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WHY RADICAL DEMOCRACY IS INCONSISTENT WITH "MOB RULE"

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ABSTRACT

The word "populism" commonly elicits images of hordes of angry townspeople with pitchforks and torches. That is the classic picture of "the mob," bolstered by countless movie and television productions, and it is clearly based on such historical events as the English civil wars, the sans-culottes' terror, the Bolshevik revolution, and the recent genocides in Rwanda and Burundi. Many of the leaders involved in fostering such horrors are seen as radical democrats whose successors today should also be feared. In this paper, I argue that any mob takeovers of the feared sort are actually antithetical to radical democracy. This is because an authentically democratic regime, even of the most extreme type, is necessarily inconsistent with "mobocracy" or any sort of "tyranny of the majority" given its essential procedural aspects. It is argued, in fact, that leaders of legitimately democratic movements have generally been quite vapid because of the fallibilistic, plebiscitary proceduralism inherent in any authentic attempt to require government policy to reflect the "general will." And this vapidness is argued to inhere regardless of the extent of rhetorical powers of the advocate or advocacy.

KEYWORDS

- Procedural Democracy
- Illiberalism
- Populism
- Radical Democracy
- Majoritarianism
- Majority Tyranny
- Mobocracy
- Demagoguery

For reasons both numerous and compelling, populism is among the most prevalent topics in the areas of comparative politics, political ideology, democratic theory and any number of other disciplines and sub-disciplines at the present time. It is noteworthy that it is almost impossible to find a paper or book on the subject (whatever that is, precisely) that does not spend a substantial segment bemoaning the indisputable fact that the term "populism" is used in a variety of ways in these literatures. It may refer to a political party, a movement, an ethos, a faction within a larger party, a government, various beliefs among individuals within or outside parties, a type of tactics, and so on (Mudde and Kaltwasser: 2017).¹ And, even if we could determine or stipulate the *sort* of thing(s) it is, this family of entities would include a rather wide assortment of genera (parties, movements, strategies, factions, etc.), each including several species. For example, there are said to be right- (generally nativist) and left- (generally socialist) species of populist parties, movements, governments, and so on. Some varieties of populism in nearly every genus are thought to be detrimental to democracy (whatever *that* is, precisely), while others are claimed to be beneficial to it. For example, if we take democracy to be antithetical to dictatorships, some specimens of populism may be (at least outwardly) hostile to autocratic leaders while others seem

¹ They note that it has been characterized as a "folkloric style of politics." J. McCormick refers to it simply as "a cry of pain" (McCormick: 2017, p. 4).

explicitly hellbent on putting despots in power.

The natural response to such a plethora of connotations and denotations associated with a general term is to disambiguate: attempt to specify with more particularity what readers should understand by that term—however it might be used elsewhere. But such endeavors have also met with distrust—or even hostility. One recent article has indicted such efforts for no fewer than ten serious crimes. The charges include: defining too broadly, defining too narrowly, attempting to find essential characteristics, and settling merely for family resemblances (Pappas: 2016).^[2]

I have begun with this summary of the consternation over the term “populism,” because I have chosen to discuss what some would take to be a close cousin of that (or those) concept(s): *radical democracy*. Given the forgoing morass, I will not attempt to suggest whether the relationship(s) is/are distant or adjacent, but it is undeniable that both terms commonly elicit images of hordes of angry townspeople with pitchforks, torches, pikes, nooses or guns. That, at least, is the classic picture of the mob that has been used in countless books, movies and television productions. It is a frightening depiction, representing something that seems obviously to require either significant curtailment or complete elimination if civilization is to endure. In fact, the very word “civilize” can suggest a process of evolution from violent, ignorant hordes into thoughtful, deliberative groups that bear at least some resemblance to a pacific modern commonwealth. Thus, like “populism,” “radical democracy” may suggest a return to pre-civilization, and it is therefore unsurprising that one can find numerous condemnations of allegedly democratic tenets in political literature since the time of Plato on the grounds of the incitement of mobs of rabble to rampage. In addition, as “unfettered democracy” must surely require the majority getting what it wants, if that majority is nativist or xenophobic, it would seem to present a clear danger to those in various minority groups. I have argued elsewhere (Horn: 2020) and will suggest reasons again below for denying that these fears are as reasonable as they have been claimed to be. I nevertheless again acknowledge that if a populace is cruel or xenophobic, one ought to expect any authentically democratic government of that people also to be cruel or xenophobic—even given the absolute inconsistency of certain types of cruelty and xenophobia with authentic democracy. But the cruelty that might be allowed may result from the fact that radical democracies do allow for more

