler as Chancellor. Schleicher readily agreed but Hindenburg had a demand: Hitler would have to join a coalition government. Hitler had two choices: either accept or use his Reichstag delegates to obstruct. His close friend Joseph Goebbels favored the latter.

⁴⁹ Much of this section is taken from a recent book by Timothy Ryback, *Takeover: Hitler's Final Rise to Power*, AA Knopf, 2024.

Schleicher met again with Hitler, in a small town north of Berlin. Hitler was joined by Gregor Strasser, who he knew as a prisoner in the Beer Hall Putsch, and who was chief operating officer of the National Socialist movement. Strasser had been given leniency, whereas Hitler waited in prison. Strasser's radio address was similar to Hitler's: "Germany, Germany, and only Germany." However, Hitler learned that Strasser was most favored by Hitler's opponents.

At the meeting, Strasser was accompanied by Wilhelm von Gaul, his minister of interior. Hitler intensely disliked him and linked him with the "weakling" traitors who signed the Versailles treaty. Schleicher had an ulterior motive: to use Hitler's troops against left-wing radicals (i.e. Communists and Social Democrats) and then have the Reichswehr crush the National Socialism army. Hitler did not see that coming, and he even proposed that a plaque be installed on the site of their meeting: "Here the memorable conference between Adolf Hitler and General von Schleicher took place." (Does that remind you of anything? Perhaps former president Trump's meeting at the North Korea-South Korea DMZ?)

Nevertheless, Hitler's appointment was not a sure thing. He failed in the upcoming election (14 percentage points short of a majority, leading Goebbels to say that "We have won a pittance"). Schleicher's option was to ask Hindenburg to appoint Hitler as chancellor or to allow the "radicals" to "liberate" the German people from the shackles of the Versailles Treaty.

Just before the election, Minister Papen had lifted a ban on demonstrations (which he later called an act of state suicide), and thousands of storm troopers staged pre-election marches and rallies. Communists opened fire on the troopers and National Socialists, and there was massive violence. The banner headlines were a gift for Hitler: "Reds Shoot Nazis from Roofs in Altona." Wilhelm Frick declared that "For Germany, it would be a blessing if 10,000 or even better 15,000 Marxist boys were to vanish from the face of the earth."

As Hitler's appointment as chancellor was looking more likely, the storm troopers wrote new lyrics to a popular song: "When the hour for revenge finally arrives, we will be ready to commit mass murder." The killing lasted for months. One of the consequences was the separation of Upper Silesia from Germany. Hitler was beside himself. At the end, Hitler had over six million followers and his delegates controlled the Reichstag's second largest party. The chant "Heil Hitler" was heard everywhere, especially in the plenary hall of the Reichstag.

But what happened to Hitler's chancellorship? At the time, President von Hindenburg was 84 and looked like someone from a remote age. He was adored by the German people but was not

much of a manager. He had come out of retirement for World War I, and was called into service again in 1925 as president. He banded conservatives and centrists together, something that Hitler did not want. He reminded them that the preamble to the Reich constitution promised to unite a Germans "in all their racial elements", to promote "liberty and justice," to preserve "peace at home and abroad."

Hitler first met Hindenburg in 1931, during which Hitler ranted for nearly an hour. Hindenburg tried to appeal to his love for the fatherland and of the German people, but Hitler was not paying any attention. Hindenburg's response was that he wanted nothing further to do with "that Bohemian corporal." (Hitler had been a corporal in the Army; Hindenburg was a highly-decorated general)

In 1932, as noted above, Hindenburg beat Hitler in 1932 by more than six million votes. In August of that year, the German parliament passed a series of gun regulations and death penalties for politically-motivated-killings. Hitler was not concerned, because he thought the laws could be changed if necessary.

When the Hitler-Schleicher meetings were finally made public, concern was voiced about Hitler's antisemitism and his hatred of the Weimar Republic. Hitler's position was that "a law is worthless unless it is defended with the tip of a sword." He was once asked, "How do you legalize a coup d'etat?" His answer was relevant to our discussion: "You restructure government. You rewrite laws. . . . The legalization of the "March on Rome" was not completed until after Mussolini had undertaken an enormous cleansing process. . . . That's how you legalize high treason." According to Hitler, Mussolini's only crime was failure.

Hitler took up where Mussolini left off: "When we are finally in possession of the constitutionally guaranteed rights and powers, we will pour the state into the form that we think is best."

It turned out that Hindenburg was resisting Hitler. He told Strasser that "under no circumstances was he going to appoint Hitler as chancellor. The day before Hitler expected to receive the chancellorship, Eva Braun, his mistress, attempted suicide.

On his part, Hitler was being criticized vociferously by the press for murders undertaken by his storm troopers in Silesia. It turned out that five suspects, all apparently soldiers of Hitler, were taken into custody for the "bestial murder" of Konrad Pietzuch, a Communist miner and trade

unionist, in August 1932. They were sentenced to death, but at Hitler's urging, their sentences were commuted to life, and they were released in March, 1934.

