

Book Reviews

The Paradox of *The Paradox of Democracy*

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ABSTRACT

In *The Paradox of Democracy: Free Speech, Open Media, and Perilous Persuasion*, authors Zac Gershberg and Sean Illing argue that democracies contain the capacity for their own destruction because they promote open communication but such communication can be manipulated by authoritarian forces. They argue further that with contemporary communications technologies the descent into fascism is even more likely. The authors argue that in order to confront these threats, democratic nations must increase media literacy within the citizenry and strengthen local journalism. Given the grave nature of the threats the authors have exposed, these solutions do not appear up to the task of defending democracy. Indeed, a deeper analysis of *The Paradox of Democracy* suggests that it is not just the solutions, but the analysis itself, that leaves some stones unturned, glossed over, or completely ignored.

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Although the work is a useful complement to other works addressing the present threats to democracy, like some of those other works, it, too, fails to provide a complete picture of these threats or offer viable options for resisting them. When read together, however, a more complete picture of not just the threats, but also the tactics and strategies necessary to oppose them, comes into view.

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INTRODUCTION

In the 1940 satirical film *The Great Dictator*,¹ Charlie Chaplin plays the role of a Jewish baker in the fictional nation of Tomainia who bears a striking resemblance to the nation's dictator (whom

1. See generally *THE GREAT DICTATOR* (Charlie Chaplin Film Corp. 1940).

Chaplin also plays). In a pivotal closing scene, Chaplin's barber is mistaken for the dictator and gives a rousing speech in his place, carried over the airwaves, to denounce the dictator's ways and offer a message of hope. In that speech, Chaplin's barber proclaims that he does not "want to be an emperor" and does not "want to rule or conquer anyone."² He explains that "machinery that gives us abundance has left us in want. Our knowledge has made us cynical. Our cleverness, hard and unkind."³ He argues that "more than machinery, we need humanity. More than cleverness, we need kindness and gentleness."⁴ With respect to that machinery, he explains that "the aeroplane and the radio have brought us closer together. The very nature of these inventions cries out for the goodness in men—cries out for universal brotherhood—for the unity of us all."⁵ He adds that "even now my voice is reaching millions throughout the world—millions of despairing men, women, and little children—victims of a system that makes men torture and imprison innocent people."⁶ The misery that people feel, the barber in dictator drag explains, is "but the passing of greed—the bitterness of men who fear the way of human progress."⁷ He proclaims that "the hate of men will pass, and dictators die,"⁸ and any power those dictators took from the people "will return to the people."⁹ In the film, the speech itself is carried over the radio and played on loudspeakers so that the victims of the dictator's armies can hear it, physically rise, and turn towards a new dawn.¹⁰ Upon its theatrical release, a critic writing in the *New York Times* mused that it might be "the most significant film ever produced."¹¹ Chaplin, the silent film star,¹² would make this—the first movie where the audience ever heard his voice¹³—a study of the ways in which authoritarian rulers use technology and how technology was impacting the world. It was also broadcast over a medium—the moving picture—that was able to communicate sound and images to a world already in crisis in Europe and on the brink of the Second World War. Chaplin's dictator stand-in used communications technology to spread a message of

2. *Id.*

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

11. Bosley Crowther, 'The Great Dictator', N.Y. TIMES (Oct. 16, 1940), <https://tinyurl.com/yck8wt3z> [<https://perma.cc/LZF9-6QX3>].

12. *See id.*

13. *See id.*

hope; similarly, Chaplin's distribution of the film itself, in staggered releases due to the war, conveyed a sense that the opportunities new technologies present are, perhaps, greater than the threats they pose.

In *The Paradox of Democracy: Free Speech, Open Media, and Perilous Persuasion*,¹⁴ authors Zac Gershberg and Sean Illing expose the connections between communications technologies and the risk they pose to democratic societies. But the authors turn this risk on its head, saying that it is the democratic societies themselves that contain within them the seeds of their own destruction, and it is the communications technologies that both shape those societies and help to speed their descent into authoritarian rule.¹⁵ The authors review the emergence of democracy as a political form in the Greek city-states over two millennia ago and trace its history through to contemporary times.¹⁶ They make a powerful claim regarding democracy's openness: that it is this openness, particularly in liberal democracies, that creates space for authoritarian forces to gain a foothold within that democratic society, which is then exploited to gain control.¹⁷ Demagogues can exploit not just the freedom to communicate without real guardrails in democratic societies, but also modern communications technologies to garner support from the population to pursue very illiberal, anti-democratic goals.¹⁸ While this has occurred, they argue, for as long as democracy has existed, they assert that it is today's instantaneous and unfiltered media environment that not only shapes the discourse within democratic societies, but supercharges the power of authoritarianism in a way that democratic values and institutions are unable to check.¹⁹

The "paradox" of democracy, the authors explain, is that it contains the capacity for its own destruction;²⁰ what is more, when this capacity is leveraged through the power of new media, the descent into fascism is even more likely.²¹ The authors argue that in order to confront these threats, democratic nations must increase media literacy within the citizenry and strengthen local journalism.²² Given the grave nature of the threats the authors have exposed, these solutions do not appear up to the task of defending democracy. Indeed, a deeper analysis of *The Paradox of Democracy* suggests that it is

14. ZAC GERSHBERG & SEAN ILLING, *THE PARADOX OF DEMOCRACY: FREE SPEECH, OPEN MEDIA, AND PERILOUS PERSUASION* (2022).

15. *Id.* at 1–2.

16. *Id.* at 29–155.

17. *Id.* at 155–87.

18. *Id.* at 187–248.

19. *Id.*

20. *Id.* at 1.

21. *Id.* at 1–4.

22. *Id.* at 253–58.

not just the solutions, but the analysis itself, that leaves some stones unturned, glossed over, or completely ignored.²³ Although the work is a useful complement to other works addressing the present threats to democracy, like some of those other works, it, too, fails to provide a complete picture of these threats or offer viable options for resisting them.²⁴ When read together, however, a more complete picture of not just the threats, but also the tactics and strategies necessary to oppose them, comes into view.²⁵

This review is an effort to provide not just an overview and critique of *The Paradox of Democracy*, but also to situate it within broader scholarship that strives to understand the current political moment the world finds itself in and offer prescriptions for how to shore up democratic institutions and the nations within which they are found. To this end, this review proceeds as follows. Part I provides an overview of *The Paradox of Democracy*, laying out its core arguments and describing the solutions the authors pose as necessary to addressing the threats to democracy. Part II offers a critique of this work, addressing both the authors' arguments as well as those solutions. Part III situates the work within the broader context of other scholarship regarding the threats to democracy to show that *The Paradox of Democracy*, when read together with those other works, helps to complete the picture of the whole range of strategies and tactics necessary to ensure the continued strength of democratic institutions and the nations that benefit from them. There is no more important debate on the world stage, and this review is a modest attempt to understand and synthesize some of the best work on the topic. While *The Paradox of Democracy* is incomplete in its attempt to do the same, it is extremely useful as a piece of the broader puzzle related to the critically important topic of how to save democracy in this perilous moment in human history.

I. THE PARADOX OF DEMOCRACY

A. *One View of Democracy*

Throughout the world, democracy as an institution appears to be on the retreat.²⁶ Nominal democratic nations have taken decidedly non-democratic turns in the last decade.²⁷ Voters in populous democracies like India and Brazil elected individuals to serve as national

23. See *infra* Part II.

24. See *infra* Part III.

25. See *infra* Part III.

26. ANNE APPLEBAUM, TWILIGHT OF DEMOCRACY: THE SEDUCTIVE LURE OF AUTHORITARIANISM 2–13 (2020) (describing contemporary threats to democracy).

27. *Id.*

leaders who have attempted to consolidate their power through authoritarian means.²⁸ Nations like Hungary and Poland have also elected, again through democratic means, individuals with autocratic impulses that have sought to gain a tight grip on democratic institutions in an effort to remain in control, and continue to be popular with the majority of their constituents.²⁹ The same has occurred in Turkey.³⁰ The slow and steady rise of Marine Le Pen in France³¹ and the ascent of Giorgia Miloni as prime minister in Italy³² signal the growing strength of populist leaders who have garnered strength through the use of anti-democratic rhetoric.³³ A recent election in Brazil ousted the populist Jair Bolsonaro,³⁴ though his supporters raided government buildings in the nation's capital³⁵ in a move similar to that which was attempted in the United States on January 6, 2021,³⁶ after the defeat of an American president, Donald Trump, who seemed to exhibit authoritarian impulses as well.³⁷ Russia and China continue to serve as examples of authoritarian nations.³⁸ While still

28. See generally Patrick Heller, *The Age of Reaction: Retrenchment Populism in India and Brazil*, 35 INT'L SOCIO. 590 (2020) (describing rise of authoritarian leaders in India and Brazil).

29. See, e.g., APPLEBAUM, *supra* note 26, at 25–29 (describing rise of authoritarianism in Hungary and Poland).

30. See Ozan O. Varol, *Stealth Authoritarianism*, 100 IOWA L. REV. 1673, 1715 (2015) (describing authoritarian tactics used in Turkey). For a description of surveillance tactics used against anti-authoritarian protesters in Turkey, see ZEYNEP TUFEKCI, *TWITTER AND TEAR GAS: THE POWER AND FRAGILITY OF NETWORKED PROTESTS* 251–55 (2017).

31. See Eric Reguly, *Rise of Marine Le Pen: How the Far-Right Leader Became a Contender in France*, GLOBE & MAIL (Nov. 12, 2017), <https://tinyurl.com/mr6m4a3s> [<https://perma.cc/7DQV-DZMF>].

32. See Frances D'Emilio, *Far-Right Leader Giorgia Meloni Sworn in as Italy's Prime Minister*, PBS (Oct. 22, 2022, 1:57 PM), <https://tinyurl.com/39s5fr4e> [<https://perma.cc/5TTU-G4JP>].

33. See generally Michael Ignatieff, *The Politics of Enemies*, 33 J. DEMOCRACY 5 (2022) (describing contemporary use of populist, anti-democratic rhetoric).

34. See Jack Nicas, *Brazil Ejects Bolsonaro and Brings Back Leftist Former Leader Lula*, N.Y. TIMES (Oct. 30, 2022), <https://tinyurl.com/ycx5wwe7> [<https://perma.cc/FB5X-LKK6>].

35. See Doha Madani, *Bolsonaro Supporters Storm Brazil's Capital as Ex-President Is Believed to Be in Florida*, NBC NEWS (Jan. 9, 2023, 10:56 AM), <https://tinyurl.com/2m5usauc> [<https://perma.cc/X9RQ-68RW>].

36. See Chris Cameron, *The Attack on Brazil's Seat of Government Resembles the Storming of the U.S. Capitol on Jan. 6, 2021*, N.Y. TIMES (Jan. 8, 2023), <https://tinyurl.com/yupfr533> [<https://perma.cc/PA7P-AGQN>]. For a description of the attack on the U.S. Capitol on January 6, 2021, see generally SELECT COMM. TO INVESTIGATE THE JAN. 6TH ATTACK ON THE U.S. CAPITOL, FINAL REPORT, H.R. Rep. No. 117–663 (2022) [hereinafter HOUSE JANUARY 6TH REPORT].

37. See Jonathan Chait, *Trump Has Gone Full Authoritarian*, N.Y. MAG. (June 6, 2020), <https://tinyurl.com/4nks3w6u> [<https://perma.cc/B23C-FW77>].

38. See, e.g., Valerie J. Bunce, Karrie J. Koesel & Jessica Chen Weiss, *Introduction: Regimes and Societies in Authoritarian States*, in CITIZENS AND THE STATE IN

striving to maintain the veneer of democracy, Russia has launched an expansionist, imperialist military invasion on its democratic neighbor, Ukraine.³⁹

The authors of *The Paradox of Democracy* present their work in the midst of this historical milieu while recognizing other works that address the question of how to prevent the demise of democracies throughout the world.⁴⁰ They recognize that these other works correctly identify that the world is in crisis, but they hope to probe “the precise nature of that crisis” and question “whether it is a crisis of democracy at all.”⁴¹ Indeed, the authors of *The Paradox of Democracy* argue that their “approach is to judge democracy on its own terms, to accept and trace its structural weaknesses and ask how we might live in a world in which those weaknesses are maximally exposed.”⁴² Through such an effort, they hope to “see democracy with clear eyes.”⁴³

What they see when they do so is a system of government more than a set of principles, practices, or institutions.⁴⁴ They argue that democracy itself is reflected in two core principles: what the Greeks called *isegoria* and *parrhesia*.⁴⁵ The first was the notion that everyone should have an equal opportunity to participate in public discourse.⁴⁶ Relatedly, the second was “the right of individuals to say anything they wanted, whenever they wanted, and to whomever they wanted.”⁴⁷ This open approach to communication that is “inherent to democracy can diffuse power and limit arbitrary rule, but [there]’s no guarantee” that it will do so.⁴⁸ Indeed, for the authors, democracy is not just about a *form* of government, but rather a system that “promotes a culture of interactivity.”⁴⁹ Yet this system “does not automatically translate into wise counsel or fair treatment.”⁵⁰ Although “[t]here is no democracy without an open process of deliberation, and there is no democracy whose processes of deliberation escape the hazards

AUTHORITARIAN REGIMES: COMPARING CHINA AND RUSSIA 1–30 (Karrie Koesel et al. eds., 2020) (describing authoritarian regimes in Russia and China).