2 Also included among the alleged defects are “unclear negative pole,” “degreecism,” “defective observable-measurable indicators,” and “a neglect of micromechanisms.” It is worth noting that in making this critique of attempts to disambiguate, the author himself seems to use the term “populism” in a way that apparently assumes that his readers will understand quite well what is meant by it, and thus, how the proposed stipulative definitions go wrong (Pappas: 2016). Unsurprisingly, any assumption of nativism or socialism is seen by Pappas to make a definition too narrow, but a fairly broad understanding—say to mean something like *anti-elitism*—is also said to be inappropriate. Pappas quotes C. de la Torre as specifically pointing out that in Ecuador under Rafael Correa, “populism has turned into elitism . . . [in which] technocratic reason . . . replaces the give-and-take of democratic debate over proposals” (Pappas: 2016, p. 22) (de la Torre: 2013, p. 39). I note in addition that some who say they will use “populism” to mean “anti-elitism” sometimes seem to have difficulty sticking to that plan. For example, F. Bertoa and J. Rama apparently accept a broad definition based on anti-elitism, but a distinction is occasionally made between “antiestablishment parties in general and populist parties in particular” (Bertoa and Rama: 2021, p. 8) In fact, they do this in a way that suggests that the populist variants of antiestablishment parties are specifically the nativist ones (and not, e.g., the especially anti-establishment ones).

“illiberality” than do republics having more expansive (and democracy-constraining) bills of rights. Thus, an authentically democratic polity is not necessarily a nice, gentle or “just” polity. Self-sovereignty is neither designed nor required to produce those other goods.

In spite of that concession, I will argue in this paper not only that radical democracy is not conducive to mob rule, but that leaders of authentically democratic movements are much more likely to be guilty of vapidty than of ferocity. How can this be plausible? If radical democracy may be connected with “illiberality” because of its inconsistency with various alleged “natural rights” or “natural law,” how can any polity utilizing its tenets be safe for its citizenry? Are inalienable rights to life, conscience, and property not required of any civil society? Has it not been precisely the basic protections afforded by the memorialization of human rights in constitutions immune from-majority-led whims, that have made for the bare possibility of places where people have both extensive liberties and the security of their property? Can anyone really wish to live where there is no freedom of conscience or security of property ownership? In sum, is it not just those who have called themselves “radical democrats” who want the ability to remove due process protections so they will have complete impunity when they drag “enemies of the people” out of their homes in the middle of the night and summarily dispatch them?

As said above, this view of radical democracy and the likely lawlessness of its supporters goes back at least to such pre-common era thinkers as Plato, Aristotle and Cicero, and was wonderfully eulogized by the Federalist poet Thomas Green Fessenden (aka Christopher Caustic, LLD) in his 1805 work, *Democracy Unveiled*. Obviously, to defend democracy from such charges I will need to explain what I mean—and don’t mean—by the term. For example, one of the main complaints regarding many reviled democracies has centered around direct or participatory governance by the general populace. And the terms “democracy” and “pure democracy” have often been taken to refer either to systems involving governance by the people without need for selection of governors^[3] or to systems in which such selection occurs exclusively by lot. Indeed, it may be thought that a radically democratic polity need not require due process or even deference to the rule of law if the citizenry has no interest in such things. I therefore wish to stress that the radicality I speak of in this paper does not actually resemble the effect of island living on certain British children in *Lord of the Flies*. As I use the term, even the most radical democracy requires a constitution or similar set of norms that sets forth the only acceptable manner(s) in which laws are to be enacted and enforced. And such processes can allow neither government by popular impulse nor the choosing of officials by lot. Rather, it requires the fair *choice* of representatives and should suggest nothing more participatory than the referendum,^[4] recall,^[5] and reversal

3 See, e.g., Madison, *Federalist* #10 and #63.

4 By this I mean the ability of the populace to reject laws enacted by their representatives, not the *initiative*, where that implies the ability for the electorate to write and enact legislation on their own.

5 By this, I mean the ability of an electorate to, by majority vote rather than impeachment or conviction for criminality or other defined offense, remove an official from office. That is, I understand it as a strictly *political* process.

of certain types of judicial decisions.^[6] (Single chamber) legislative, as well as executive and judicial edicts must remain in the hands of representatives or their appointees. In addition, deliberation of a consequential sort (other than on who should be elected or what prior edict or election result should be overturned) would be required only among those elected or appointed officials. That is the sort of program I here designated as “radical representative democracy” (“RRD” for short).

While it may be the case that a completely pure or ideal democracy would require the absence of certain (though not all!) rights-based limitations on what the electorate may effectually vote upon, “RRD,” as used herein should not be construed to *require* any reduction in “human rights.” In fact, advocacy for the limitation, rather than the expansion, of civil rights has been fairly rare among those who call themselves supporters of increased democracy (at least prior to Viktor Orban and Marine Le Pen).^[7] Second, the “mobocracy” attack has not been reserved for use only against reductions in liberalism, but has been leveled at nearly every proposal that would produce even the most incremental gain in majoritarianism.

What is Radical Representative Democracy?