On August 11, 1932, Constitution Day, Hindenburg convened the Reichstag, all dressed in full uniforms, with medals and other regalia. That morning, Hindenburg told Schleicher that he was not going to appoint Hitler as chancellor. Papen would be appointed instead. (Papen offered to have Hitler serve as vice chancellor and to step aside in due course). Hitler was "staggered."

Hindenburg told Hitler that he could never entrust a government to a political party whose members were "so intolerant, undisciplined, and in addition, so violent in their behavior." Hitler's response was to ask for "a bit of understanding. . . . the (storm troopers) felt threatened by Communists." Hindenburg was not moved: "[I cannot justify before "God, my conscience or the Fatherland" placing the entire powers of the government into the hands of a single political party, especially one that was so intolerant of others. Hitler stood his ground. "So, you will then go into opposition?" Hindenburg asked? "I have no other choice" Hitler responded.

Hitler then made it clear that he would make life difficult for Hindenburg. He told Papen that he would make life difficult for Hindenburg and his cabinet. "Further developments would inevitably lead to his proposed solution or the fall of the Third Reich. Hindenburg then ordered that the protocol of his meeting with Hitler be released to the press. The press had a field day: "Hitler Demands Full Power." Some even mentioned that Hitler had a mental breakdown. Much of the press was pro-Hitler, including Time and the New York American, owned by William Randolph Hearst. In Germany, at first not a single newspaper picked up and published Hitler's own protocol, which was understandably different from Hindenburg's. Later, newspapers owned or controlled by Hitler's friends or relatives published Hitler's defensive protocol. Some said that the Hitler protocol was useless: "Our press could not make it through the noise."

In a meeting later that Spring, Hindenburg told Hitler that "If you achieve power legally, that would be fine with me; if the circumstances are different, I will use arms."

Two US journalists, Louis Lochner and HV Kaltenborn, met with Hitler in Munich and Berchtesgaden. Kaltenborn asked: "In your antagonism toward the Jews, do you differentiate between German Jews and the Jews who have come from other countries?" Hitler's response was that "You exclude any would-be immigrants you do not care to admit . . . You demand they come with a certain physical standard . . . and we demand the right to deal with them as we see fit."

Even though Hitler denied asking the Reich president for the creation of a Nazi government, he admitted that he had the “right to complete control of the government.” When Kaltenborn reminded him that he did not have a majority of the vote, Hitler created a new rule: “I have 37 percent of the total vote which means I have 75 percent of the power that is necessary to govern. . . . This means I am entitled to three-quarters of the power and my opponents to one-fourth. . . .” Hitler added: “Europe cannot maintain itself in the uncertain currents of democracy. Europe needs some form of authoritarian government,” giving Kings and Popes as examples. “I don’t have to march on Berlin as they say I propose to do . . . I am already there.” Goebbels was more direct: “We do not come as friends, and not as neutrals. We come as enemies.”

Things were moving quickly: Schleicher resigned as defense minister, and Hitler told Papen that he would only serve if he had the same powers that Schleicher and Papen had. Hindenburg was taken aback. He dismissed Papen and replaced him with Schleicher, who made the same dictatorial demand that got Papen fired. Hitler relented and agreed to become Reich chancellor with Papen as vice chancellor. Things remained in flux until January 1933, when Hitler met first with Hugenberg, who was acting as a go-between and who could be heard yelling “Nein!” at Hitler and then again with Hindenburg, who simply read the formal oath to Hitler, requiring him to “devote all his strength to the German people, to respect the constitution and the laws of the German people, and to conduct [his] affairs in a nonpartisan manner that is just for every person.” Hindenburg’s response? “And now, gentlemen, forward with God.” Hitler became the government and the rest, of course, is history.

There are a few relevant take-aways from the above description, with a strong caveat that the vast majority of Hitler’s wrong-doings took place after Hitler took charge of the government. Professor Ben-Ghiat reminds us that Hitler and Mussolini were admirers of each other. Hitler was called the “German Mussolini.” They both commanded “storm troopers” (Mussolini’s were called “squadristi.”) But they were different from each other.

First, in the beginning, Hitler was generally disliked. His book, *Mein Kampf*, which he wrote in prison, was not popular, although later slimmer editions were. But unlike Mussolini, Hitler had a plan from the beginning: destroy the German government and replace it with his own version. In fact, he pleaded with Mussolini to tell him how to bring about a fascist takeover of Germany. Mussolini ignored him. From the beginning, he believed that the Treaty of Versailles was a disaster and that “Only I can fix it.”

From the days when his father insisted that he become a public servant, Hitler was laser-focused on creating a government to his own liking, whether it was better for the German people or not. Hitler also realized that he was an orator, and the crowds loved it. He harangued against Jews, calling them the black parasites of the nation who might have to be placed in concentration

camps. His friend Goebbels was taken with Hitler's oratory: "What a voice. What gesture, what passion. My heart stands still." Mussolini was an accomplished orator and his hyper-masculine persona modeled what the fascist society loved, to be sure. Actors used to mimic his body language, but he was no Hitler, although the crowd worshiped him as well. To this extent, Hitler shared some of Mussolini's tactics, including dominating the women around him. But unlike Mussolini, Hitler did not have the classic muscular masculine technique.