39. Timothy Snyder, *The War in Ukraine Is an Imperial War*, NEW YORKER (Apr. 28, 2022), <https://tinyurl.com/23x2man8> [<https://perma.cc/6SE6-7T55>].

40. GERSHBERG & ILLING, *supra* note 14, at 6.

41. *Id.*

42. *Id.* at 10.

43. *Id.* at 5.

44. *Id.* at 210.

45. *Id.* at 2.

46. *Id.*

47. *Id.* at 2–3.

48. *Id.* at 211.

49. *Id.* at 39.

50. GERSHBERG & ILLING, *supra* note 14, at 39.

of persuasive rhetoric,” at the same time, the authors argue, “[n]othing is predetermined for democracy.”⁵¹ Indeed, the very style of open communication at the center of democracies can also “lead to the consolidation of autocratic and oligarchic power just as easily as it can lead to more representative political systems.”⁵² Standing alone, “[d]emocracy has no defined purpose.”⁵³ Indeed, for the authors:

Despite all our assumptions about the inherent value of democracy, a democratic culture guarantees no outcome. Democratic cultures can support liberal-democratic governments, or they can just as easily spawn plutocratic or authoritarian systems. It might seem counterintuitive to think of democracies as breeding grounds for tyranny, but it’s no contradiction at all.⁵⁴

The authors are quick to point out that what they call the “folk theory of democracy” sometimes confuses democracy with liberal democracy, a system in which there is a “culture of rules and norms that privileges minority rights, respects the rule of law, and welcomes peaceful transitions of power.”⁵⁵ But, as the authors argue, democracy and liberal democracy are not the same thing.⁵⁶ Liberal democracy represents the following “wager,” as the authors describe it: that “we can have our freedom and manage it well.” Liberal democracies strive to accomplish this “[b]y valuing compromise, norms, and the rule of law,”⁵⁷ and by doing so, “democracy can be contained.”⁵⁸ At the same time, the authors also assert that “[l]iberal democracy, as a culturally dominant time, has died. So have many of the norms and institutions that undergird it.”⁵⁹

What is more, the authors argue, and as I will explore in the next Section, democracy itself is “shaped in real time by the communicative choices of individual citizens and politicians. But it offers no guarantees of good governance or just outcomes.”⁶⁰ At the center

51. *Id.* at 32.

52. *Id.* at 190.

53. *Id.* at 2.

54. *Id.* at 7.

55. *Id.* at 2.

56. *Id.* at 6.

57. *Id.* at 96.

58. *Id.* Author Yascha Mounk describes democracy as follows: it is “a set of binding electoral institutions that effectively translates popular views into public policy. Liberal institutions effectively protect the rule of law and guarantee individual rights such as freedom of speech, worship, press, and association to all citizens (including ethnic and religious minorities).” YASCHA MOUNK, *THE PEOPLE VS. DEMOCRACY: WHY OUR FREEDOM IS IN DANGER AND HOW TO SAVE IT* 26 (2018). What is more, a “liberal democracy is simply a political system that is both liberal and democratic—one that both protects individual rights and translates popular views into public policy.” *Id.*

59. GERSHBERG & ILLING, *supra* note 14, at 3.

60. *Id.* at 2.

of the democratic communication is the use of rhetoric to shape and cajole, and organize and persuade;⁶¹ it “necessitates not only persuasion among persons but the pernicious aspects of sophistry.”⁶² For the authors, there are “no reliable checks on rhetoric in a truly democratic culture,”⁶³ and “the more open the communication we enjoy, the more endangered democracy finds itself.”⁶⁴ As a result, democracy “is an open field, always caught between the processes of becoming and unwinding.”⁶⁵

Although democracy per se “facilitates a culture in which deliberative discourse and collective judgment are possible,” the authors assert that “it can also be gamed, prompting crises from within.”⁶⁶ And this is the paradox at the heart of every democratic society, and which provides the authors with the title for the work:

We call this the paradox of democracy: a free and open communication environment that, because of its openness, invites exploitation and subversion from within. This tension sits at the core of every democracy, and it can't be resolved or circumnavigated. To put it another way, the essential democratic freedom—the freedom of expression—is both ingrained in and potentially harmful to democracy. We state this at the outset because it helps frame everything that follows. More than a regime or a governing philosophy, democracy is both a burden and a challenge.⁶⁷

The authors liken this state of affairs to the Greek mythological figure Sisyphus, “who was condemned by the gods to roll a rock up a hill for all eternity.”⁶⁸ Democracy itself “is an unwieldy boulder continually throwing us back into an absurd situation.”⁶⁹ Because of this phenomenon, the authors assert that they make an “unconventional claim about democracy.”⁷⁰ Unlike “almost every major work on the subject”⁷¹—where “democracy is reduced to a body of institutions and practices,”⁷² and the standard argument is that “the touchstone of any democratic society is the universal right to vote and a government that enshrines the law”⁷³—the authors assert that “[t]his

61. *Id.* at 13.

62. *Id.* at 40.

63. *Id.* at 38.

64. *Id.* at 17.

65. *Id.* at 210.

66. *Id.* at 3.

67. *Id.* at 1.

68. GERSHBERG & ILLING, *supra* note 14, at 1–2.

69. *Id.* at 2.

70. *Id.* at 1.

71. *Id.*

72. *Id.*

73. *Id.*

description isn't wrong so much as narrow."⁷⁴ Such a view "identifies the core features of democracy, but it doesn't capture the constitutive condition of this type of society."⁷⁵ For the authors, "it's better to think of democracy less as a government type and more as an open communicative culture."⁷⁶ Because of this, "[d]emocracies can be liberal or illiberal, populist or consensus based, but those are potential outcomes that emerge from this open culture."⁷⁷ What is more, "the direction any democracy takes largely depends on its tools of communication and the passions they promote."⁷⁸ As a consequence, democracy is more than a series of institutions; as "a culture of free expression," it is "[susceptible] to end-less evolution, even danger."⁷⁹ Because of this, democracy "presents not just a collective-action problem but a genuine existential dilemma: it demands that we take responsibility for the situation in which we find ourselves."⁸⁰ While the authors encourage citizens to take this responsibility for the ordering of society,⁸¹ their historical account of the evolution of democracy leans heavily on the role of technology⁸² and relatively less on human responsibility and accountability, as discussed in the next Section.

B. The Evolution of Democracy as a By-Product of Changes in Communications Technologies

The authors claim the "culture of any democracy" is itself "shaped by its tools of communication: how people acquire information, how that information is distributed, and how persuasion takes place."⁸³ This is a central argument that infuses the work, which inverts the importance of democracy itself to the technologies of communication that are used within it. Authors Gershberg and Illing are, respectively, a professor of media studies⁸⁴ and a practicing journalist.⁸⁵ They borrow from such 20th century media theorists as Marshall McLuhan and Harold Innis, arguing that the shape of discourse, and even its content, is mediated through the medium through which that

74. *Id.*

75. *Id.*

76. *Id.*

77. *Id.*

78. GERSHBERG & ILLING, *supra* note 14, at 1.

79. *Id.*

80. *Id.* at 2.

81. *Id.* at 275.

82. *Id.* at 24.

83. *Id.* at 210.

84. See Zac Gershberg, *Faculty Profile*, IDAHO STATE UNIV., <https://tinyurl.com/2s4xtuuy> [<https://perma.cc/6PLF-66NM>] (last visited Aug. 17, 2023).

85. See Sean Illing, *Profile*, VOX MEDIA, <https://tinyurl.com/3zf24rdn> [<https://perma.cc/UNC5-Y5AA>] (last visited Aug. 17, 2023).

discourse is conveyed. Referring to the work of Elizabeth Eisenstein, the authors argue that “[r]evolutions in communications prompt shifts in human consciousness.”⁸⁶

While they admit that “[a]ny number of material factors shape a political culture—like wealth distribution or government corruption or demographic shifts,”⁸⁷ which is an issue I will return to later⁸⁸—they also argue that “the media environment is crucial insofar as it colors not just what we pay attention to but also how we think and orient ourselves to the world.”⁸⁹ That media environment, in turn, “has an enormous impact on which identities get activated, which voices are heard, and what citizens are willing to tolerate.”⁹⁰ For the authors, “[t]echnologies changed media that changed communicative styles that changed culture that changed thinking and interaction.”⁹¹ Over millennia, modes of communicating, transformed by technology, in turn transformed “[h]ow we centered ourselves as individuals and the relationships we had to culture, institutions, and the nation-state.”⁹²

Beginning with the early Greek city-states, which, as we have been told, gave us the concepts of *isegoria* and *parrhesia*,⁹³ the authors recount the role of discourse and rhetoric in the ancient democracies of Greece and the early days of the Roman state, before it fell into dictatorship. Indeed, for the authors, a culture of openness in political discourse led to the death of Socrates and the descent of Rome into the authoritarian rule of the Caesars. In such open societies (for those with the right to actually speak and participate in democratic discourse), “the right to say anything opened the door to all manners of subversion.”⁹⁴ The authors argue that some of the leading philosophers in Greece came to the conclusion that democracy was unworkable,⁹⁵ and the relatively open discourse in early Rome led to the authoritarian rule of the Caesars, who maintained the sheen of participation coupled with the spectacle of bread and circuses.⁹⁶ For the authors, the demise of democracy in both settings was a result of the free-wheeling nature of discourse and the modes of communication available at the time, including oral debate and written

86. GERSHBERG & ILLING, *supra* note 14, at 20.

87. *Id.* at 211.

88. *See infra* Part III.

89. GERSHBERG & ILLING, *supra* note 14, at 211.

90. *Id.*

91. *Id.* at 26.

92. *Id.*

93. *Id.* at 2.

94. *Id.* at 3.

95. *Id.* at 39.

96. *Id.* at 41–42.

communication, and the “paroxysms of a raucous public culture.”⁹⁷ That openness “renders itself vulnerable to the manipulative powers of persuasion, and persuasion is facilitated through media innovation.”⁹⁸

For the authors, it would not be until several centuries after the invention of moveable type and the Gutenberg printing press that the spark of democracy would be rekindled in the American colonies and France. The spread of newspapers in those colonies “sparked a revolutionary fervor that encouraged the colonists to resent the British as occupiers, declare independence, and fight as rebels against one of the great military powers of the time.”⁹⁹ Similarly, in France, an “energized public sphere of free expression,” represented by an explosion in newspapers and pamphlets at the time, led to revolution there as well.¹⁰⁰ As a result, according to the authors, newspapers “inspired and facilitated a democratic surge in this age of revolution.”¹⁰¹ What is more, the public networks that those communications technologies facilitated “also sowed chaos in the aftermath of the American and French Revolutions.”¹⁰² Indeed, and this is critical for the authors, the open communicative culture of post-Revolutionary France also led to the rise of the demagogue Napoleon, who, the authors argue, rose to power “not through military might but rather through propaganda efforts that glamorized such prowess and promised to curb external enemies.”¹⁰³ This is one of the examples the authors provide to point out that “democracy is disruptive.”¹⁰⁴ That disruption, through “communication among people, freely expressed, can lead to ruinous outcomes.”¹⁰⁵ For the authors, such “[b]ad choices are only part of the problem, though; the larger concern, for our purposes, is how democracy can be gamed through media in the first place.”¹⁰⁶

The authors take us from the introduction of basic print media to the penny press, which was facilitated by the emergence of the steam printing press; the invention of the telegraph; the rise of both yellow and muckraking journalism; and the use of the telephone, and show that, as a result of these, a sort of mass culture began to emerge. Because of these technologies, the media began to report on “the entire panoply of social life, including crime reports and

97. *Id.* at 41.

98. *Id.* at 47.

99. GERSHBERG & ILLING, *supra* note 14, at 50.

100. *Id.* at 51.

101. *Id.*

102. *Id.* at 4.

103. *Id.* at 70.