Let me now flesh out the RRD I wish to defend against the classic indictments of the fearful here. I will do this by displaying two lists. The first will enumerate the principles that I believe must be followed by any polity that can correctly be deemed to be authentically democratic, and that should, therefore, be ensconced in a definitory norm or foundational document like a constitution. The second list contains more particular aspects of democratic process. I take each item on both lists to be such that its addition in any jurisdiction that does not currently require it to constitute an expansion or increase in democracy; and I take the loss of any one of them in a jurisdiction formerly exemplifying the principle to constitute a necessary diminution of democracy. I will not here defend the democracy-enhancing qualities of any item on the first list or the connection between any item on the second list with the entire combination comprising the first list.^[8] I will here say only that I take the key to inclusion in either list to be the item’s indispensability to an accurate determination of the “general will”—what the people want. On this view, real self-government requires a populace to be allowed to indicate what they want from their governments and have a reasonable expectation that those governments will do their utmost to get it for them.^[9] These are intended to be fairly extreme packages of governing principles—consisting of many of the sorts of elements that those anxious about mobocracy have long dreaded.

6 Because of the importance of judicial independence, it is quite tricky to put together a defensible reversal proposal, but some simple ideas have been suggested on this front (Sitaraman: 2019).

7 Similar policies have, however, long been advocated by others under different banners. Y. Mounk is quite illuminating on this subject (Mounk: 2018).

8 I have done what I can on each of those fronts in (Horn: 2020).

9 Both A. Sabl and A Roberts have argued that a “responsiveness” criterion for democratic excellence is far from universally accepted among political scientists. Replies to objections to a responsiveness measure require a complete analysis of prudential value for both individuals and groups (Sabl: 2015), (Roberts: 2005) I have made my own attempt at this (Horn: 2020).

First, the basic principles:

1. There are frequent and fair elections of executives and legislators requiring the accurate count of voter approvals (i.e., findings of minimal acceptability) where that individual receiving the most approvals wins. In addition, every significant subdivision of the people shall have its proportionate representation in government through the election of additional representatives, where (i) such subdivisions are mutually exclusive subsets of the populace determined by asking voters whom they would most like to represent them, and (ii) “significance” is determined solely on the basis of group size.^[10]

2. The amount of ultimate authority to make government policy wielded by each legislator always reflects the total number of voters that have approved or picked that representative. But individuals chosen to represent either an entire populace or a significant subdivision therein are each provided with equal time to speak in committees. Both committee approvals and legislative enactments avoid consequential agenda-setting by requiring all versions of proposals to be subject to simultaneous approval votes.

3. Impairments or restrictions of political speech, press, assembly or association are imposed only where they are consistent with a recognition of the greater, indeed paramount, importance to RRD of activities that foster self-government, such as (i) facilitating access to scientifically reliable political information, (ii) making voting easier, fairer or more widespread, and (iii) creating opportunities to attain political office or interact with governmental agencies and officials.

4. No discrimination based on race, creed, gender, orientation, property accumulation, intelligence, or other such characteristic is allowed within any jurisdiction, and all established residents having sufficient cognitive ability to know what they are doing when voting receive equal votes, have equal and easy access to ballots and candidacy for government offices, and have abundant, reliable, cost-free information relevant to such ballots and offices available to them. Each person is thus guaranteed equal treatment and the equal protection of the law.^[11]

5. To ensure the accountability of representatives to the people who elected them, all government activities must be transparent.

6. Disparities in the ability to produce and disseminate campaign and other election-related materials based on wealth are to be kept to a minimum.^[12]

7. These principles are memorialized in a fundamental document or other basic

10 The idea here is that, while there should be only one legislative chamber, some members should represent entire geographic regions, while others should have constituencies entirely composed of voters for whom they are considered a “favorite” representative. See, e.g., Dummett: 1997.

11 It may be noticed that neither here, nor in my book, will one find any propositions regarding the benefits or detriments of either federal structure or political parties. Both decentralism and partisanship are controversial topics and entailments of neither are immediately evident with respect to popular sovereignty. Consider, for one, the difficulties in dealing with ethnic differences in the former Soviet Union, and for the other this remark in a leading article on political parties: “In our account, parties are no great friends of popular sovereignty. Electoral competition does constrain group centric parties to be somewhat responsive to citizen preferences, but they cede as little policy to voters as possible” (Bawn et al. 2012).

12 This list should be understood to be a coarsely put and non-exhaustive batch of fundamental items that will be enshrined in something like a constitution or other extremely difficult to repeal or amend norm within every RRD.

norm which shall set forth the only lawful manner in which governmental activities may be undertaken. There is sufficient independence of a supreme judiciary to allow (only) for final dispositive review of those governmental acts or edicts claimed to conflict with any of these fundamental principles.

As indicated above, to flesh out these general principles, I present a second list containing some particular elements that I take to be implied by items in the first collection^[13]:

A. All those over 16 years of age living in a jurisdiction for at least one year shall be entitled to vote and hold any political office in that jurisdiction without consideration of race, religion, gender, orientation, birthplace, criminal record, property holdings, knowledge accrual, etc.

B. Single executives and one legislator shall be elected by approval vote of the relevant populace in its entirety.^[14] Additional legislators shall be elected via a particular variant of the Single Non-Transferable Ballot. The governmental authority of each legislator (however elected) shall reflect the proportion of the electorate that supported his/her candidacy.