Second, there is no question that a large part of Hitler's government was aimed at the Jews, who he clearly despised. He did not create the National Socialist party, which was created in 1920, but one of its goals was to create "racially desirable" Germans and to strengthen the "Aryan master race." He raised the Jewish issue in most of his speeches. In a speech on January 30, 1939, Hitler threatened "the annihilation of the Jewish race in Europe." He also maintained that the Jews were "the only alien people in Europe."

Third, like Mussolini, Hitler gave himself the title "der Führer und Reichskanzler" (the Leader and Chancellor of the Reich) just as Mussolini called himself "Il Duce." In our country, by contrast, the best that we can do is to call a few former presidents by their childhood names (e.g. "Teddy" for Theodore Roosevelt). The point is that most (or at least many) rising autocrats want to find some way that they can be set apart from the rest of the citizenry, and titles such as those used by Mussolini and Hitler seemed to have fit the bill.

They also have a vision not only of themselves but of what a "greater nation" would look like, even though they have little or no ability to carry it out. Mussolini used to complain that "even Michelangelo needed marble to make his statutes." Professor Ben-Ghiat writes that among autocrats, "the legal and the illegal, fact and fiction, celebrity and politics blend together until nothing means anything anymore and everything is a 'confidence game.'" Both Mussolini and Hitler had visions of a greater Italy and Germany but in both cases, they carried out their visions at the end of a rifle or in a gas chamber.

Professor Ben-Ghiat blames America, at least in part. She notes that US banks and media outlets supported Mussolini's dictatorship in the 1920s, and she warns that "Although American backing of strongmen was most visible in the age of military coups, the US continues to prop up authoritarians. . . . Given America's entanglements with the history of authoritarianism, some may see [former president] Trump's ascent to power as divine justice. A nation that never endured dictatorship or foreign occupation now had firsthand experience of the authoritarian playbook. . . . Like Italians and Germans in the 1920s and 1930s, . . . many Americans believed that the man espousing lies and extreme politics would calm down and abide by democratic norms and institutions once he took power." She reminds us of Trump's mantra, an explanation that would

have been easy for both Mussolini and Hitler to apply to their enthusiastic audiences of true believers: “If you don’t dominate, you are wasting your time.”

As Professor Ben-Ghiat tells us, Hitler’s government passed the “Enabling Act,” allowing him to rule without consulting the Reichstag or the President. In less than two months, he had the ability to govern without any checks on the exercise of his authority. He was a true autocrat.

Recep Tyyip Erdoğan

Unlike most of today’s autocrats who regard Muslims as a threat to their nation or impose immigration bans, Turkey’s leader Erdoğan is an exception. He has declared himself the natural leader of the Muslims in Turkey. Unfortunately that title comes with some strange ideas, such as threatening to “unleash” millions of Muslims on his European neighbors. More rationally, he has tried to revive and recreate the Ottoman Empire, as his military forays into Syria and Libya would suggest. Professor Ben-Ghiat tells us that several of the new maps of Turkey suggest territorial claims on Greece and Iraq.

Unlike many of our autocrats in this rendition, Erdoğan has long been a leader in Turkey. He served as Mayor of Istanbul from 1994 to 1998 and prime minister from 2003 to 2014. In 2014, he became the country’s first directly elected president. In addition, he is currently Chairman of the Organization of Turkic States.

There is no doubt that Erdoğan has moved his government toward a more authoritarian rule. He has overseen high inflation rates and the transformation of his parliamentary system into a presidential system, including term limits. He has also expanded the powers of the president. He has used his country’s military to launch attacks against the Islamic State and Syrian Democratic Forces. When Russia invaded Ukraine, Erdoğan closed the Bosphorus to Russian naval reinforcements and he brokered a deal with Russia concerning the export of grain.

He created a new political party for Turkey, the Justice and Development Party (AKP). His plan was to develop a party that did not keep getting banned by the army or judges. The debate concerned allowing Muslims into the party, even though they did not reflect more than about twenty percent of the population. The party titled itself as a “broad democratic conservative” party with new politicians from the center and with respect for Islamic norms and values. The party won 34 percent of the vote in 2002 and Erdoğan became prime minister. Unfortunately, a

corruption scandal in 2013 led to the arrest of some of Erdoğan's allies and incriminated him as well.

Much of Erdoğan's policies have been forward-looking, such as the right of individuals to appeal to the highest court, the creation of an ombudsman's office, gender equality, the right of civil servants to go on strike, privacy law, and the structure of the constitutional court. He also reinstated the Kurdish language for cities and towns and allowed it to be used in media and political campaigns. He also began negotiations for a peace process between his government and the Kurdistan Workers Party, but he abandoned that effort after an electoral defeat. The result was violent confrontations resulting in deaths of members of the Turkish military. There have been several coup attempts and purges, resulting in six thousand deaths. In 2011, he ordered the tearing-down of a tall Monument to Humanity reflecting Turkish Armenian friendship. As one can imagine, this was not popular with the Armenians.