104. *Id.*

105. *Id.*

106. *Id.*

human-interest stories that featured the idiosyncrasies of the public.”¹⁰⁷ The authors argue that because of each of these critical technological moments, the shape of information, discourse, institutions, and ultimately society also changed. These advances led to the rise of Napoleon III in France, the Franco-Prussian War, the Dreyfus Affair in France, the Spanish-American War, and World War I.¹⁰⁸ For the authors, “the penny press and the telegraph’s speedy dissemination of news collapsed geographic distances and helped spread the norms of liberal society across Europe—but it also fomented nationalist discourses.”¹⁰⁹ These new tools of communication also allowed political leaders and media outlets to produce “narratives full of nativist fears and petty resentments to gain traction in place of deliberative debate.”¹¹⁰ For the authors, “the appeals of this mediated rhetoric would eventually lead Europe toward World War I.”¹¹¹

For the authors, these developments can be traced to the combination of an open public forum and the new communications tools that were let loose within it, to both harmful and constructive ends:

New modes of thinking compelled reassessments of human life and society, from literature and philosophy to science and political ideology. It was the dawn of publics, various interest groups who could enjoy mass entertainments as well as collaborate to further social causes. New conduits of entertainment, information, and opinion emerged from new media—the penny press, photography, the telegraph, the yellow press, muckraking—as citizens absorbed new rhetorical styles. People could champion progressive change or identify with the reactionary passions of nationalism and racism. This impact meant that the world became more democratically open, even if enduring victories for democracy were resisted. By harnessing the new and speedy resources of communication, an emerging class of public figures could convince and coerce the public and various publics to their causes. This was also, therefore, the dawn of publicity. Some of these campaigns were morally righteous, others ghastly commercial. The aperture of the paradox continually opened and closed during the nineteenth century, culminating in the early twentieth century with World War I, the Bolshevik Revolution, and the American constitutional amendment guaranteeing women’s suffrage.¹¹²

107. *Id.* at 84.

108. *See, e.g., id.* at 102–18.

109. GERSHBERG & ILLING, *supra* note 14, at 4.

110. *Id.*

111. *Id.*

112. *Id.* at 75.

Following the disaster of the so-called Great War, fascist dictators like Mussolini and Hitler emerged from the ashes.¹¹³ The authors expend much effort, since it is critical to their arguments, detailing the rise of these last two figures since they assert that these men represent the operation of the paradox in its most apparent form.¹¹⁴ Both of these dictators emerged from fairly open environments to seize power by democratic means and then consolidated their power, ending democracy in Italy and Germany, respectively. What is more, they utilized the latest communications technology available at the time—the radio and the cinema—to spread propaganda (the most extreme form of rhetoric), neutralize enemies, and consolidate their control over their respective countries. The authors argue that in the immediate aftermath of World War I, some nations emerged “possessing more democratic features.”¹¹⁵ At the same time, these new features were accompanied by “the rise of new communications technologies, such as cinema and radio, which blended with more established cultural offerings such as tabloid newspapers, graphic posters, and book publishing.”¹¹⁶ These changes not only transformed the media through technology, but also created “new opportunities for social exchange, most notably evinced through the creative techniques of advertising and public relations.”¹¹⁷ The by-product of these changes was “a truly mass society and mass culture,”¹¹⁸ that would “blend[] entertainment and politics in novel ways.”¹¹⁹ What is more, as the authors argue, the “wall between high and low culture, elite and popular art, private and public politics began to collapse.”¹²⁰ While these tools—the cinema and radio—further opened media and created a more accessible mass culture, they also provided essential platforms for European fascists to overwhelm democracy into totalitarianism.¹²¹ The tragedy of the rise of fascism was only answered by a global conflagration that took over 50 million lives, combatants and non-combatants alike—some on the battlefield, millions in the concentration camps, some buried under rubble or immolated in Hiroshima, Nagasaki, and Dresden.

Following the end of the war, a new medium would rise and—as with other communications technologies that came before

113. On the emergence of fascism in Italy and Germany in the wake of World War I, see STEVEN LEVITSKY & DANIEL ZIBLATT, *HOW DEMOCRACIES DIE* 12–15 (2018).

114. GERSHBERG & ILLING, *supra* note 14, at 125–53.

115. *Id.* at 125.

116. *Id.*

117. *Id.*

118. *Id.*

119. *Id.* at 126.

120. *Id.*

121. *Id.* at 4.

it—transform culture, politics, the mode of communication, and even the style of thought and rhetoric. Television, according to Gershberg and Illing, “transformed politics so citizens could directly see and listen to their representatives, with many positive results, but the imperatives of the medium also shaped politics as much as covered it.”¹²² At first, the authors explain, television had “[o]nly a few networks, or channels . . . ; the signals of broadcast media were, as a consequence of being deemed public airwaves, tightly regulated.”¹²³ Nevertheless, in this new environment, “[t]o succeed, politicians in the televisual era needed to adapt to a new incentive structure, in which superficial branding, sound bites, and optics predominated.”¹²⁴

When discussing the new communications culture created by television, the authors focus mostly on the United States. They recount the televised debates between John F. Kennedy and Richard Nixon during the presidential election of 1960, and note that Kennedy’s relaxed style and telegenic experience landed well with the audience, and played well on television, while Nixon’s pallor and dyspeptic responses did not.¹²⁵ What is more, as the authors point out, those who tuned into the television broadcast of the debate were polled and responded that they believed Kennedy had triumphed; those who listened on radio gave the contest to Nixon.¹²⁶ They also describe the success of Nixon’s comeback in 1968: his made-for-television campaign that was long on style and short on substance.¹²⁷ They also recount the rise of the actor-turned-politician Ronald Reagan and his mastery of communications, particularly in the television age.¹²⁸

The recounting of the history of modern communications technologies—though the authors sometimes struggle to connect that history squarely with world-historical events and the rise of authoritarianism and fascism¹²⁹—benefits most from the analysis offered by media theorists the authors rely on, like Harold Innis and Marshall McLuhan. Here, they cite Innis for the notion that “[s]hifts to new media of communication . . . have been characterized by profound disturbances.”¹³⁰ McLuhan categorized media as either “hot” or

122. *Id.* at 4–5.

123. *Id.* at 168.

124. GERSHBERG & ILLING, *supra* note 14, at 5.

125. *Id.* at 157–58.

126. *Id.* at 158.

127. *Id.* at 158–59.

128. *Id.* at 164–65.

129. *See infra* Section II.A.

130. GERSHBERG & ILLING, *supra* note 14, at 25 (quoting HAROLD INNIS, *THE BIAS OF COMMUNICATION* 188 (2003)).

“cool.”¹³¹ Cool media requires more attention and engagement by the individual using that media, like a telephone or other forms of speech.¹³² Hot media, on the other hand, is more sensory; the user receives the information in a more passive form, like watching a film.¹³³ The difference, for McLuhan, was one of “high definition” (described as “the state of being well filled with data”) and “low definition” (where “very little visual information is provided”).¹³⁴ Because of the degree of data definition offered by the medium, the end user either simply receives the data (as with a hot medium) or has to engage with the medium and supply their own (as with a cool one).¹³⁵ As McLuhan argued: “Any hot medium allows of less participation than a cool one, as a lecture makes for less participation than a seminar, and a book for less than dialogue.”¹³⁶ As Gershberg and Illing explain, “hot media have a high propensity for persuasion, as bodies are disciplined through the form of communication.”¹³⁷ Echoing Innis, they argue that new forms of media “introduce shifts not just to technology but to communicative style, and how we create and absorb information changes. Our interactions assume new relational forms. As such, the political impact on the practices of democracy can be profoundly unsettling.”¹³⁸ What is more, all media has “biases that determine a society’s characteristics, and the biases of novel media disrupt those characteristics to create new political norms and affiliations, new cultural values, and new economic opportunities.”¹³⁹ At the same time, they assert that today, the “distinctions between hot and cool media have now collapsed.”¹⁴⁰ This is because, with new communications tools available in the palms of our hands, “we can instantaneously access the rhetorical engagements of political speech, the spot news of the daily press, the long form of the magazine, filmmaking, and television programming, from news to entertainment.”¹⁴¹ As a result, what the authors call the “bias” of digital media is “all-encompassing, rendering some of McLuhan’s categories obsolete.”¹⁴²

131. MARSHALL MCLUHAN, UNDERSTANDING MEDIA: THE EXTENSIONS OF MAN 37–50 (W. Terrence Gordon ed., critical ed. 2003).

132. *Id.* at 39–40.

133. *Id.*

134. *Id.* at 39.

135. *Id.*

136. *Id.* at 40.

137. GERSHBERG & ILLING, *supra* note 14, at 23.

138. *Id.* at 21.

139. *Id.* at 24.

140. *Id.* at 23.

141. *Id.* at 24.

142. *Id.*

I explore the authors' views on the present moment and its implications in the next Section.

C. *Today's Toxic Technology*

For Gershberg and Illing, the so-called “paradox of democracy has reached its zenith.”¹⁴³ This has occurred because a “flood” of digital communications tools and platforms have “inundate[ed] free societies with instantaneous information and nonstop networked dialogue.”¹⁴⁴ As a result, “[t]he public sphere of the twenty-first century is more democratic and open than ever before.”¹⁴⁵ New media affords political leaders the ability to “communicate directly with their publics en masse; citizens provide immediate feedback and can publish or broadcast to mass audiences on their own.” At the same time, this very openness “has destabilized democratic politics.”¹⁴⁶ For the authors, this phenomenon can be traced back to the early Greek citystates and followed as a through-line straight to the “social media-enabled spread of propaganda”¹⁴⁷ today—as new forms of media actually outpace democratic practices, “evolv[ing] faster than politics” and “resulting in recurring patterns of democratic instability.”¹⁴⁸

During the ages of print, radio, and television, successful liberal democracies over the last 150 years have maintained somewhat of a grip on demagoguery due to a relative passivity of the public because, as the authors argue, “media gatekeepers and politicians hashed out a norms-driven discourse of information and debate in the public sphere.”¹⁴⁹ Members of the populace then “absorbed what they read, listened to, and watched, registering their approval or disapproval at the polls.”¹⁵⁰ For the authors, the advent of the 24-hour news cycle, blogs, and social media, all accessed through smartphones, “let citizens in on the act of forging discourses and choosing what news they prefer.”¹⁵¹ What resulted was “a more democratic and less liberal world.”¹⁵² Once again, the authors argue, this reveals the malleability of democracy, and liberal democracy even more so: “The belief that the democratic experiment was destined to end in something like liberal democracy was just that: a belief.”¹⁵³ Moreover, they assert

143. *Id.* at 5.

144. *Id.*

145. *Id.*

146. *Id.*

147. GERSHBERG & ILLING, *supra* note 14, at 5.

148. *Id.*

149. *Id.* at 7.

150. *Id.*

151. *Id.*

152. *Id.*

153. *Id.*

further that this moment reveals a deeper point: “our present crisis is as much about culture as it is politics.”¹⁵⁴

Take just two examples that the authors say help to illuminate the present threats to democracy related to the current media environment: the Brexit vote in the United Kingdom and the rise and election of Donald Trump in the United States.¹⁵⁵ While both occurred in 2016, the politically charged environment in which they occurred had been building up for some time.¹⁵⁶ The authors discuss the flamboyant styles of Boris Johnson in the U.K. and Trump as perfect for the social media age, when spectacle is more important than substance.¹⁵⁷ But they also note the role that disinformation—often flowing from Russian troll farms and disseminated over social media—played a role in helping to prop up both the Brexit movement and the Trump campaign.¹⁵⁸ For the authors, though, “[t]he elections of 2016 did not signal the death of democracy so much as the final decoupling of liberalism from democracy.”¹⁵⁹ Fictions propped up the Brexit campaign, threats of violence permeated both efforts, and yet the expectation was, as the authors lament, “that citizens would continue accepting the status quo” and such norm-violating practices would not gain purchase with the electorate—until they did.¹⁶⁰ For Gershberg and Illing, the success of Brexit and Trump’s 2016 campaign showed that “liberal democracy lost a battle of asymmetrical political warfare characterized by weaponized information and rhetorical invective.”¹⁶¹ At the same time, neither of these efforts “would likely have worked had liberal democracy recognized its shortcomings and been more responsive to the people it represented.”¹⁶² While the “conventional response” from elites tended to “focus on the chaotic new media landscape, on the trolls and the Russians and the alt-right provocateurs,” for the authors, it was not that all of this was “new” as much as “newly prominent.”¹⁶³

Indeed, the authors recount Trump’s early adoption of Twitter as a platform and his support for so-called Birtherism, the argument

154. *Id.*

155. *Id.* at 234–36 (Brexit); *id.* at 237–44 (emergence of Trump).

156. *See, e.g.*, APPLEBAUM, *supra* note 26, at 60–64 (describing mounting tensions in Great Britain that led to the Brexit vote); ARLIE RUSSELL HOCHSCHILD, *STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT* 220–21 (2016) (describing some of the forces that led to the rise of Donald Trump).