C. The relevant electorate shall have the right to repeal any (non-constitutional) law via referendum.

D. The relevant electorate shall have the right to recall elected officials by vote.

E. Executive, Legislative and Judicial officers shall all have limited, but indefinitely renewable terms of office.

F. The electorate shall have the right to reverse certain (non-criminal, non-constitutional) judicial decisions.

G. The qualitative or quantitative dilution of the force of any vote by gerrymander or other means shall be prohibited.

H. No supermajorities of a legislative body shall be required to enact legislation or defeat legislation, unless the executive of the jurisdiction in question is in opposition.^[15]

I. Deliberation and bargaining among representatives shall always proceed according to the best current science regarding what deliberative procedures are most likely and efficiently to produce concord; provided again, however, that such procedures require that simultaneous approval votes on all alternatives—including no change to the status quo—is always used in lieu of successive individual votes on amendments and final votes on enactment.

J. No legislative body shall be multicameral.^[16]

K. Voting and access to both political office and to office-holders by the general populace shall be equal, easy, and free.

L. Campaign finance laws shall, to the extent consistent with freedom of speech

13 The necessary connection between the second list's elements and the items on the first list may require the addition of one or more empirical premises. It should be obvious that there has never been any system that has very closely resembled the sort of polity these would require. What is important is only that we agree that the more matches, the more democracy that is present, or, again, the more radical we may say it is. That is, such principles as these, and not, say, a favorable distribution of income or a relatively content and peaceful populace, are what constitute authentic self-sovereignty.

14 This would mean that, in the U.S., the Electoral College must be abolished.

15 This would outlaw the Filibuster rule now utilized in the U.S. Senate.

16 In the U.S. this would mean that all "upper chambers" would need to be abolished.

and the media, prohibit the buying of elections.

One thing that should be noticed about the first of these lists is that, since it explicitly requires certain sorts and frequencies of elections as well as the protection of “political rights” like speech, assembly, association, and press, and makes no explicit call for any diminution in rights, it cannot, without more, justly be called “illiberal.”^[17] Nevertheless, nearly every element on the second list has at one time or other been decried as promoting mob rule.

Types of Traditional Objections to Radical Democracy

As indicated in my opening paragraph, a main species of the common objections to democracy has involved allegations that the failure to tightly constrain a citizenry from insisting that “it shall have what it wants!” with extensive lists of allegedly inalienable rights is likely to result in activities popular during the sans-culottes, Bolshevik, Nazi, and Rwanda-Burundi tribal terrors. After all, it is not unusual for a segment of a population that is both poor and resentful to outnumber the rich, or for a maltreated racial or ethnic majority to seek revenge upon a more powerful minority group. If a majority is allowed to have its way on all matters, why would we not see theft, discrimination, exclusion, even genocide? Let us call this the “Hordes” objection to RRD. I have highlighted several liberal tenets included in RRD, but it cannot be denied that with no specific protections of life, conscience, or property to be found among its axioms, those who push the Hordes complaint will not be satisfied.

One basis for the Hordes critique is the view that any increase in democracy that is not accompanied by all the customarily protected rights is likely to bring horrors because the majority, being horrific, can be expected to want horrible things. Whether theft, murder, etc. are conceded to be immoral by majorities or not, the ultimate ends they seek will be claimed to be both beneficial and important enough to render pretty much any activity permissible. Thus, the majority of an electorate might be (perfectly accurately) determined to support the murder of all those whose wealth exceeds some arbitrary amount. Surely, such activities are not unfairly discriminatory in any way that is inconsistent with RRD. So even apparently innocuous increases in the democracy of a system that is deficient in rights protections should be avoided. For one thing, the additional democratic provisions may result in the elimination of the rights protections previously included.^[18] And for another, if no such protections are there to begin with, more democracy just means a greater likelihood of terror. Republic-type “anti-democratic” provisions like separation of powers will be thought to be even more necessary where there is no absolute protection of life and property and there are prevalent fears about the dangers of efficient majoritarianism.

One thing that might be noted in response to this attack is that, at the very

¹⁷ In fact, protections against “the government” from these sorts of activities are probably insufficient from the RRD perspective. So-called “horizontal rights” that protect against encroachments by private parties would also be required (Horn: 2020), (Gardbaum:2003).

¹⁸ It has been pointed out that even some criminal organizations have had constitutions (Leeson and Skarbek: 2010). One might also bring up the Brunei constitution of 1959, a document that allows for almost no rights, contains little restriction on the power of the executive, and provides for no judicial independence.

least, an RRD realm should not be seen to *require* the passing of laws calling for (or newly allowing for) theft, rape or murder. Nor does it require the repealing of laws that forbid such acts. But the RRD defender should not deny that with no absolute protections, a democratic government could, even intentionally, *fail* to do anything to stop the private or public occurrences of such events due to majority desires. There may be nothing essentially democratic about such a tact of malign neglect, but it should not be denied that it is made easier where there is more democracy.