After several years of acrimonious debate, Erdoğan finally agreed, in April 2014, to express his condolences for the mass killings of Armenians in 1915. In the same month, Pope Francis held a special mass in Saint Peter's Basilica for the remembrance of "the first genocide of the 20th Century." Predictably, Erdoğan protested the Pope's message, which he called "discriminatory."

With all of these apparently good, forward-looking actions (with a few slips along the way), why do we place Erdoğan among the list of modern-day autocrats? Let us hear Professor Ben-Ghiat's response. She quotes the Turks themselves who have accused Erdoğan of turning the country into one "ruled by autocracy."

Following the coup attempt by military officers in July, 2016, Erdoğan began a serious repression and state of emergency. First he purged the Turkish army, then the Kurds, then individuals associated with Gülen Hizmet, then the judiciary, the press and finally the academics. The government seized over 600 businesses with a collective value of over \$10 billion. By July, 2020, more than 170,000 people had been dismissed from state positions, and over 94,000 jailed. Three thousand schools and universities had closed and thousands of Turks went into exile.

Erdoğan was single-handedly responsible for all of this. According to Professor Ben-Ghiat, he "knew how to seize the moment." "We will overcome this." He urged the Turks to go to the streets "and give them their answer." Most ignored his request and a month after the attempted coup, his approval ratings soared from 50 percent to 70 percent. He celebrates the anniversary of the coup attempt every year on July 15, what he calls "National Day of Democracy and Unity."

Professor Ben-Ghiat writes that the real purpose of the celebration is to remind the people that he controls telecommunications. As she puts it, “the strongman brand of nationalism is founded on emotions of fear and victimhood.” Erdoğan expanded his powers, serving both as president and prime minister, and he linked the coup attempt to the West’s attempt to subject our nation to slavery.”

Ben-Ghiat reports that his serving as both president and prime minister has “made reshaping of the nation through mass detention and the transfer of power to his family and allies easier. . . . His dream is a Turkey that revives Ottoman glory by extending ‘from Vienna to the shores of the Adriatic Sea, from East Turnistan to the Black Sea,’ To realize this greater nation, domestic repression is a small price to pay.”

The take-away from the Erdoğan experience is fairly obvious. There are lessons to be learned and guard-rails to be erected whenever one of our presidents or presidential candidates urges that we “make America great again” while at the same time granting pardons to his friends and allies and lowering taxes for his already-wealthy corporate friends, who already, or soon will, owe him favors. This would be autocracy in action, as Erdoğan has demonstrated.

Victor Orbán⁵⁰

Viktor Orbán, the prime minister of Hungary, is a lawyer by education but a politician by trade. He received his law degree from the University of Budapest in 1987 and later studied political philosophy at Oxford. In June 1989, he spoke at the reburial of former Hungarian premier Imre Nagy, who led the Hungarian Revolution in 1956. In his speech, Orbán called for the withdrawal of Soviet troops from Hungary and within two years they were withdrawn. He became an instant hero.

Orbán was elected to the new National Assembly in 1990 and he became the leader of Fidez, a relatively new party, in 1993. In 1998, Fidez won the largest number of parliamentary seats and after it formed a coalition government with two other parties, Orbán became the prime minister.

⁵⁰ Much of this is taken from the Encyclopedia Britannica, <https://www.britannica.com/1103850>.

As a prime minister, Orbán was pro-active. He appointed young ministers and moved Hungary toward a free-market economy. He engineered and oversaw Hungary's entry into NATO.

However, in 2000, Fidez decided to separate the positions of prime minister and party head, and Orbán stepped down from Fidez. Two years later, Fidez was defeated and Orbán lost his prime minister position. He was elected as vice president of the European People's Party but he returned to Fidez in 2003, which lost again, this time to the Hungarian Socialist Party. It turned out that that party had lied about the economy in order to win votes, and Orbán was soon again reelected as leader of Fidez, which won again in 2010. Orbán again became prime minister.

Orbán took advantage of his position to push a great number of measures through the legislature, including a new constitution embodying conservative moral and religious themes. Another law created judicial reforms that limited the effectiveness of Hungarian courts. He also implemented a number of austerity programs, including crisis taxes on banking and other industries and orders to utility companies to reduce their charges for all Hungarian households. As a result, Fidez and another party again swept to victory in 2014, winning Orbán another term, despite allegations of corruption and authoritarianism by Fidez.

Some of Orbán's actions were questionable. Although his government created jobs and improved the lot of working families and defended national sovereignty, there were arguments in the other direction, claiming, for example, that his tax on advertising revenue was targeted at a specific broadcaster and was viewed as squelching media freedom. He also drew criticism by requiring surprise inspections of nongovernmental organizations.

Orbán's third term as prime minister was even more authoritarian. He said he would create a "workfare" society that would be "illiberal" in nature. With respect to the refugee issues, Orbán built a barbed-wire fence along Hungary's border with Serbia to block migrants from the Middle East and Africa and he characterized the migrant crisis as a "German problem."