157. GERSHBERG & ILLING, *supra* note 14, at 237–44.

158. *Id.* at 234.

159. *Id.*

160. *Id.*

161. *Id.* at 235.

162. *Id.*

163. *Id.*

that President Barack Obama was not born in the United States and thus not eligible to serve as president.¹⁶⁴ Obama had risen to prominence on the strength of a rousing and unifying convention speech in 2004. He rode the promise of “hope and change” in the face of a devastating economic crisis and exhaustion from military operations abroad.¹⁶⁵ By 2009, as the authors explain, “Senate Minority Leader Mitch McConnell, a Republican from Kentucky, announced that his chief goal was to make Obama a one-term president by denying him any bipartisan support—for anything.”¹⁶⁶ Other events would also lend themselves well to the new media environment. A business reporter proclaimed from the floor of the stock exchange that the economic bailout in the spring of 2009 would help those who had overspent on homes. His question, whether people felt they were “taxed enough already” would lead to the rise of the so-called Tea Party movement. The conservative media echo chamber demagogued a near-universal health care plan as socialism that would subject the elderly to “death panels.” Neither claim was true. By 2015, when Trump began his campaign for the presidency, his “timing was impeccable, because American democracy was a polarized, hollowed-out shell as he entered the political scene.”¹⁶⁷

For Gershberg and Illing, these and other “illiberal encroachments” should serve to “remind us that democracies are historical constructions, as vulnerable to change as anything else. They are never secured or achieved so much as maintained and managed.”¹⁶⁸ Instead, too many have “assumed that periods of disruption were the exception, not the rule,”¹⁶⁹ and that “liberal democracy was democracy as such, that the system was grounded in immutable norms and ideals.”¹⁷⁰ Instead, for the authors, “none of these assumptions held up.”¹⁷¹ As a result, we need to recognize that “democracy is flux and that the so-called pathologies of democracy—demagoguery, populism—are features, not bugs.”¹⁷²

Instead of viewing democratic politics as involving “a battle of ideas,”¹⁷³ the authors urge the recognition that they are, in reality, more “a competition of communication where style can always be

164. *Id.* at 239.

165. *Id.* at 239–40.

166. *Id.* at 240.

167. GERSHBERG & ILLING, *supra* note 14, at 240.

168. *Id.* at 210.

169. *Id.*

170. *Id.*

171. *Id.*

172. *Id.*

173. *Id.* at 17.

substance, no matter how often we complain or pretend otherwise.”¹⁷⁴ When coupled with the “technological maelstrom that saturates our own cultural environment,” they argue that what results is “perhaps the greatest challenge to democratic order in human history.”¹⁷⁵ They assert that we are “more connected than ever before, freer and more prosperous than at any time in human history.”¹⁷⁶ At the same time, using the biblical Tower of Babel as a metaphor for the belief that we can achieve “perfect communication through novel technologies,”¹⁷⁷ the authors assert that “Facebook and its ilk, spread diffusely across social networking, come as close to erecting the worldwide Tower of Babel as can be imagined, and yet we know too well the disruption they have wrought.”¹⁷⁸ As we face this media-fueled maelstrom, the authors offer some solutions that they believe can help address some of the threats that democracies face at present. The next Section describes these proposed solutions.

D. *The Authors’ Solutions*

While Gershberg and Illing certainly lament the current state of affairs, they believe that by tracing the history of the role that innovations play in the means of communication, we can actually draw some hope. While the “problems of democracy,” as they see them, “are both massive and structural,” it must also be recognized that “this has always been the case” and “democracy has always been imperiled by these sorts of challenges.”¹⁷⁹ While society cannot “put the technological genie back in the bottle,”¹⁸⁰ they assert that there are reasons for optimism.¹⁸¹ The most important of which is that “although something is different about the current period of disruption, we’ve been here before.”¹⁸² Although “the pace of change today is far quicker”¹⁸³ than ever before, and the “convergence of media more intense,”¹⁸⁴ we can “recogniz[e] the chaos we have inherit[ed]” as the “first, best step toward mitigating the challenges” we face at present.¹⁸⁵ But the authors’ prescriptions go beyond simply recognizing this chaos. They offer what they believe are two important tactics

174. *Id.*

175. *Id.*

176. *Id.*

177. GERSHBERG & ILLING, *supra* note 14, at 15.

178. *Id.* at 17.

179. *Id.* at 27.

180. *Id.* at 11.

181. *Id.*

182. *Id.*

183. *Id.* at 11–12.

184. *Id.* at 12.

185. *Id.*

for addressing the problems democracies face at present: increased media literacy and a return to local journalism.¹⁸⁶

The first of these, media literacy, they argue, can help break down the media silos in which many information consumers find themselves.¹⁸⁷ Different political groups reside in “different worlds, desire different things, and share almost nothing in common.”¹⁸⁸ These realms are “reinforced by a partisan media environment that delivers news like any other consumer product and sorts people into virtual factions.”¹⁸⁹ The authors assert that, to combat this, we need to “reestablish a healthy culture of democracy by improving the communication environment,” and the best way to do this is to provide “communication skills and media literacy” in secondary education.¹⁹⁰ Because, as the authors assert, “[c]itizens are surrounded by communication technologies and bombarded with bullshit from an early age,” this means that “they need tools to discern their environment as they mature.”¹⁹¹ What such education can do is help the citizenry to “save itself from the elites who have abandoned them and from populists who won’t stop lying to them and from the tech industry which constantly surveils them.”¹⁹² The authors stress that “the importance of discernment, of rejecting bad-faith appeals and recognizing corruption and propaganda, has never been so urgent.”¹⁹³

Second, the authors argue for a reinvigoration of local journalism. Civic bonds that may have previously existed due to the functioning of unions, political parties, churches and other institutions—which served as platforms for civic participation and “helped structure political attitudes in coherent ways”¹⁹⁴—have eroded in favor of “[h]yper-individualism” that is “cultivated by consumer culture and reinforced by media technologies.”¹⁹⁵ Without such “meaningful opportunities for civic action,” the authors argue, people have instead turned to more toxic forms of collective identification.¹⁹⁶ To address these phenomena and ensure democracy’s survival, we must adapt to “the realities of life in a vast, technologically saturated society.”¹⁹⁷ A reinvigoration of local journalism can “restore trust

186. *Id.* at 253–66.

187. GERSHBERG & ILLING, *supra* note 14, at 253.

188. *Id.*

189. *Id.*

190. *Id.*

191. *Id.* at 254.

192. *Id.* at 255.

193. *Id.*

194. *Id.* at 264.

195. *Id.*

196. *Id.*

197. GERSHBERG & ILLING, *supra* note 14, at 266.

and center political discourse on flesh-and-blood issues, but it won't collapse America into a monolithic community."¹⁹⁸

Gershberg and Illing have presented a powerful argument outlining the contours of the flaws in democracy, describing its susceptibility to sophists and demagogues, and pointing out the power of new media to super-charge some of the worst human impulses.¹⁹⁹ At the same time, what might appear as narrow solutions to the troubling state of affairs point to what I argue are deeper flaws in their analysis itself.²⁰⁰ The authors' description of the current state of affairs and its relation to the affordances of present media tools is, at best, incomplete. Yet it might complement other analyses that can fill in the broader mosaic and help bring the challenges democracies face—and solutions necessary to shore them up—into sharper focus. In the next Part, I will explore some of the gaps in the analysis in *The Paradox of Democracy*. The final Part attempts to situate the book's arguments in and synthesize them with other commentary and scholarship on the present state and future prospects of democracy in the 21st century.

II. AN INCOMPLETE PICTURE

Gershberg and Illing have compiled a substantial dossier on the threats that communications technologies, in the wrong hands, pose to democracies. But the picture they offer is incomplete at best. When trying to make the case for the centrality of communications technologies in the fate of democratic societies, they highlight instances where such technologies may have played a role in the rise of authoritarian rulers but overstate the case for their position in instances where such technologies seem, at most, remotely related to the phenomenon they attempt to describe.²⁰¹ In an effort to justify their focus on such technologies, however, they very likely blunt the impact of their arguments and might just weaken the very case they are trying to make. This Part examines the authors' efforts to make the case for communications technologies as a critical component of the demise of democracies. In attempting to make such a case, though, the somewhat thin evidence tends to weaken the broader argument, reflecting the failure of the work to establish communications technologies as

198. *Id.* at 266.

199. *Id.* at 187–248.

200. *See infra* Part II.

201. *See infra* Section II.A.

the most important feature of the authoritarian's rise to power from within otherwise democratic societies.

A. *An Overly Media-Centric View of the Rise and Demise of Democratic Societies*

After a discussion of the emergence and demise of democracy in Greece and Rome, the authors highlight the importance of moveable type and the introduction of the Gutenberg printing press to the revolutionary spirit in the American colonies and France.²⁰² This is hardly news, nor is it controversial.²⁰³ At the same time, they highlight the descent of France into the Reign of Terror in the wake of the French Revolution, which made the rise of Napoleon Bonaparte possible.²⁰⁴ They note that the fledgling United States did not similarly fall victim to such authoritarian rule.²⁰⁵ According to the authors, the United States “was able to negotiate a deeply partisan press that threatened the viability of the United States in its infancy, but France exploded into the violent Reign of Terror.”²⁰⁶ The authors fail to analyze the reasons for the different outcomes in these two revolutions, which occurred at nearly the same time in history, where similar communications tools were available and utilized by revolutionaries and counter-revolutionaries alike.²⁰⁷

The authors' march through the history of the 19th and early 20th centuries suffers from similar flaws. They both overemphasize the role that communications technologies may have played in critical events and overlook the fact that the differences in the institutional and historical contexts in which those technologies are utilized might have a greater impact on whether democracies descend into authoritarianism or do not.²⁰⁸ While they highlight President Abraham Lincoln's masterful speech commemorating the casualties at the Battle of Gettysburg, they seem to suggest that Lincoln was a better master of modern communications technologies than the

202. GERSHBERG & ILLING, *supra* note 14, at 49–72.

203. On the profound impact of the printing press on culture, politics, and religion, see generally ELIZABETH L. EISENSTEIN, *THE PRINTING PRESS AS AN AGENT OF CHANGE: COMMUNICATIONS AND CULTURAL TRANSFORMATIONS IN EARLY-MODERN EUROPE* (1979).

204. On Napoleon's emergence as leader of France, see generally ROBERT ASPREY, *THE RISE OF NAPOLEON BONAPARTE* (2000).

205. GERSHBERG & ILLING, *supra* note 14, at 59–66.

206. *Id.* at 4.

207. On the use of the media in revolutionary France and the British colonies in North America, see TOM STANDAGE, *WRITING ON THE WALL: SOCIAL MEDIA THE FIRST 2000 YEARS* 139–53 (2013).

208. See *infra* Part III.

Confederate States, and that this was a critical element in the North's victory in the American Civil War:

The Confederacy, concerned with time to ensure slavery's permanence, failed to build a sound communications infrastructure, seeing information as a threat. President Lincoln's war room, outfitted with a telegram to communicate with generals in the field, controlled the spatial dimensions of the war.²⁰⁹

Are the authors suggesting that the Union's ultimate victory in the American Civil War was a product of Lincoln's more effective use of the telegraph? Their factual account is true; Lincoln was, by all accounts, fairly engaged with the movement of Union troops throughout the theater of war,²¹⁰ and spent long hours in the telegraph office to be able to do so.²¹¹ However, others have written far more persuasively on the reasons the North defeated the Confederacy in the Civil War, and few of them place any real emphasis on Lincoln's effective use of the telegraph to communicate with his generals in the field.²¹² It is far more likely that the North's much larger population base; its industrial might; its modern economy; its effective blockade of Confederate sea trade with foreign nations; and its ability to leverage these strengths, particularly in the later years of the war, under the leadership of Ulysses S. Grant and William Tecumseh Sherman, were the reasons that the Union was preserved.²¹³

Similarly, from the authors' discussion of the global conflagration that unfolded in August 1914, one might get the impression that World War I resulted from poor use of instantaneous communications by world leaders.²¹⁴ While there was some intrigue as Germany was poised to invade Belgium with waves of divisions and new artillery that would flatten that country's seemingly impenetrable fortifications—and leaders in Britain debated how to respond to Germany's telegraphic warnings of its intentions and pleas from Paris and Brussels seeking guarantees that the United Kingdom would unite to stop German aggression—one can hardly blame the start of the

209. GERSHBERG & ILLING, *supra* note 14, at 26.

210. On Lincoln's efforts to keep track of the movement of Union troops during the American Civil War, see ELIOT A. COHEN, *SUPREME COMMAND: SOLDIERS, STATESMEN, AND LEADERSHIP IN WARTIME* 28 (2003).

211. *Id.* (describing Lincoln's time spent near and in telegraph offices).