We may refer to the second common criticism of RRD as “Deification.”¹⁹ This is largely a matter of worshipping the proponents of some previously enacted system that is less democratic than any RRD in view of it’s being seen to reflect a sort of godlike omniscience. This attitude is quite popular in the United States, where Madison, Hamilton and a couple of other “Founding Fathers” are regularly taken to be absolutely beyond criticism. The idea is that once one recognizes that those (transcendent) thinkers have given us the oldest and best republic in the history of the planet Earth, only deluded heretics with inflated views of their own powers would deign to suggest that any alteration might be beneficial.²⁰ Harry Atwood objected to any change at all in the U.S. Constitution as he understood it and claimed its perfection even in such areas as efficiency of administration and levels of taxation. On his view, any state that enacts an initiative petition law, elects its judges, or even allows localities to create school boards or historical commissions is guilty of heresy. For we may infer from the omniscience of the Founders that not just the United States, but any subdivision thereof can be demonstrating nothing but mortal confusion if its own constitution varies in any manner from the Federal scripture. As the U.S. Constitution does not contemplate library commissions, they must be a bad idea.

Interestingly, we do not hear from current proponents of the Deification objection any explicit defense of slavery, or objections to women’s suffrage. But at each iteration of the divine doctrine, both before and after any amendment, this cohort finds the U.S. Constitution flawless in every detail. Such acolytes may even suggest that the Founders in their wisdom would have anticipated each particular change that has ended up being made. And the worshippers infer that, although there may be additional alterations in the future, none should be expressly encouraged. We must either work to resist any change or, at worst, watch in devoted quietude as the Founders’ prescience unfolds itself into even greater glory.

The third main line of objection to RRD may be called “Numbskulls,” since it is based on the complaint that the general populace is bound to be too stupid, ignorant, or uninterested to be involved in governance.²¹ Since even non-RRD republics involve *some* sort of plebiscitary involvement by the public, the Numbskull objection often involves advocacy for reductions in current levels of democracy. For example, those

19 In a comprehensive recent study on this subject, B. Jones refers to the relevant attitude as “idolatry” (Jones: 2020).

20 The writings of Federalist Society contributor Tara Ross provide excellent examples of this approach. Another devotee of this stripe was Harry Atwood, whose book *Back to the Republic* was a particular influence on John Birch Society founder, Robert Welch (Ross: 2018), (Atwood: 1918), (Welch: 1961). There’s a nice discussion of this attitude by a group of symposiasts in *Harpers* (Edwards et al.: 2019) as well as in (Jones, 2020).

21 Perhaps the leading proponents of this theory today are Jason Brennan and Michael Huemer.

who bring it may call for educational requirements for voting or suggest that those who pass intelligence or knowledge-based tests be given additional votes. Again, they may simply try to limit (rather than, like RRD, increase) the sorts of things that may be voted upon or reduce the frequency of elections. These approaches represent a kind of epistocratic paternalism. This view, of course, dates back to Plato's dream of a race of guardians, and it may be said in its favor that it requires no more than a modicum of sense to wish for wise governance. After all, surely it is only fools who could want to be ruled by numbskulls!^[22]

Why the Above Attacks on RRD are Confused

I have put forth a number of defenses of RRD against the Numbskulls and Deification attacks elsewhere (Horn: 2020) and will not repeat them here except to press against the former that it is a mistake to construe votes as epistemic, truth-tracking items, and to note with respect to the latter attacks that the Founders were actually often both self-serving and wrong. But as my present thesis is that neither RRD nor any of its proponents should be feared as instigators of mob rule, I will need to spend some time on the Hordes argument. Clearly, if we ignore the Numbskull and Deification complaints, the plebiscitary nature of RRD and its acknowledgements of law and process might be seen by all parties rather to be a protection against the likelihood of mob rule. But the fact that radical democracy in its purest or ideal form does not contain safeguards against encroachments on life, conscience, or property has obviously remained a serious concern among liberals. As indicated above, it seems that where there are no such safeguards we should want as little democracy as possible—and where there *are* such protections, anything suggesting that there need not be, is dangerous dogma.

As indicated above, advocacy for greater democracy, say in the form of proportional representation, enactment of referendum provisions, or elimination of anything like the U.S. Electoral College or Senate Filibuster, need not (and most likely will not) include proposals to eliminate other supposed rights already memorialized. Nothing prevents those who seek additional democracy from maintaining all existing rights protections or even from wanting others, so long as such enhancements comport with the procedural changes sought. Even if the current non-RRD rights do constrain the ability of the people to get all and only “what they want,” to some extent, they are nevertheless irrelevant to any advocacy for the specific alterations listed above, since

22 As Fessenden put it,

*Do not assume of State the reins,
If you're but so-so as to brains.*

*There must be limits put to suffrage,
Although the step excite enough rage,
Lest men devoid of information,
And honesty should rule the nation.*

nothing on either list conflicts with any supposed “inalienable right.” For this reason, it seems to me illegitimate to bring up a Hordes critique at the very mention of any increase in democracy that can be found in the above lists.^[23] Consider, for example, the replacement of impeachment by recall or the prohibition of supermajority requirements in some jurisdiction; neither can be sensibly connected with heads on pikes or ubiquitous storm troopers. Nevertheless, the Hordes attack has long been carted out at nearly every proposal to increase democracy in any fashion whatever.^[24]