When the EU proposed a mandatory migrant-resettlement policy, which would have required members to follow an EU mandatory settlement of non-Hungarians in Hungary without the consent of its parliament, Orbán opposed the measure and in the vote that followed, 98 percent of those Hungarians who voted were also against it. Unfortunately, only 40 percent of the eligible voters went to the polls and the EU required at least 50 percent for a legitimate vote. Nevertheless, Orbán declared victory, promising to amend the Hungarian constitution. (Another stolen election?)

Orbán's rhetoric against migration and in favor of nationalism only increased. In his eyes, he was not only the protector of Hungary, but also of Christian Europe against the invasion of the nefarious Islamic immigrants. Orbán was clearly in the driver's seat and the other parties could not keep up.

In the next election, Fidez and its partner the Christian Democrats swept to a landslide victory. Orbán became the prime minister for the fourth time. He vowed to seek "moral, political and legal amends from his enemies" and his rule became increasingly more autocratic. He sought a law that NGOs involved in immigration issues had to apply for a government license and pay a 25 percent tax on foreign contributions to those organizations. It got worse. Soon, the legislature criminalized NGO involvement with undocumented immigrants altogether.

Up to this point, Orbán's autocracy was largely unopposed and largely un-objected-to and the Fidez coalition with the European People's Party (EPP) was in place. However, things began to change in 2018, when Orbán began speaking out against the EU. The EPP began to move away from Fidez. Orbán countered with a threat to lead a far-right group into the 2019 elections for the EU parliament. The Dutch Green Party member of the EU Parliament tabled a proposition that Orbán's policies were undemocratic, and the EU Parliament responded with the so-called "nuclear option," Article 7, which launched an investigation and could result in sanctions and loss of voting rights. Orbán was outspoken: "This is the first case in the history of Europe where a community condemns its own border guards."

In May 2019, Fidez was suspended from the EPP and a panel was convened to evaluate its "respect for the rule of law." Orbán's Fidez party then won 52 percent of the vote for the EPP and Orbán reserved, for the moment, the option of withdrawal. Instead, he claimed victory: "Hungarians have given us a directive on three things: first of all, to stop immigration across Europe; they've tasked us to defend the Europe of nations; and they've asked us to defend Christian culture in Europe." Really?

We will leave for another day Orbán's response to Covid-19 ("checkered at best") and the fact that his Parliament enacted flagrantly anti-LGBTQ legislation. But a word or two should be mentioned about Orbán's increasingly friendly relationship with Vladimir Putin. After Russia's invasion of Ukraine, Orbán fashioned himself as a "neutral peacemaker." (Does that sound familiar?) He would not allow Western military equipment bound for Ukraine to pass through Hungary. Orbán also "bonded" with former president Trump. At the White House in 2019, Trump exclaimed that "It's like we're twins." In addition, several of Trump's law firms also acted for Orbán, including Rudy Giuliani, when he worked for the firm Greenberg Traurig.

In April 22, Orbán was reelected with 54 percent of the vote. He claimed that the landslide was so big that it could be seen from the moon. He also claimed that “Christian democratic politics, conservative civil politics and patriotic politics have won.”

What is the take-away from this description of Orbán? Basically, he was a man who had neither a vision of the nation he wished someday to lead, nor a vision of himself as a leader. His journey as an authoritarian was a learned skill, but he was a quick learner. He learned that doing favors for the media had its own rewards. For example, in 2018, media companies in Hungary “donated” 500 media properties to a government-allied foundation. In Parliament that year, opposition views were essentially non-existent. He also learned that corruption probes could be easily handled. When his son-in-law Istvan Tiborcz amassed over 100 million euros, the Hungarian government “dropped” a probe that had been initiated by the EU.

Perhaps the most important take-away is that authoritarianism can be opportunistic and if that is correct, it adds yet another red flag to be considered by those who wish to save democracy from autocracy.

Vladimir Putin

Like Adolf Hitler, there is probably more than enough that has been written about Putin to last a lifetime. As Professor Ben-Ghiat reminds us, Putin became president of Russia in 2000, through an election, and took a hiatus (required by the Russian constitution) to act as prime minister from 2008 to 2013. Unlike Orbán, Putin had a clear agenda, once he became president. Not only did he want to be regarded as one of the world’s most important leaders, but he also wanted to recreate the Soviet Union as it existed before president Gorbachev. His methodology was simple and clear. As Douglas Schoen and Evan Ross Smith have written in their recent book, *Putin’s Master Plan: To Destroy Europe, Divide NATO and Restore Russian Power and Global Influence*⁵¹ the title gives the methodology away. His principal goal is hegemony in Europe and he proposes to do that by neutering Europe so that Russian interests will dominate the continent. As noted, a corollary is to regain Georgia, Ukraine, South Ossetia and Abkhazia after he already re-captured Crimea.