212. On the reasons the North emerged victorious in the American Civil War, see, e.g., JAMES M. MCPHERSON, *BATTLE CRY OF FREEDOM: THE CIVIL WAR ERA 1861-66* (1988).

213. *Id.*

214. GERSHBERG & ILLING, *supra* note 14, at 118.

war on the telegraphic technology.²¹⁵ Nevertheless, Gershberg and Illing assert that, as tens of thousands of troops were amassing on the Belgian border, the real issue was poor communication between Germany and Russia.²¹⁶ Indeed, following the assassination of Archduke Franz Ferdinand and his wife in Sarajevo in late June 1914, the authors argue that in the following days there was “one final chance to avoid bloodshed across the Continent”²¹⁷—efforts by the cousins Kaiser Wilhelm of Germany and Czar Nicholas II of Russia, communicated over the telegraph wires:

Unfortunately, whatever hopes existed for peace in Europe were entrusted to a pair of royal cousins whose powers of miscommunication were legendary. World War I finished both of their reigns (and one of their lives), but the ham-fisted Willy-Nicky telegrams reveal leaders in a political system simply incapable of navigating modern forms of media.²¹⁸

Are the authors suggesting that, had the Kaiser and Czar been more adroit at utilizing the telegraph, World War I could have been avoided? Other much more convincing accounts place far greater emphasis on the role of imperialistic impulses of European rivals, the buildup of military might throughout Europe, and the German fear of invasion from neighboring nations on its Eastern and Western frontiers.²¹⁹

These examples are just some that the authors provide to try to make the case that communications technologies have played a central role in the demise of democracies. But it is hard to see how they support such a thesis when there are so many variables at play, and so many different outcomes, even when different nations all appear to have the same communications tools at their disposal. Indeed, if leaders within these countries are able to utilize the same technologies, why does one nation descend into fascism and another does not? If communications technologies are constant, then something else has to be going on. Indeed, a critical historical section of the work begins with Alexis de Tocqueville’s description of the United States in the first half of the 19th century, turns to the Spanish-American War, then discusses the causes and consequences of the Franco-Prussian

215. On the lead-up to the invasion of Belgium by Germany which started World War I, see BARBARA W. TUCHMAN, *THE GUNS OF AUGUST 1–33* (1962).

216. GERSHBERG & ILLING, *supra* note 14, at 118.

217. *Id.*

218. *Id.*

219. On the causes of World War I, see generally CHRISTOPHER CLARK, *THE SLEEPWALKERS: HOW EUROPE WENT TO WAR IN 1914* (2012).

War (which occurred nearly three decades prior to World War I).²²⁰ It then moves forward to the Dreyfus Affair in France spanning the end of the 19th century to the beginning of the 20th, turns to the tensions between Germany and Russia in the days before World War I, and then discusses the rise of Mussolini in Italy and Hitler in Germany.²²¹ Is this historical review supposed to lead the reader to conclude communications technologies inevitably lead to fascism? A review of the different nations discussed, the historical contexts analyzed with respect to each one, the relative strength of free speech rights, the experiences of those nations with democratic traditions and institutions—these are all different for each nation and each historical moment. While it might be true to say that some of these nations fell into fascism, and that communications technologies might have helped facilitate that descent, several of the other nations surveyed, where the very same communications technologies were available, did not.²²² What then are we to conclude? If the communications technologies are the one constant, and yet some nations become authoritarian and others do not, something else must be going on.

B. An Overly Deterministic View of the Impact of Technology on Democratic Forces

The effort to center communications technologies as the driving force within democratic systems that tend to allow demagogues to usher in authoritarian rule generally, and fascism in particular, leads the authors to, at times, conclude that the toxic combination of new technologies and open communications systems lead almost inexorably to less-than-democratic outcomes.²²³ As the authors explain:

Any number of material factors shape a political culture—like wealth distribution or government corruption or demographic shifts. But the media environment is crucial insofar as it colors not just what we pay attention to but also how we think and orient ourselves to the world. This has an enormous impact on which identities get activated, which voices are heard, and what citizens are willing to tolerate.²²⁴

But they also go further: “[F]ascism can *only* emerge from, and within, democracy itself.”²²⁵ Describing the rise of fascism in Italy and

220. GERSHBERG & ILLING, *supra* note 14, at 83–110.

221. *Id.* at 125–53.

222. *See, e.g.*, LEVITSKY & ZIBLATT, *supra* note 113, at 138 (describing reasons the United States did not descend into authoritarianism during the Great Depression).

223. GERSHBERG & ILLING, *supra* note 14, at 211.

224. *Id.*

225. *Id.* at 125 (emphasis added).

Germany in the 1930s, the authors assert that, unlike in other parts of Europe, “the movements in these two countries dominated the public sphere across various media through the deployment of overwhelming propaganda.”²²⁶ They continue: “*Only* through creative and structural propaganda can fascism breathe life into its core myth, and *only* in the petri dish of democracy can it germinate.”²²⁷ Finally, they assert that “[f]or fascism can *only* flourish in an open society with a free media, which is just another way of saying it can *only* take root in democracy. This is the paradox, and we *can’t* escape it.”²²⁸

It is not clear what the words “only” and “can’t” are doing in these contexts.²²⁹ Are the authors asserting that fascism can only arise through the use of technology and only from democratic contexts?²³⁰ Are open systems doomed to permit fascism to “take root” within them? It is possible that in their effort to raise awareness about the threat, in open systems, of communications technologies generally—and, as they assert later, contemporary technologies in particular—they have engaged in a bit of overclaiming, registering their concern by heightening the danger and the potential inevitability of the outcome they wish to avoid.

While it may be possible to say that authoritarianism *can* emerge from democratic societies, it is more difficult to make the claim that fascism can *only* emerge from them without a clear definition of fascism, and if the definition of fascism is so narrow that it only refers to the rise of Mussolini and Hitler, then that is quite a small sample size. Similarly, since other nations admittedly found themselves subject to demagogues utilizing the same tools as the forces that came to power in Italy and Germany, and yet did not descend into fascism,²³¹ then something else has to be going on. And if something else is going on, then the Gershberg and Illing account is incomplete, at best. As the next Section shows, their work largely ignores the exogenous forces and internal institutions that may be more important than

226. *Id.* at 151.

227. *Id.* (emphasis added).

228. *Id.* at 154.

229. At other times, the authors assert that it is “only natural that demagoguery and misinformation follow in . . . a state of open communication,” which is different from saying that fascism is the inexorable outcome of open systems. *Id.* at 16.

230. Following their own statement that fascism can “only” arise in open societies, they hedge their bets, asserting that such a rise in post-WWI Europe, “was hardly a sure thing politically” and admit that “[m]any fascists throughout Europe [at that time] . . . failed to gain traction.” *Id.* at 151.

231. *See, e.g., id.* at 152–53 (describing failed efforts of fascism movements in the United Kingdom, France, Hungary, Yugoslavia, and Romania in the post-WWI era).

communications technologies in determining when, and whether, an otherwise democratic state descends into authoritarianism.

C. Disregard for the Impact of Exogenous Forces on the Rise of Authoritarian Impulses

As a further example of the media-centric view on the rise of authoritarianism, the authors rarely refer to exogenous forces that may bear down on a society and might have an impact on when and whether that society turns towards fascism. Economic shocks can serve as a trigger for segments of the population—particularly those most impacted by those shocks—to turn towards more illiberal leadership.²³² This can occur when such shocks can be linked, through demagoguery and, yes, the use of the media, to rising immigration, or the emergence of an “undeserving underclass” or “welfare queens,” or affirmative action efforts that result in “line-cutting” by minorities.²³³ The authors do reference World War I²³⁴ and mention the economic impacts of the Great Depression on politics generally,²³⁵ but these events are seen as fodder more than drivers of a turn toward authoritarianism. The truth is, political change can occur when opposition forces mount in response to the status quo, when existing institutions do not seem up to the task of meeting the community’s basic needs in the face of an external threat or shock.²³⁶ Such efforts are not uni-directional, however: they can lead to greater equality and the formation of a stronger social safety net, or they can result in a reactionary backlash to progressive efforts, and sometimes both.²³⁷

D. Neglect of the Positive Uses of Communications Technologies in the Advance of Democratic Inclusion and Values

In early May 2020, a video emerged of the killing of Ahmaud Arbery, an unarmed African-American man, by two civilians in Georgia that had occurred in February of that year.²³⁸ Around that same time, video footage of the aftermath of the police raid that led

232. See, e.g., HOCHSCHILD, *supra* note 156, at 220–21.

233. *Id.* at 137–40.

234. GERSHBERG & ILLING, *supra* note 14, at 142.

235. *Id.* at 128.

236. For examples of social change movements, see ERICA CHENOWETH, *CIVIL RESISTANCE: WHAT EVERYONE NEEDS TO KNOW* 13–14 (2021).

237. MICHAEL A. COHEN, *AMERICAN MAELSTROM: THE 1968 ELECTION AND THE POLITICS OF DIVISION* 21 (2016) (describing conservative responses to left social movements of the 1950s and 1960s).

238. *Ahmaud Arbery Video Release Changes Everything About the Case: Part 4*, NBC NEWS (Nov. 27, 2021), <https://tinyurl.com/2eekmzn5> [<https://perma.cc/4LCM-WV4C>].

to the death of Breonna Taylor in March 2020 helped undermine original police accounts of the underlying event.²³⁹ Then, over Memorial Day Weekend 2020, an unarmed African-American man, George Floyd, was murdered in police custody.²⁴⁰ While it is unlikely these were the only African Americans killed in the United States by white civilians or the police over this span of several months in early 2020, these deaths were either caught on video directly, or video evidence undermined the official story about the incidents.²⁴¹ The images surrounding these murders went viral over social media, re-energizing the Black Lives Matter movement and sparking millions to take part in protests throughout the United States and even the world.²⁴²

These examples show that contemporary communications technologies—the smartphone and social media, among others—have proven useful in advancing positive social change and undermining racist, authoritarian practices. While Gershberg and Illing establish that the rise of Mussolini and Hitler occurred, at least in part, through their deft manipulation and weaponization of the modern communications tools available to them, such mechanisms today, as Microsoft’s Brad Smith points out, can serve as both tools and weapons.²⁴³ Contemporary communications technologies and those that have come before them have advanced positive social change, at least in the United States, since its founding.²⁴⁴ What is more, there also seems to be a symbiotic relationship between the adoption of new technologies and the emergence of a new social movement that both shapes and is shaped by that technology.²⁴⁵

In colonial times, the spread of the printing press in the early 1750s led to the creation of a fledgling national identity and,

239. Jonathan Bullington, ‘*Ram That F—ing Gate Now!*’ *New Video Shows Chaos as Cops Rush to Breonna Taylor Shooting*, LOUISVILLE COURIER J. (Oct. 13, 2020, 4:06 PM), <https://tinyurl.com/2s3fsuse> [<https://perma.cc/3FX3-FRQV>].

240. Valerie Wirtschafter, *How George Floyd Changed the Online Conversation Around BLM*, BROOKINGS INST. (June 17, 2021), <https://tinyurl.com/3bnszbvb> [<https://perma.cc/B9E2-3RY6>].

241. *Id.* For a discussion of the role of smartphone and other video technology in raising awareness about the deaths of individuals at the hands of law enforcement, see Peter Dreier, *Caught on Camera: Police Racism*, AM. PROSPECT (July 11, 2016), <https://tinyurl.com/yfkfsuhc> [<https://perma.cc/86HN-LY3K>].

242. Wirtschafter, *supra* note 240.

243. BRAD SMITH & CAROL ANN BROWNE, *TOOLS AND WEAPONS: THE PROMISE AND PERIL OF THE DIGITAL AGE* xix (2019) (describing information technology “both a powerful tool and a formidable weapon”).

244. On the relationship between technology and social movements in the United States, see generally RAY BRESCIA, *THE FUTURE OF CHANGE: HOW TECHNOLOGY SHAPES SOCIAL REVOLUTIONS* (2020).

245. On the symbiotic relationship between technology and social movements, see *id.* at 14.

ultimately, helped to stoke the flames of independence.²⁴⁶ In the early republic, the creation of a far-reaching postal system advanced the emergence of nation-spanning civic associations that would advocate for social change.²⁴⁷ The introduction of the steam printing press helped to supercharge the movement for the abolition of slavery.²⁴⁸ Following the invention of the telegraph, word of the women's convention at Seneca Falls, New York, helped launch the women's suffrage movement.²⁴⁹ The telephone and the transcontinental railroad helped to facilitate the growth of civic institutions in the Progressive Era that sparked dramatic legal and social reforms.²⁵⁰ The radio supported President Franklin Delano Roosevelt's efforts to address the Great Depression.²⁵¹ The Civil Rights revolution of the 1950s and 1960s was televised.²⁵² At the end of the day, while it is certainly true that communications technologies in the hands of authoritarians and those that would work to suppress civil rights can do great mischief, at the same time, such technologies have also been wielded to promote democratic values and institutions. Today, while social media has certainly been utilized to spread vicious and vitriolic content, it is impossible to extricate it from the success (at least initially) of the Arab Spring, the Black Lives Matter movement, and the #MeToo campaign. To conclude only that new communications tools lead inexorably to fascism paints an incomplete picture, at best.