The point I am trying to stress here is that, while there may be two possible routes to an increase in democracy, one is strictly procedural - involving such items as expansion of the electorate, the frequency of elections, the manner of voting, vote dilution, toning down separation of powers, allowing referendums and recalls, etc. It is true that the other substantive route might call for loosening existing constraints on what may be voted on by reducing the number of currently protected “natural rights”—but there is nothing in either list above that calls for any such substantive removal of rights. And the alleged scariness of increasing illiberality should be connected only with that sort of substantive change. Those who are wary of the attacks on liberalism in the approaches of Trump, Orban, Bolsonaro, Netanyahu, etc. have focused mostly on the danger of decreases in safeguards for those with minority ethnic, racial, religious, or gender-related backgrounds or perspectives. But all the items in the lists above that touch on such matters are explicitly rights-enhancing.^[25]

In light of the forgoing, I maintain that the Hordes complaint against any of the contents of either above list is inappropriate. However, one can hardly hope to change deep-seated attitudes regarding the alleged essential connections between radical democracy and death squads. On the contrary, it will no doubt continue to seem obvious to many readers that tying governmental authority to a partially unconstrained “general will” can only produce a ravenous behemoth emerging from—indeed often caused by!—the odor of democracy-peddling pamphlets. It is not only that the horror of various deeds committed by 17th century London apprentices, 18th century sans-

23 Furthermore, it is odd to claim that all ostensible moves toward “illiberalism” must increase the possibility of mobocracy. For example, whatever one may think of the “right to bear arms” and its memorialization in any constitution, it is strange to insist that the elimination of such a provision is more likely to result in hordes of lawless rabble taking over the streets. And I repeat here that even allegedly illiberal constitutions—not only those which, like RRD seek to protect the political rights, but even those with no bill of rights at all—must at least require judicial review to be substantive. As G. Halmai nicely demonstrates, there can be no real constitutionalism at all without a judiciary sufficiently independent to say that this or that governmental activity is simply impermissible (Halmai: 2019). While RRD may require relaxations in a “separation of powers” doctrine, and even provides for a certain subset of judicial decisions to be reversible, it does not allow for any constitution that is inherently ineffective. Enforceability of constitutional provisions calls for some process of unappealable independent judicial review of constitutional matters. Thus, RRD requires deference to the rule of law.

24 In his engaging review of (Jentleson: 2021), *New Yorker* writer Benjamin Wallace-Wells describes the crippling effect the Filibuster in the U.S. Senate has had in curtailing mob activity in the South. Nevertheless, any proposal to eliminate the need for supermajorities in this already entirely undemocratic body has been met with the Hordes canard. And it has been pushed by such eminent anti-majoritarians as John C. Calhoun. (Wallace-Wells, 2021)

25 To point to a particular example, in spite of its explicit support of democratization, Orban’s version of illiberal democracy cannot be counted as an example of RRD. This claim requires no more evidence than his party’s relentless attack on freedom of the press (Anon.: 2021).

culottes and 20th century Nazis, Bolsheviks or Rwandan tribal leaders runs extremely deep, but that the assumed connection between such activities and democracy does so as well. That RRD is essentially procedural and fallibilistic and, therefore, in the absence of a recent election clearly specifying the desires of the electorate, can only be diffident—except with respect to democratic principles—will therefore cut little ice with those bringing the Hordes objection.

One way of padding the Hordes attack involves a shift from what is being promoted to a focus on the promoter. It may be claimed that even if one skips the accusation that RRD as construed here is amenable to a takeover by “the rabble” (aka the electorate), the mere suggesting of additional democracy could inflame the people to violence, whether via democratic procedures or not. In this way, the Hordes espouser may throw into her arsenal a general attack on demagoguery. As said, the fear that the impressionable, uninformed citizen may be (either intentionally or unintentionally) inflamed to violence not only reaches back to the ancients, but is as up-to-date as the January 6, 2021 attack on the U.S. Capitol. Thus, it may be the charismatic democrat, rather than democracy itself that is to be dreaded. And as those who proselytize for what is bad must themselves be bad, those who are particularly good at such work must surely be the worst of all. Turning for a final time to Fessenden, I reproduce his warning that,

*The leading Demo's have their tools,
A sorry set, 'twixt knaves and fools.
Nature imposes her commands,
There must be heads, as well as hands.
Remember, mid your party strife,
Whoso's a rogue in private life,
If once he gets you at his beck,
Will set his foot upon your neck.^[26]*

Furthermore, the claim that clever manipulators might try to increase their popularity by spouting democratic-sounding epithets, even if they do not actually believe what they are saying is not unreasonable—especially as both right- and left-populists have been seen to move quickly from espousing democracy to attempting to obtain despotic powers. If we suppose, as several of generations of social choice theorists have done, that the intrinsic motivation of politicians is always getting, maintaining, or increasing their own political prestige, power or remuneration,^[27] we can infer danger from charisma. What is there to prevent such egoists from using the pretty principles of RRD simply as a means to a totalitarian end?^[28]

26 And he adds in his annotations that although they may not all be tyrants at heart, “their leaders are, generally speaking, haughty and imperious demagogues [who, like] the genuine republican slave-driving nabobs of Virginia...would fain conceal their designs of domination beneath the mask of liberty and a pretended zeal for the rights of the people.”