Putin’s master plan is clearly that of an autocrat, but of a different sort. He has been in full control of Russia since he became president. Unlike some of the other autocrats we have discussed, Putin is a man with a plan. Those he wishes to subjugate are not those who live in Russia; they

⁵¹ Encounter Books, 2016.

have already been subjugated. But his immediate targets are his immediate neighbors and his long-term targets are Eastern Europe and a Western Europe that is dependent on Russia, “complacently isolationist, and most important, anti-American.” (Those words come from Schoen and Smith.) To that extent, he is an autocrat with his eyes not on his own country but on a major portion of the world. In Russia’s 2016 national security plan, he named the US as a direct threat to Russian interests, writing that “Moscow’s international goals have prompted counteraction from the USA and its allies, which are striving to retain their dominance in global affairs.”⁵²

Professor Ben-Ghiat writes that “populism is a common term for the parties and movements that carry forth an illiberal evolution of democratic politics. While populism is not inherently authoritarian, many strongmen past and present have used populist rhetoric that defines their nations as bound by faith, race and ethnicity rather than legal rights.” That is why attacking the leader is seen as attacking the nation itself, she adds. In addition, she notes that some strongmen, Putin being her prime example, have recycled rhetoric and actions that go back to the dawn of authoritarianism in the 1920s and are interested in rehabilitating their autocratic predecessors. That is why Putin authorized the erection of statues of Stalin, for example.

Putin is an example of personalist rule. That is why, copying Mussolini, he often appears shirtless. But Putin was no Lenin or Stalin when he came to power. He had neither Lenin’s intellect nor Stalin’s gravitas. Ben-Ghiat writes that when Putin came to power, there was no cult of personality. What Putin did bring, however, was a belief that democratization led to weak leadership and social unrest and, ultimately, the demise of the Soviet Union. Unfortunately for him, his leadership was long in coming. One hot dog vendor in Moscow asked, “Who did you say Putin was?” and politician Boris Nemtsov remarked, when he learned of Yeltsin’s choice of Putin, “It’s hard to explain madness.” Less than a month later, Moscow was rocked with bombings from Chechnya. Putin became an instant strongman: “We will hunt them down. Wherever we find them, we will destroy them.”

To skip forward in the interest of time, we should recall Putin’s 5000-word essay about reinstating the Soviet Union, beginning with the “recapture” of Ukraine. If nothing else, Putin kept his word and the invasion of Ukraine less than a year later is Exhibit A.

What is our take-away from Putin’s experience? First and foremost, we should learn that autocrats do not have to be autocrats in their own countries in order to be a danger to the rest of the democratic world. When Putin became president, he was essentially already an autocrat. The democratic goal should not be, therefore, the end of Putin as an autocrat in his own country, but

⁵² The Hill, January 2, 2016, <http://thehill.com/policy/defense/264570-russia-names-us-as-national-security-threat>.

the end of Putin as a world autocrat. The challenge, of course, is finding a route or vehicle through which democracy can prevail against the world's autocrats who are attempting, as Putin is, to control vast portions of the globe, in the interest of his own country.

Donald Trump

Donald John Trump's inauguration as the 45th President of the United States had a somewhat inauspicious beginning. Trump told his audiences that America was a desolate place, with rusted-out factories, with our wealth, strength and confidence gone, until Trump came along. Trump reminded the audience of his earlier promise: "I alone can fix it." "The time for empty talk is over. Now arrives the hour of action."

Former President George W. Bush listened to Trump's inaugural address and told his colleagues, who also heard the address, "That's some weird shit." It may have been "weird shit" but it was right out of the autocrat's playbook. His talk was in what Professor Ben-Ghiat calls the "authoritarian tradition."

But was Trump really an autocrat in waiting? Hardly. Let us look at the facts.

He had never run a government; he had never been a public servant; he knew nothing about history and nothing about law. True, he was a businessman, but his money came from his father. When left alone, his hotel and casino businesses declared bankruptcy six times between 1991 and 2009.

He was also a master prevaricator. He claimed that he was a builder—his son Eric recently told Fox Television's Maria Bartiromo that "I'm a guy that grew up in New York, my father built the skyline of New York"—but of course we know that he actually built almost nothing except Trump Tower, where he owned one apartment, and a skating rink in Central Park, which he didn't build, but merely renovated. In fact, when he threw his hat in the ring, one of the NY tabloids reported that although there were seventeen buildings in NY with Trump's name on them (including the skating rink), he had financial interests in far fewer, and they were very small, typically things like ground leases in buildings such as "The Trump Building" at 40 Wall Street, which he neither built nor owned.

It is correct that after leaving Fordham University School of Business after only two years, he attended Wharton. But not the "Wharton" of graduate business-school reputation, but the undergraduate Wharton, known as "Wharton Undergrad" where the director of admissions had

been Trump's brother's best man at his wedding. From time to time, Trump claimed to have been first in his class, but there was no indication in either Fordham or Wharton that he was. In fact, he threatened to sue any school that revealed his grades or his report cards, and they never did.⁵³

According to Professor Ben-Ghiat, Trump's entanglements with the Russian Mafia had been documented for years. When he built Trump Tower, the real estate broker said that "Criminals got to go somewhere."