When reading *The Paradox of Democracy*, one might be reminded of the poem describing the blind men standing around an elephant trying to identify what it is before them.²⁵³ By feeling different parts of the pachyderm, one, holding the trunk, concludes that it is a snake; another, touching its flank, thinks it is a wall; a third,

246. On the emergence of the American postal system, see generally RICHARD R. JOHN, *SPREADING THE NEWS: THE AMERICAN POSTAL SYSTEM FROM FRANKLIN TO MORSE* (1995).

247. BRESCIA, *supra* note 244, at 34–39.

248. *Id.* at 27–29.

249. DANIEL WALKER HOWE, *WHAT HATH GOD WROUGHT: THE TRANSFORMATION OF AMERICA, 1815–1848*, at 847 (2007).

250. THEDA SKOCPOL, *DIMINISHED DEMOCRACY: FROM MEMBERSHIP TO MANAGEMENT IN AMERICAN CIVIC LIFE* 205 (2003).

251. On Roosevelt's use of the radio to support his policy agenda, see, e.g., ROBERT J. BROWN, *MANIPULATING THE ETHER: THE POWER OF BROADCAST RADIO IN THIRTIES AMERICA* 61–65 (1998).

252. On the impact of television on the Civil Rights Movement, see generally ANIKO BODROGHKOZY, *EQUAL TIME: TELEVISION AND THE CIVIL RIGHTS MOVEMENT* (2012).

253. See generally John Godfrey Saxe, *The Blind Men and the Elephant*, in *THE OXFORD ILLUSTRATED BOOK OF AMERICAN CHILDREN'S POEMS* (Donald Hall ed., 1999).

grasping its leg, believes the object is a tree, and so on.²⁵⁴ Here, our authors, media theorists themselves, analyze the impact of media tools on communication, culture, and politics. But they also draw broader conclusions about the impact of those tools without recognizing that other factors are as equally important, if not more important, than the tools of communication, in determining the future of a society. The next Part explores the other pieces of the “elephant” and tries to situate Gershberg’s and Illing’s work in the broader discourse about the sources of authoritarianism and how to address them. It is to that discussion that I now turn.

III. TOWARDS AN INTEGRATED, INSTITUTIONAL VIEW OF SOCIAL CHANGE AND DEMOCRATIC ACTION

The authors’ contribution to the discourse on the potential fate of democracy and democracies is useful: they highlight the tensions within liberal democratic societies, describe the role that mass media can play on those tensions, and identify the uses demagogues can make of those tensions when wielding the tools of mass media. These serve as important reminders of the dangers present in our current and fraught political moment. But the fact that their prescriptions—more media literacy and a return to local journalism—seem to fall a bit short in fully addressing the risks inherent within democratic societies suggests that the diagnosis of the problem falls a little short itself. When read in conjunction with other works that explore the forces that can lead to authoritarianism, one might get a more complete picture of the depth of the problems western, liberal democracies face and potential solutions to them. These other works include *How Democracies Die* by Steven Levitsky and Daniel Ziblatt;²⁵⁵ *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* by Daron Acemoglu and James Robinson;²⁵⁶ Ann Applebaum’s *Twilight of Democracy*;²⁵⁷ and *The Road to Unfreedom: Russia, Europe, America* by Timothy Snyder.²⁵⁸ *The Paradox of Democracy* is one leg of a stool, and should be considered as such. It struggles, at times, to balance on its own, however. In this Part, I will attempt to chart out some of the other components that affect the trajectory of a society, including the following: the existence and relative strength of institutions;

254. *Id.*

255. See generally LEVITSKY & ZIBLATT, *supra* note 113.

256. DARON ACEMOGLU & JAMES A. ROBINSON, *WHY NATIONS FAIL: THE ORIGINS OF POWER, PROSPERITY, AND POVERTY* (2012) [hereinafter ACEMOGLU & ROBINSON, *WHY NATIONS FAIL*].

257. See generally APPLEBAUM, *supra* note 26.

258. TIMOTHY SNYDER, *THE ROAD TO UNFREEDOM: RUSSIA, EUROPE, AMERICA* (2018).

the economic and political context in which anti-democratic forces emerge; the historical experience of a nation with democratic practices; the extent to which citizens are engaged, organized, and mobilized to resist or support authoritarianism; and, yes, the role of the communications ecosystem in the functioning of society. This Part explores each of these components in turn.

A. *The Role of Institutions*

According to Webster's Dictionary, the term "institution" is "an established organization or corporation (such as a bank or university) especially of a public character."²⁵⁹ In scholarship, particularly in political science and economics, the term can take on different and richer meanings. Douglass North of the New Institutional Economics ("NIE") school defined institutions as laws, norms, and customs—what he framed as "the rules of the game."²⁶⁰ Others from within the NIE school viewed institutions more broadly, including Geoffrey Hodgson, who considered institutions both "socially embedded systems of rules" as well as "organizations" which "are a special kind of institution, with additional features."²⁶¹ Those features are "(a) criteria to establish their boundaries and to distinguish their members from nonmembers, (b) principles of sovereignty concerning who is in charge, and (c) chains of command delineating responsibilities within the organization."²⁶² Sociologists Roger Friedland and Robert Alford argue that such institutions as "capitalism, family, bureaucratic state, democracy, and Christianity" are both "symbolic systems and material practices."²⁶³ Similarly, for Elizabeth Armstrong and Mary Bernstein, institutions are both "classificatory systems" as well as the "practices that concretize these systems."²⁶⁴ Finally, legal scholar Cass Sunstein ties norms and organizations together when he describes the process of social change, which, he argues, occurs

259. *Institution*, MERRIAM-WEBSTER, <https://tinyurl.com/4w7tup4s> [<https://perma.cc/T46C-LFLS>] (last visited July 22, 2023).

260. DOUGLASS C. NORTH, INSTITUTIONS, INSTITUTIONAL CHANGE AND ECONOMIC PERFORMANCE 3 (1990); see also Oliver E. Williamson, *Why Law, Economics and Organization?*, 1 ANN. REV. L. & SOC. SCI. 369, 385 (2005) (distinguishing between the "institutional environment" which are the "rules of the game" and the "institutions of governance" which are referred to as the "play of the game").

261. Geoffrey M. Hodgson, *What Are Institutions?*, 40 J. ECON. ISSUES 1, 8 (2006).

262. *Id.*

263. Roger Friedland & Robert A. Alford, *Bringing Society Back In: Symbols, Practices, and Institutional Contradictions*, in THE NEW INSTITUTIONALISM IN ORGANIZATIONAL ANALYSIS 249 (Walter W. Powell & Paul J. DiMaggio eds., 1991).

264. Elizabeth A. Armstrong & Mary Bernstein, *Power and Institutions: A Multi-Institutional Politics Approach to Social Movements*, 26 SOCIO. THEORY 74, 83 (2008) (citations omitted).

through “enclave deliberation”: that is, norm entrepreneurs shape and alter norms within group settings.²⁶⁵ These norms then spread within society through norm cascades, spurring broader societal change.²⁶⁶ It is thus difficult to disentangle the relationship between institutions as norms and institutions as organizations. According to institutional scholarship, then, in their simplest forms, institutions are both norms and the organizations where those norms are realized. Moreover, there is a growing recognition, which Gershberg and Illing appear to share, that thriving democracies depend on effective institutions in both meanings of the term.²⁶⁷

Indeed, in *The Paradox of Democracy*, the authors seem to recognize the central role of institutions in preserving effective democracies, even when they say that institutions create democracies “in name only.”²⁶⁸ Institutions do this by limiting what they call the “true face of democracy,” that is, “a totally unfettered culture of open communication.”²⁶⁹ Democracies that have existed to this point in history, the authors argue, have “been mediated by institutions designed to check popular passions and control the flow of information.”²⁷⁰ Perhaps this is the true paradox of democracy though: that it is institutions that are necessary to preserve a functioning democracy, even if it means a democracy is, as the authors suggest, a democracy “in name only.” But many who study the interplay between institutions and democracy would assert that it is the effectiveness of institutions themselves that are both the hallmark of functioning democracies and the key to their long-term success.²⁷¹

As Daron Acemoglu and James Robinson argue, institutions that are effective in securing the long-term functioning and health of democracies are those that are, as they describe them, inclusive.²⁷² Indeed, inclusive economic and political institutions are critical to

265. CASS R. SUNSTEIN, *HOW CHANGE HAPPENS* 20 (2019).

266. *Id.* at 10; see also Bernardo Mueller, *The Coevolution of Institutions and Culture*, in *A RESEARCH AGENDA FOR NEW INSTITUTIONAL ECONOMICS* 157 (Claude Menard & Mary M. Shirley eds., 2018). In order for institutional change to take hold, institutions must “incentivize behavior to produce outcomes consistent with expectations.” ERIC ALSTON ET AL., *INSTITUTIONAL AND ORGANIZATIONAL ANALYSIS: CONCEPTS AND APPLICATIONS* 302 (2018).

267. GERSHBERG & ILLING, *supra* note 14, at 19.

268. *Id.* at 13.

269. *Id.*

270. *Id.*

271. See, e.g., K. Sabeel Rahman & Jocelyn Simonson, *The Institutional Design of Community Control*, 108 CALIF. L. REV. 679, 721–30 (2020) (arguing that effective and inclusive institutional design can create more democratic institutions).

272. ACEMOGLU & ROBINSON, *WHY NATIONS FAIL*, *supra* note 256, at 73.

the long-term survival of democratic nations.²⁷³ For these authors, inclusive economic institutions “allow and encourage participation by the great mass of people in economic activities that make best use of their talents and skills and that enable individuals to make the choices they wish.”²⁷⁴ The types of institutions that do this are those that exhibit a respect for “private property,” an “unbiased” legal system, and the “provision of public services that provides a level playing field in which people can exchange and contract.”²⁷⁵ The state serves as “the enforcer of law and order, private property, and contracts, and often as a key provider of public services.”²⁷⁶ On the other hand, extractive economic institutions operate as a sort of negative version of inclusive ones: they do not recognize property rights, the law protects favored groups, and the state fails to provide essential services to all members of the community.²⁷⁷ More important to our discussion, perhaps, is Acemoglu and Robinson’s recognition that inclusive economic institutions are intertwined with inclusive political institutions.²⁷⁸ Open and inclusive political systems tend to distribute power broadly and subject that power to effective constraints.²⁷⁹ Extractive political institutions do the opposite: they “concentrate power in the hands of a narrow elite and place few constraints on the exercise of this power.”²⁸⁰ Inclusive political institutions must both restrain and empower at the same time, as Acemoglu and Robinson argue: “[F]or liberty to emerge and flourish, both state and society must be strong.”²⁸¹ As they explain, “[a] strong state is needed to control violence, enforce laws, and provide public services that are critical for a life in which people are empowered to make and pursue their choices.”²⁸² At the same time, “[a] strong, mobilized society is needed to control and shackle the strong state.”²⁸³

For Acemoglu and Robinson, what they call the “narrow corridor,” one which leads to peace, prosperity, and democracy, involves adherence to institutions that both constrain government while empowering citizens to ensure those constraints hold:

273. *Id.* at 73–76.

274. *Id.* at 74.

275. *Id.* at 74–75.

276. *Id.* at 75–76.

277. *Id.*

278. *Id.* at 79.

279. *Id.* at 80–81.

280. *Id.* at 81.

281. DARON ACEMOGLU & JAMES A. ROBINSON, *THE NARROW CORRIDOR: STATES, SOCIETIES, AND THE FATE OF LIBERTY* xv (2019) [hereinafter ACEMOGLU & ROBINSON, *THE NARROW CORRIDOR*].