27 A nice description of what it is to make getting or keeping office the *summum bonum* of one's political activities can be found in Garry Wills' early book, *Confessions of a Conservative*. Democratic representation is there seen as essentially involving deference by the representative to whichever constituent he or she is talking to at any moment. Wills takes “Each time a politician indulges his or anyone else's single opinion or principle” as an example of “losing an opportunity to ingratiate himself with those who hold different views or standards—a criminal waste” (Wills: 1979, p.171).

28 Indeed, dangerous orators may have entirely altruistic intentions. Perhaps, e.g., they really *do* want

Why Charismatic Advocates for Additional Democracy are not Particularly to be Feared

Given the nature and variety of the Hordes attacks above, I believe we will have to turn to history to see if the fears of RRD and its advocates are realistic or fantastical. It is well-known that many of history's most infamous "rabble rousers" did not actually smile upon democracy—either in their speeches and writings or in their secret hearts. As already indicated, Lenin never cared for what he called "bourgeois parliamentarism": he simply *knew* what must be done to create the dictatorship of the proletariat, whatever lesser thinkers might believe; if the majority of Russians believed in frequent fair plebiscites and constituent assemblies, they must simply be reeducated. No doubt Hitler and Robespierre were aided in their power-grabs by popular elections, but neither should be considered to have been a supporter of the democratic constitutions that may have been in effect during their ascents.

What about those who have seemed more consistent in their support for democracy, but whose advocacies nevertheless seem to have played important roles in the advent of lawlessness? Take Burundi's Melchior Ndadaye or Russia's Victor Chernov. May we indict them for inflaming a substantial portion of their constituencies even though they sincerely believed in some version of RRD? Is it not unfair to claim that Ndadaye was largely responsible for a resumption of genocide in Burundi when it was those who opposed his fair election who started the trouble? And if the Bolshevik takeover reached full flower at the Constituent Assembly that Chernov worked so hard to create, is it fair to call that SR leader to account for his advocacy? My own view, that we should not depend on this sort of "but for" causation, suggests that neither man is culpable for what followed. This is not because any alleged guilt was mitigated by their good intentions, but rather because history has regularly demonstrated that committed democrats of their sort have been generally quite impotent leaders during times of crisis. In the early days of the Russian Revolution, the (at least usually^[29]) democratic Chernov, the leader of what was by far the largest party in the country, not only worked for his all-Russian assembly, he also refused to put in place a non-democratically determined land reform when he had the power to do so. Such a policy, whether or not instituted by fiat would likely have both defused rural uprisings and allowed for Chernov to remain in his post of Minister for Agricultural in the Second Provisional Government (Radkey: 1962). In France, the Girondin constitutionalists were exterminated after making but feeble resistance to the despots and their backers (Slavin: 1994).^[30] In the waning days of the Weimar Republic, those most responsible for writing the quite democratic constitution then in effect, the principals of the German Democratic Party, "were strangely short-sighted" about the rise of fascism

something like RRD, but believe the populace is not yet ready for it. They may take tyrannical powers while sincerely believing it only to be for a moment. Thus, it will be asked, why should we not then fear even the sincere democrat?

29 He was not above the occasional assassination.

30 Although leaders of the sans-culottes masses like Hebert ultimately fared no better than the Girondins, they can hardly be called authentic suffragists. "Although championing egalitarianism and democracy in their relationship to the sectionnaires of Paris, the Cordeliers leaders excluded the vast majority of the French people, the peasants and farmers, from these twin ideals." (Slavin: 1994, p. 253)

in their country and did nothing to stop it (Frye: 1963, p. 176).³¹ To go back even further, at the time of the English Civil Wars, John Lilburne was forced into repeated residencies in the Tower for his democratic pleas. And it was Cromwell, not Wildman or the levellers, who consistently won the day. Over and over again, we find the most outspoken backers of democracy to be almost as harmless and ineffective as it is possible for major leaders to be in times of political crisis. At the very least, we can see they have never been a match for those with autocratic intentions—whether on the left or the right.

Several responses will likely be made to this defense of sincere RRD orators. First, it may be repeated that any demagogue must be feared, because even if he or she is not a terribly effective leader, once enough of the populace is inflamed, all manner of horrible things may ensue. Second, as we have already conceded, we may not know the hearts of these leaders: perhaps all the anti-autocracy claims made by any chosen rabble-rouser have been insincere, only a means to their evil ultimate ends. Furthermore, it is even possible that some charismatic speechifier who has repeatedly exclaimed that “All power must be delivered to (all) the people!” *was* indeed sincere, but was nevertheless also intentionally *reducing* the political authority of part—or even all—of that very populace because motivated by the (charitable) concern that the populace was “not quite ready” to take the helm. Indeed, armed with such assumptions, it is easy to condemn any proselytizing on behalf of the general will—whether sincere or insincere, whether spoken, written, or legislated, or whether successful or unsuccessful. All can only bring evil. We need not accept Wills’ hypothesis of universal political egoism to be afraid of those who want more democracy. According to the Hordes theory, the well-meaning, the malicious, “the great man,” and the inconsequential windbag: all are sensibly feared.