Trump was clearly not an autocrat in waiting. He had no idea what government was or how it operated and showed no interest in finding out. But his fascination and interest in Russia was real: For example, the Russian-Mafia-connected Felix Sater, later convicted of securities fraud, lived in Trump Tower. And in 2006, Trump took his daughter Ivanka and his son Donald Jr. on a business trip to Moscow to scout the possibility of building a Trump Tower Moscow. And, as noted above, speaking at the 2019 meeting of the Economic Council of NY, Trump said "Dictators? It's OK. Come on in. Whatever's good for America."

Trump craved attention and the limelight. His "Apprentice" TV show used him as the centerpiece and he wanted more. He had long considered running for president, but he didn't even know what political party he belonged to, giving contributions to Hillary Clinton, among other democrats.

Political scientists Norman Ornstein and Thomas Mann pointed out that the Republican party was convinced to accept Trump's presidential candidacy due to a fundamental change in US politics. They argued that the Republican party had become an outlier in American politics, "ideologically extreme, scornful of compromise, unmoved by conventional understanding of facts, evidence and science, and dismissive of the legitimacy of its political opposition." In his candidacy (and later in his presidency), Trump clearly took advantage of that new vantage point. It was all about him; nothing else mattered.

Underlying all of this was a barely noticed, except among true believers, desire voiced by leaders such as Mitch McConnell and other conservatives to defend a White Christian hegemony or to implement neoliberal reforms, such as cutting Social Security. As Professor Ben-Ghiat describes it, "As had strongmen before him, Trump depended on these establishment figures for credibility . . . By then, the GOP had become an extremist party in terms of platforms. It was closer

⁵³ See generally, Michael Kranish and Marc Fisher, *Trump Revealed: An American Journey of Ambition, Ego, Money and Power*, Scribner, 2016.

to far-right European parties like Alternatives for Germany than to mainstream German Christian Democrats or British Tories.” She added that Steve Bannon, a key Trump advisor, who spent time in prison in the summer of 2024 for refusing to obey a subpoena issued by Congress, “had made his life’s work the advancement of far-right politics around the globe.”

With that picture in mind, let us briefly turn to Professor Posner’s “Dictator’s Handbook” to see how Trump’s presidency measured up to those tests.

Posner begins by describing something that most of us have never heard of, “tyrannophobia.” This means “fear of the dictator.” For generations, he claims, Americans have accused serving presidents of harboring dictatorial ambitions. He claims that Trump has come the closest: “Journalists, politicians, academics and other people with centrist, establishment credentials, fear that Trump will inaugurate authoritarian rule in the United States. Their fears are based on Trump’s statements and actions during the campaign (i.e. his first campaign): “calling for the jailing of an opposing candidate, encouraging violence against protesters, endorsing the torture of prisoners, suggesting he might not respect the results of the election . . . (etc.)”

Posner has identified several actions that Trump might have taken in order to subvert the institutions that would stand “between him and the scepter.”

Here they are:

- Attack the press. Trump called the press “the enemy of the people” and called for opening up libel laws. He was looking for a new version of the Sedition Act of 1798 or the Espionage Act of 1917, but the Supreme Court had made it very difficult for public figures to win attacks against journalists. How could Trump prevail? Posner was prescient: “Justices (of the Supreme Court) on the left and right are committed to strong protections for political speech. . . . Trump would need to replace at least five of them . . .”. As we know, he came very close and the results are decisions such as the July 2024 “immunity” case giving the president nearly a full carte blanche to do whatever he or she chooses to do as president so long as it can be linked—even if distantly—to an official action.
- Posner found many other ways for a president to attack the press, including ordering the Justice Department to prosecute journalists suspected of leaking secret documents, slowing the approvals of broadcast licenses, securing new legislation dealing with “national emergencies” and restricting the dissemination of information from the government.

- Attack (or Evade) the Congress. Successful dictators pay little or no attention to their legislatures. As president, Trump had (and may have again) enormous powers to act without Congressional approval. He can conduct military operations, he can order immigration officials to crack down on illegally present aliens, he can impose tariffs on China, he can withdraw US troops from the Baltic states and send them to Taiwan, and he can reallocate funds away from programs that Congress favors toward programs that he favors.
- Attack the bureaucracy. The secret to this control, according to Posner, is the appointment of loyalists to leadership positions, something that Trump failed on early in his presidency, but corrected himself later. “He could threaten to undermine agencies that fail to do his bidding. . . Once in office, Trump followed this script. He fired FBI director James Comey, he fired acting attorney general Sally Yates and “he even publicly chastised his hand-picked attorney general, Jeff Sessions, because Sessions recused himself from the Russia investigation.”
- Attack the courts. In our history, US presidents have given respect to the courts but there are significant limitations on judicial power of which Trump has (and could again) taken advantage. He can strip courts of jurisdiction, he could order executive officers to ignore judicial orders, he could criticize judges that have ruled against him (for example, mocking one judge as a “so-called judge”). In recent cases in which he has been a defendant, Trump’s criticism of the judges in question has been unrelenting.
- Attack the state and local governments. Generally, our federal system builds a fire wall between the federal and state governments. Most generally applicable laws are enforced by the states. Trump has tried on several occasions to impose his will on state enforcement of such things as rounding up “illegal” immigrants. However, short of imposing martial law—something Trump has threatened—there is very little that he could have done in this regard.
- Attack the party system. Posner notes that the existing party system is a significant constraint on presidential power, but Trump is unique in that he became an active presidential candidate by overcoming his party’s leadership and turning it to his advantage. Trump has not been shy in attacking other Republicans who defied him, not the least of whom is Wyoming senator Liz Cheney, who even now Trump is threatening to have prosecuted for “treason.”