282. *Id.*

283. *Id.*

Squeezed between the fear and repression wrought by despotic states and the violence and lawlessness that emerge in their absence is a narrow corridor to liberty. It is in this corridor that the state and society balance each other out. This balance is not about a revolutionary moment. It's a constant, day-in, day-out struggle between the two. This struggle brings benefits. In the corridor the state and society do not just compete, they also cooperate. This cooperation engenders greater capacity for the state to deliver the things that society wants and foments greater societal mobilization to monitor this capacity. What makes this a corridor, not a door, is that achieving liberty is a process; you have to travel a long way in the corridor before violence is brought under control, laws are written and enforced, and the state starts providing services to its citizens. It is a process because the state and its elites must learn to live with the shackles society puts on them and different segments of society have to learn to work together despite their differences.²⁸⁴

For historian Timothy Snyder, effective institutions within society have broad impacts and, most importantly, create, in essence, civic virtue.²⁸⁵ Indeed, as he argues “[i]f institutions are to flourish, they need virtues; if virtues are to be cultivated, they need institutions.”²⁸⁶ He connects these virtues to the structure of society itself: “The moral question of what is good and evil in public life can never be separated from the historical investigation of structure.”²⁸⁷ What is more, an “assault” on what he sees as the core values that institutions secure—like “equality, individuality, succession, integration, novelty, and trust”—“is an assault upon all” and “strengthening one means affirming the rest.”²⁸⁸ What these scholars and others seem to accept is the integrated nature of norms, virtues, values, and institutions. Steven Levitsky and Daniel Ziblatt, for example, make this connection explicit:

284. *Id.* at xv–xvi; see also GENE SHARP, *FROM DICTATORSHIP TO DEMOCRACY: A CONCEPTUAL FRAMEWORK FOR LIBERATION* 32 (2012) (arguing the three most important factors in determining the degree to which government power will or will not be controlled include the desire of the populace to control that power, the strength of independent institutions, and the population’s ability to “withhold their consent and assistance” from the government).

285. SNYDER, *supra* note 258, at 279; see also Mueller, *supra* note 266, at 157 (arguing that cultural beliefs “guide the choice of institutions and the emergence of norms, which together impact the level of economic development and prosperity enjoyed by that society”).

286. SNYDER, *supra* note 258, at 13.

287. *Id.*

288. *Id.* at 279.

Once a would-be authoritarian makes it to power, democracies face a second critical test: Will the autocratic leader subvert democratic institutions or be constrained by them? Institutions alone are not enough to rein in elected autocrats. Constitutions must be defended—by political parties and organized citizens, but also by democratic norms. Without robust norms, constitutional checks and balances do not serve as the bulwarks of democracy we imagine them to be. Institutions become political weapons, wielded forcefully by those who control them against those who do not. This is how elected autocrats subvert democracy—packing and “weaponizing” the courts and other neutral agencies, buying off the media and the private sector (or bullying them into silence), and rewriting the rules of politics to tilt the playing field against opponents. The tragic paradox of the electoral route to authoritarianism is that democracy’s assassins use the very institutions of democracy—gradually, subtly, and even legally—to kill it.²⁸⁹

For Acemoglu and Robinson, these norms play a “central role” in helping society to “organize, engage in politics, and if necessary rebel against the state and elites.”²⁹⁰ This emphasis on the critical role that norms play in maintaining democracies is echoed by Levitsky and Ziblatt, who argue as follows: “Democracies work best—and survive longer—where constitutions are reinforced by unwritten democratic norms.”²⁹¹ For these authors, “[t]wo basic norms have preserved America’s checks and balances in ways we have come to take for granted: mutual toleration, or the understanding that competing parties accept one another as legitimate rivals, and forbearance, or the idea that politicians should exercise restraint in deploying their institutional prerogatives.”²⁹²

The connections between these ideas run deeper than any single lens through which to see society—for example, Gershberg and Illing’s reliance on the media ecosystem embedded in a free and open public square. There is not one determinant of the success of a democracy; rather, it is the relationship of a series of critical institutions,

289. LEVITSKY & ZIBLATT, *supra* note 113, at 7–8. As Hannah Arendt pointed out, the rise to power of the Nazis in Germany included their creation of “fake” governmental institutions and civic organizations that operated parallel to legitimate ones until the Nazis assumed power, when those shadow institutions were able to stand in for legitimate ones, giving the appearance of complete institutional control. HANNAH ARENDT, *THE ORIGINS OF TOTALITARIANISM* 371–72 (1951). This enabled the Nazis to “change overnight the whole structure of German society—and not just political life—precisely because they had prepared its exact counterpart within their own ranks.” *Id.* at 371. For a description of parallel institutions, see CHENOWETH, *supra* note 236, at 47.

290. ACEMOGLU & ROBINSON, *THE NARROW CORRIDOR*, *supra* note 281, at 145.

291. LEVITSKY & ZIBLATT, *supra* note 113, at 8.

292. *Id.*

with freedom of speech and the press being just one of them. But there are also other factors—beyond institutions—that also determine the extent to which a democracy functions and survives, as the next Sections explore.

B. The Economic Context and Exogenous Forces

Returning to the ideas explored previously,²⁹³ exogenous forces and shocks can often serve as the catalyst for change.²⁹⁴ Gershberg and Illing support their core themes of the book with reference to the rise of Mussolini and Hitler, which is fitting, of course. They also discuss the rise of authoritarianism in the United States at the same time, with the emergence of the America First movement.²⁹⁵ The populations of Italy, Germany, and the United States, like those of any nation connected to the global economy at the end of the 1920s, experienced significant economic hardship as a result of the Great Depression. At the same time, Germany was also reeling from the aftermath of World War I and the onerous conditions of the Armistice that ended it.²⁹⁶ Italy, like the United States, was on the winning side of the Great War, but suffered greatly nonetheless from the destruction, loss of life, and the economic impacts of the war.²⁹⁷ The United States, on the other hand, fared the best of the three: it was both on the winning side and had supercharged its industrial production to feed the war machine from the first days of the conflict.²⁹⁸ Still, as one of the global centers of finance, with its farmland decimated by drought, and the devaluation of real estate and stocks in the wake of rampant speculation that fueled asset bubbles in the first place, the United States also experienced extreme economic hardship, with billions of dollars in wealth destroyed and unemployment exceeding twenty percent in the early days of the Great Depression.²⁹⁹

As authoritarianism crept into all three nations, why did it take hold in two and not the third? One of the essential points of *The*

293. See *supra* Section II.B.

294. See, e.g., NICCOLO MACHIAVELLI, DISCOURSES ON LIVY 151 (Harvey C. Mansfield & Nathan Tarcov trans., 1998) (describing external forces as potential catalysts for social reform).

295. GERSHBERG & ILLING, *supra* note 14, at 128.

296. On the rise of Mussolini and Hitler, see RUTH BEN-GHIAT, STRONGMEN: MUSSOLINI TO THE PRESENT 21–31 (2020).

297. *Id.*

298. See generally Hugh Rockoff, *Until It's Over, Over There: The US Economy in World War I*, in THE ECONOMICS OF WORLD WAR I 310 (Stephen Broadberry & Mark Harrison eds., 2005).

299. On the United States during the Great Depression, see generally DAVID M. KENNEDY, FREEDOM FROM FEAR: THE AMERICAN PEOPLE IN DEPRESSION AND WAR, 1929–1945 (1999).

Paradox of Democracy is that all three maintained an active culture of free speech at the time; modern media both fed and fed off of mass culture in all three nations; and leaders of all three countries utilized that media—whether it was the fiery speeches of Mussolini or Hitler, or the fireside chats of Roosevelt—to speak directly to the citizens of their respective countries and rally them to support the policies of the party in power, or those that would seek to seize power. Roosevelt certainly arrogated emergency powers to his administration and wielded them, first slowly, and then with more ambition and confidence, as one institution, the Supreme Court, turned and no longer resisted the New Deal agenda.³⁰⁰ Perhaps one could argue that the fascist rhetoric communicated over mass media was what ushered in a period of authoritarianism in Italy and Germany, but other forces like the aftereffects of the war and the impacts of the Great Depression also played a significant role in creating environments where fascism could flourish.³⁰¹ While we may admit that there was a substantial difference in the rhetoric used in these three countries, such rhetoric was also present among fringe actors in the United States who used the tools of mass media communication.³⁰² Similarly, as Gershberg and Illing also point out, such rhetoric and tools were also deployed in the United Kingdom, Spain, Romania, and Yugoslavia—nations also affected by the Depression and the aftermath of World War I.³⁰³ Yet those nations did not descend into fascism, even as Spain fell subject to a reactionary dictatorship. If the rhetoric and media are a constant across all of these countries, and yet there were different outcomes, other forces must also be at work that help to explain why some descend into fascism and others do not.

C. *History and Experience with Democratic Institutions*

Perhaps one place to look that might help explain the different outcomes in these different settings is a particular nation's and citizenry's history and experience with robust democratic institutions.³⁰⁴ Even Gershberg and Illing recognize that it is not possible to examine every instance when a nation descended into authoritarianism or fascism.³⁰⁵ Still, they do point to the era following the French

300. LEVITSKY & ZIBLATT, *supra* note 113, at 138.

301. See BEN-GHIAT, *supra* note 296, at 21–33.

302. GERSHBERG & ILLING, *supra* note 14, at 128.

303. *Id.* at 153–54.

304. For an analysis of civic traditions in Italy and their impact on democratic norms and practices, see generally ROBERT D. PUTNAM, ROBERT LEONARDI & R. AFFAELLA Y. NANETTI, *MAKING DEMOCRACY WORK: CIVIC TRADITIONS IN MODERN ITALY* (1994).

305. GERSHBERG & ILLING, *supra* note 14, at 247.

Revolution and the turn to despotic rule under Napoleon Bonaparte as an example that they argue proves their thesis.³⁰⁶ That is, they use Napoleon's rise in the wildly open communications environment in the wake of that revolution—and his ability to manipulate the media to portray himself as a great military leader who could restore order and protect France from the kingdoms of Europe poised to avenge the death of King Louis XVI—to establish an example of authoritarianism flourishing thanks to a robust free speech environment and the ability to manipulate the media.³⁰⁷ But there are other potential reasons that help explain Napoleon's rise to and consolidation of power, and that history helps to highlight an important point around the critical role that institutions play in creating an environment in which authoritarianism can arise, and where it will wither.

One analyst of both the aftermath of the French Revolution and its origins was Alexis de Tocqueville, who, after the revolution of 1848 and the rise of Napoleon III, sought to investigate the origins of that revolution.³⁰⁸ In conducting this analysis, he believed he came away with a greater understanding of the reasons for the Reign of Terror and the rise of Napoleon Bonaparte.³⁰⁹ In his work *The Ancien Régime and the French Revolution*,³¹⁰ Tocqueville attributed the return to despotism in France following the downfall of the monarchy to the institutional framework and traditions that had existed prior to the revolution.³¹¹ He believed the return to stability that Napoleon offered, and which the French masses would ultimately support, was a by-product of the fact that the population was accustomed historically to a centralized and strong government that coordinated public functions—precisely the type of public structure that the monarchy had cultivated in the centuries before the revolution.³¹² The pre-revolutionary government would appear, in Tocqueville's words, just as it was at the time of his writing in the 1850s.³¹³ While the revolution may have destroyed certain remnants of feudal institutions, it preserved centralization, so much so that “it was easy to mistake” its preservation by the revolution “for one of its achievements.”³¹⁴ What is more, it was not that Napoleon's efforts continued the abolition of the institutions of the revolution. It was that he had perfected them:

306. *Id.* at 71, 76.

307. *Id.*

308. *See generally* ALEXIS DE TOCQUEVILLE, *THE ANCIEN RÉGIME AND THE FRENCH REVOLUTION* (Jon Elster ed., Arthur Goldhammer trans., 2011).

309. *Id.* at 39.

310. *See generally id.*

311. *See id.* at 39–40.

312. *Id.* at 39–43.

313. *Id.* at 54.

314. *Id.* at 61.

the revolution had swept away certain reforms but, in Tocqueville's words, "clear away all this debris and you will see an immense and unified central government, which has drawn in and devoured all the bits of authority and influence that were once parceled out amongst a host of secondary powers, orders, classes, professions, families, and individuals."³¹⁵ In the end, as one commentator has recently argued, "Napoleon's liberty-smothering bureaucratic rule was merely a reversion to the Ancien Régime."³¹⁶

While Napoleon's ability to market himself as one who could restore order may have helped ease his ascension, the population seemed primed for his leadership—not because of the communications infrastructure, but the nation's history and tradition of centralized and powerful public institutions and practices, which were made only stronger by the revolution's strengthening of such institutions.³¹⁷ As Tocqueville argued:

[W]hen the vigorous generation that had launched the Revolution was destroyed or exhausted, as generally happens to generations that attempt such enterprises, and when, in keeping with the natural course of events of this kind, love of liberty lost heart and languished amid anarchy and popular dictatorship, and a bewildered nation began to grope after its master, the rebirth and reestablishment of absolute government proved marvelously easy, owing to the genius of the man who was both the continuator of the Revolution and its destroyer.³¹⁸

This idea would be echoed by Friedrich Engels, who would write in the late 19th century: "That Napoleon, just that particular Corsican, should have been the military dictator whom the French Republic, exhausted by its own warfare, had rendered necessary, was chance."³¹⁹ At the same time, "if a Napoleon had been lacking, another would have filled the place. . . . [T]he man was always found as soon as he became necessary: Caesar, Augustus, Cromwell, etc."³²⁰ While Tocqueville believed there was no set pre-determined formula for political outcomes, he also did not believe such outcomes were attributable entirely to chance either: "Prior facts, the nature of institutions, the cast of people's minds, and the state of mores are

315. *Id.* at 17.