Such a response ignores the fact that the same sorts of things may be said about any effective orator, no matter what is being advocated—sincerely or insincerely. Once one separates the content of advocacy from the advocacy itself and insists that the latter is dangerous on its own, it is not only democrats, but every eloquent monarchist, socialist, Marxist, Georgist, anarchist or libertarian who steps up to a podium or even climbs upon a soapbox that will have to be put down. Whether (consciously or unconsciously) sincere or insincere, each could (purposefully or accidentally) unleash a deadly horde. Taken to its logical conclusion, we land on the position that we are better off without any effective speakers at all. It is therefore better, I think, to look at the particular positions being advocated and see what has actually been wrought by such advocacy.

Let us then leave those who cannot countenance charismatic orators of any stripe and put our thesis to the less anxious as follows: To the extent that authentic democracy takes precedence in a politician’s pantheon of goals, we may rely on the fact that the machinations of such politicians are nearly always either unsuccessful or actually create *more* safety for the general public from either private or public mobs had

31 Indeed, Except for 1924, the party “lost ground in every election between June 1920, when it suffered a disastrous defeat, losing almost half of its supporters, until the dissolution of the party in October 1930. From about 5,600,000 votes or 18.5 per cent of the popular vote in January 1919, support fell to 1,200,000 votes or 3.5 per cent of the popular vote in September 1930” (Frye: 1963, p. 176).

previously been enjoyed. As we cannot know infallibly that an increase in democracy was some past politician's ultimate goal, we will be forced—as we are with everyone else at all times and places—to rely on their actual words and actions. Thus, if someone advocates for increased democracy and never acts or writes in any manner inconsistent with such advocacy, we shall take them at their word.

According to the foregoing hypothesis, legitimately democratic leaders—those for whom authentic democracy is their *summum bonum* (at least based on everything we know about them)—have generally been hamstrung rather than aided by their democratic scruples. That is why those with less democratic public positions are likely to have had more success in altering policies. This should not be too surprising. A certain measure of vapidness is only to be expected in one who endorses an abstract proceduralism over such substantial promises as “Free land!” “More food!” or “Good jobs at good wages!” Not only fascism and communism, but also anarchism, libertarianism, and the rest are much more comfortable than RRD with the sort of certitude that can propel charismatic proponents to powerful positions—whether dangerous or beneficent. Those we may call “outcome advocates” are unlikely to care too much whether most people agree with their views.³²

With our simplifying assumptions in place, we can compile a (random) list of historically significant events that have either accomplished a significant increase in democracy through implementation of one or more of the items on our lists or failed in an (at least apparent) attempt at such an increase. Let us take abortive attempts first. Thus far I have mentioned these failures to produce anything like lasting increases in democracy: the English Civil War, the French and Russian Revolutions, the 1992 Referendum in Burundi, and the enactment of the Weimar Constitution. One can also point to smaller, more focused examples of missed marks, such as the inability of the U.S. women's rights activists to obtain the vote for women in the 19th century or the ERA in the 20th. One might also mention numerous failed attempts by U.S. Progressives to bring proportional representation either to national elections or to their jurisdictions. There have also been cases of backsliding, as when a unicameral legislature has added a chamber or a court has rolled back campaign finance regulation.

There are obviously thousands of events both big and small that we might investigate, for there are continuous rises and falls, steps forward and backwards, in every polity throughout history. But I believe what we can discover when we look at any randomly selected handful of changes in the level of government by the people is that, if we take apparently pro-democracy advocates at their words and look also at what they have wrought, we will find that both those who have succeeded and those who failed were nothing to be feared. The Madisons and Jeffersons, the Gandhis and MLKs, the Lucy Stones and Frederick Douglasses, the Teddy Roosevelts and W. S. U'rens; the Brissots and Condorcets, the Cobdens and Brights, the Chernovs, Mosaddeghs and Ndadayes: whether successful or not in the long or short-term, none can justly be claimed to have incited their followers to Hordes behavior. Many of these leaders were at their most effective and prominent when such mobs were active on their streets. But even those who, like Gandhi, Martin Luther King or Gloria Steinem led marches or other protests, were much more likely to find their programs

32 See, e.g., (Huemer: 2012).

and supporters victims of mob violence than perpetrators of it. I do not say there have been no sincere democrats who have preached violence to obtain their ends: after all, it has not just been the Hitlers, Lenins, and Malcolm Xs, who have called for more than words, but also such democratic revolutionaries as Marten, Paine, Madison, and Maderos. But where the apostles of authentic democracy have met with success, the results have either been increased peace and security or brutal upheavals instigated by those with other goals.

I thus conclude that sincere RRD advocates should not be shunned either as harbingers of despotism or of the Hordes behavior of a citizenry. It is quite certain, at least, that any such dire consequences of their urgings have not been wrought by those attracted to *that* advocacy. History rather shows that we are much wiser to fear their opponents. Indeed, it is from those wanting to forestall or constrict plebiscitary rule that mobocracies and other tyrannies have arisen and are likely to continue to arise.

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