- Attack civil society. Posner includes in this definition groups outside the government, including the press and political parties, the legal profession and academics. As noted above, autocrats such as Tayyip Erdoğan have purged universities, the press and bureaucracy. As the moment, there is no evidence that Trump thought about attacking such entities.
- Stir up the mob. This may have been Trump's "silver bullet." He loves to stir up the mob. He thrives on the adulation he draws and in this way, he emulates Mussolini and Hitler. Sinclair Lewis saw this coming when he wrote in his novel *It Can't Happen Here* about translating the crowd effects engendered by Hitler and Mussolini into similar effects in the US brought on by our own autocrats. Hitler and Mussolini rewarded those who supported him and Trump has done the same thing. Fortunately, unlike Hitler and Mussolini, Trump never even attempted to create a paramilitary force to "do his bidding."

What is Professor Posner's take-away from all of this? "It is possible that a series of . . . modest actions on multiple fronts, executed patiently over a long period of time, could eventually produce dictatorial power . . . But at the time of this writing, (2018) this turn of events seems unlikely . . . With a long record of lies and broken promises, he can hardly expect enthusiastic cooperation even from people who sympathize with his goals . . . Trump is more dependent on the party establishment, the bureaucracy, and other institutions than any president in recent memory."

Unfortunately, that "take-away" is no longer valid. Recent events have changed almost everything. The Supreme Court's recent rulings involving Chevron deference (i.e. prohibiting federal agencies from interpreting and carrying out ambiguous legislation) and presidential immunity based on actions within the parameters of his office might go far to change the power of the presidency. And the right-wing document, "Mandate for Leadership for 2025" is an autocrat's handbook, although Trump claims that he had nothing to do with it and never read it. But if either was true, it is very troublesome.

Let us therefore, give Yale historian Professor Timothy Snyder the last word:

"Trump was the first presidential candidate to say that he would reject the vote tally if he did not win the election, the first in more than a hundred years to urge his followers to physically beat his opponent, the first to suggest (twice) that his opponent should be murdered, the first to suggest as a major campaign theme that his opponent should be imprisoned, and the first to communicate internet memes from fascists. As president, he expressed his admiration

for dictators around the world. He won the presidency, and his party its majority in both chambers of the American legislature, thanks to the undemocratic elements of the American system. . . .”.

“The temptation Russia offered Trump was the presidency. The temptation Trump offered Republicans was that of a one-party state, government by rigged elections rather than by political competition, a racial oligarchy in which the tasks of leaders was to bring pain rather than prosperity, to emote for a tribe rather than perform for all. . . .”.

“Politics is international but repair must be local. . . . To break the spell of inevitability, we must see ourselves as we are, not on some exceptional path, but in history alongside others. To avoid the temptation of eternity, we must address our own particular problems, beginning with inequality, with timely public policyAmerica will have both forms of equality, racial and economic, or it will have neither. If it has neither, eternity politics will prevail, racial oligarchy will emerge, and American democracy will come to a close.”

QUESTIONS THAT MIGHT BE ASKED:

- A. Professors Ben-Ghiat and Snyder have each concluded that former President Trump shows all of the characteristics of current and recent European autocrats. Do you agree and if so, why have “guard rails” not already been erected to prevent him from becoming an autocrat if elected?
- B. If you could make three changes to our Constitution (including the Bill of Rights) what would they be?
- C. Is the relationship between state courts and federal courts adequate?
- D. Should the Supreme Court be changed? (e.g. in number of judges, life tenure, “shadow docket”?)
- E. What can be done to return to bi-partisanship? Is that even necessary?
- F. Many observers have seen indications of a slow-creeping authoritarianism in the US. Do you see the same thing? If yes, is it a serious issue? And if yes, what should be done about it?
- G. We have heard many complaints about voting procedures. Should state voting procedures be reformed? If so, on a state-by-state basis or on a national basis? Should national elections be conducted only by the federal government?
- H. Should the Electoral College be eliminated? Or substantially changed?
- I. Have the United Nations and NATO outlived their usefulness for the US?
- J. Why does former President Trump insist on misstating NATO members financial obligations?
- K. Can the US do anything about immigration other than deportation? Why has there been no bi-partisan acceptance of any such program?