316. OLIVIER ZUNZ, *THE MAN WHO UNDERSTOOD DEMOCRACY: THE LIFE OF ALEXIS DE TOCQUEVILLE* 308 (2022).

317. TOCQUEVILLE, *supra* note 308, at 183.

318. *Id.*

319. Letter from Friedrich Engels to W. Borgius (Jan. 25, 1894), in *KARL MARX AND FREDERICK ENGELS: SELECTED WORKS IN ONE VOLUME* 704, 705 (Int'l Publishers 1968).

320. *Id.*

the materials out of which chance improvises the effects we find so surprising and terrible to behold.”³²¹ Echoing Tocqueville, Acemoglu and Robinson put it another way: “Every country’s prospects are molded by its unique history, the types of coalitions and compromises that are possible, and the exact balance of power between state and society.”³²²

D. *The Communications Ecosystem: A Double-Edged Sword*

As discussed previously,³²³ contemporary communications technologies can serve both positive and negative ends. They can be wielded to undermine democracy, for sure, but also defend it. The recent events in the United States, involving the storming of the U.S. Capitol in an effort to undermine the peaceful transition of power certainly reveal how media can be utilized to stoke anti-democratic flames.³²⁴ But media can also serve as a check on such impulses.³²⁵ In an epilogue to *The Paradox of Democracy*, the authors attempt to place the events of January 6th in the broader context they highlight throughout their work.³²⁶ As they assert, “[w]hen political speech is free, it makes use of all available media and can be harnessed for antidemocratic purposes. For that reason, President Trump could openly deny the election results.”³²⁷ They continue:

[Trump’s] former national security advisor, Lieutenant General Michael Flynn, could call for the imposition of martial law. Another supporter, Senator Mike Lee of Utah, could insist on Twitter that the United States is not a democracy. These are all affronts to democracy, but a democracy tolerates them all because it must. Politicians are allowed to persuade their supporters, and supporters can persuade others. Persuasion is indeed the dividing line between protected expression and illegal action. Those insurrectionists had a right to suspect election fraud, even if their suspicions were wrong—and even if they were knowingly operating in bad faith. Charging the Capitol was something different, an act that sought to upend democracy by physical force, not communication.³²⁸

321. ALEXIS DE TOCQUEVILLE, *RECOLLECTIONS: THE FRENCH REVOLUTION OF 1848 AND ITS AFTERMATH* 45 (Olivier Zunz ed., Arthur Goldhammer trans., 2016).

322. ACEMOGLU & ROBINSON, *THE NARROW CORRIDOR*, *supra* note 281, at 433.

323. *See supra* Section II.D.

324. Sheera Frenkel, *The Storming of Capitol Hill Was Organized on Social Media*, N.Y. TIMES (Jan. 6, 2021), <https://tinyurl.com/5n8mzhzh> [<https://perma.cc/4CNZ-J5CQ>].

325. *Inside the Capitol Riot: An Exclusive Video Investigation*, N.Y. TIMES (June 30, 2021), <https://tinyurl.com/bdfrtra> [<https://perma.cc/6PCF-N4JF>].

326. GERSHBERG & ILLING, *supra* note 14, at 271–77.

327. *Id.* at 272.

328. *Id.*

But the example of the events of January 6th and their aftermath, which, even the authors' own words was a display of "physical force, not communication,"³²⁹ might actually help to dispel the notion that communications technologies are the handmaidens of authoritarianism. What these events also do is make the authors' conclusion difficult to square with what has transpired since. Indeed, these events lead the authors to conclude, quite surprisingly, that "[t]he only way to transcend the paradox is to abolish the freedom that creates it."³³⁰ But it is not clear that that is the ultimate lesson one can take from the failed insurrection.

Indeed, as those events unfolded, the media caught the horrific scenes in real time.³³¹ Video of events inside the Capitol also showed the extreme actions of those who stormed the building, the heroic defense of it, and the remarkable restraint displayed by the slim security detail.³³² The most cynical and disingenuous statements from the insurrectionists' supporters followed—especially from then-President Trump, in whose name the rioters had taken their action.³³³ He proclaimed that the rioters had exchanged hugs with the security guards and that there was a lot of love in the building.³³⁴ Such demagoguery might have held in earlier times, when claims of massacres at the hands of the military or police forces were blurred and obfuscated by the authorities as propaganda.³³⁵ Here, the events were broadcast and televised in real time.³³⁶ Millions who were not present on that day to witness the events personally were able to see for themselves the use of flagpoles to beat security guards, that such guards utilized remarkable restraint, and that the bravery of Officer Eugene Goodman to stand up to a fulminating mob likely slowed

329. *Id.*

330. *Id.*

331. For an analysis of video taken during the January 6th invasion of the U.S. Capitol, see Lauren Leatherby et al., *How a Presidential Rally Turned Into a Capitol Rampage*, N.Y. TIMES (Jan. 12, 2021), <https://tinyurl.com/3s87uxee> [<https://perma.cc/HC8T-ZJBH>].

332. *Id.*

333. Veronica Stracqualursi, *Trump Lies about Capitol Riot by Claiming His Supporters Were 'Hugging and Kissing' Cops*, CNN (Mar. 26, 2021), <https://tinyurl.com/295uccuc> [<https://perma.cc/4YYS-UUXE>] (pointing out efforts to claim that those who occupied the U.S. Capitol were largely peaceful were undermined by the video footage taken of the attacks).

334. *Id.*

335. See, e.g., Seymour Hersh, *The Massacre at My Lai: A Mass Killing and Its Coverup*, NEW YORKER (Jan. 14, 1972), <https://tinyurl.com/4wrvt2vs> [<https://perma.cc/75ZB-2JZP>] (recounting the My Lai massacre and the U.S. military's attempt to cover it up).

336. See Leatherby et al., *supra* note 331.

its advance and gave elected officials a chance to flee to safety.³³⁷ Following the assault on the Capitol, the U.S. House of Representatives Select Committee on January 6th has investigated the events and used all manner of media effectively to publicize their findings, reminding people of the tragedy that unfolded on that day, pushing back on the failed narrative that this was a peaceful demonstration and an act of “love” to express legitimate political grievances.³³⁸

In other words, the tools of mass media—the television, social media, etc.—were harnessed to combat the anti-democratic assault on the peaceful transition of power, a critical institution that has stood as a hallmark of American democracy for nearly 250 years.³³⁹ Despite the availability of mass communications technologies to the insurrectionist forces and those who sought to preserve the Trump Administration’s grip on power, those very technologies were also turned to preserve, and not destroy, democracy.³⁴⁰ This is just one of the examples that tends to show technology can serve both as a tool and a weapon to undermine democracy, but also to defend it.

E. An Organized and Engaged Citizenry

In their recent work surveying protest movements from across the world, Erica Chenoweth shows that one of the most powerful

337. Jaelyn Peiser, *Officer Eugene Goodman Lauded Again for Saving Romney During the Capitol Riot: ‘We All Owe Him a Debt of Gratitude,’* WASH. POST (Feb. 11, 2021), <https://tinyurl.com/jjdx4de> [<https://perma.cc/8USN-XPZ3>].

338. See generally HOUSE JANUARY 6TH REPORT, *supra* note 36.

339. In a pending case involving claims of civil liability for the January 6th insurrection against former President Trump, a group of amici, former diplomats and foreign policy officials have asserted that “[o]ne of the strongest pillars of our democracy is our tradition of peaceful transfers of power.” Brief of Former Diplomats and Foreign Pol’y Offs. as Amici Curiae in Support of Appellees and Affirmance at 2, *Trump v. Blasingame*, Nos. 22-7031, 22-5069, 22-7030 (D.C. Cir. Sept. 30, 2022). They continue:

The Nation and world are watching to see how American institutions respond—a response which may itself reenforce or further erode the American tradition of democracy, the rule of law, and our ability to espouse those values globally. The Court should reject President Trump’s claim to immunity, reasserting the basic American principle that when it comes to the peaceful transition of power, no one—least of all our leaders—is above the law.

Id. at 4.

340. See David Bauder, *How the Jan. 6 Committee Is Taking a New Approach*, PBS (June 27, 2022), <https://tinyurl.com/3nfxzfy> [<https://perma.cc/965D-38NH>] (describing the use of media tools to communicate information about the events of January 6, 2021). See also Craig Timberg, Elizabeth Dvoskin & Reed Albergotti, *Inside Facebook, Jan. 6 Violation Fueled Anger, Regret over Missed Warning Signs*, WASH. POST (Oct. 22, 2021), <https://tinyurl.com/5bjvtme> [<https://perma.cc/3AMM-VB7M>] (describing the role of social media in helping to foster the January 6th attack on the U.S. Capitol).

drivers of social change is an organized citizenry engaged in public demonstrations that strives to have its demands realized by those in power.³⁴¹ Much of their research centers around examples of such mass demonstrations advancing calls for greater democracy and the end to authoritarian rule, and the analysis demonstrates that the relative ability of a critical mass of members of a population to organize and make its demands known through public channels is a key driver of democratic change.³⁴² It is not difficult to imagine that, since Chenoweth shows that an organized populace is necessary to drive democratic change, the absence of such organization can pave the way for authoritarian rule or its continued dominance in a country.³⁴³

Indeed, in the United States, even before the birth of the nation, with the so-called Boston Tea Party prior to independence, public rallies and demonstrations have become a routine part of American life.³⁴⁴ But the mass gathering first emerged in the Industrial Revolution, among what historian and political scientist Charles Tilly called the “repertoires of contention” of the modern age.³⁴⁵ Such gatherings certainly express public support for a particular position; they probably also carry with them an underlying whiff of physical violence.³⁴⁶ Meeting at least some of the demands of the protestors, those in power might believe, will help mollify the masses and reduce the underlying danger to the public peace.³⁴⁷ Large public actions can also trigger what legal scholar Cass Sunstein calls a “norm cascade”: if you think public sentiment in favor of a position is the “norm” in the community, it is common that you will adopt that norm.³⁴⁸

341. See generally CHENOWETH, *supra* note 236.

342. *Id.* at 34.

343. See, e.g., TUFEKCI, *supra* note 30, at 66–75 (describing importance of an organized populace in civic activism).

344. For a history of civic activism in the United States, see generally Theda Skocpol, Marshall Ganz & Ziad Munson, *A Nation of Organizers: The Institutional Origins of Civic Voluntarism in the United States*, 94 AM. POLI. SCI. REV. 527 (2000).

345. Charles Tilly, *Repertoires of Contention in America and Britain, 1750–1830*, in *THE DYNAMICS OF SOCIAL MOVEMENTS: RESOURCE MOBILIZATION, SOCIAL CONTROL, AND TACTICS* 131 (Mayer N. Zald & John D. McCarthy eds., 1979).

346. See, e.g., CHENOWETH, *supra* note 236, at 151–53 (describing potential for violence that sometimes accompanies non-violent resistance). See also PATRICK RADDEN KEEFE, *SAY NOTHING: A TRUE STORY OF MURDER AND MEMORY IN NORTHERN IRELAND* (2019) (noting that Irish political leader Gerry Adams was referred to as having a “whiff of cordite” about him, which, for some, meant that his political advocacy always had an aura of past violence behind it and the threat his political work might also carry with it a degree of menace).

347. See, e.g., Michael Goldfield, *Worker Insurgency, Radical Organization, and New Deal Labor Legislation*, 83 AM. POL. SCI. REV. 1257, 1270 (1989) (describing militant protests during the early days of the Great Depression in the United States).

348. SUNSTEIN, *supra* note 265, at 4–10 (describing norm cascades).

Whether a populace is primed for these and other forms of civic engagement will depend on a number of factors, and one of them is the relative experience of segments of the population with collective action itself.³⁴⁹ Two examples of this phenomenon come immediately to mind. In the wake of the U.S. Civil War, as Theda Skocpol and Robert Putnam have both pointed out, there was a veritable explosion of civic engagement, though it was mostly in the northern states, by virtue of the population's prior experience, during the war, of coming together to solve collective challenges.³⁵⁰ This led to the massive growth in nation-spanning membership organizations in the decades that followed, and would ultimately lead to, and be inextricably tied to, the political, economic, and social reforms of the Progressive Era.³⁵¹ Similarly, in the aftermath of WWII, returning African-American service members, who had participated in the successful effort to defeat fascism and totalitarianism abroad, experienced the same sort of racial terrorism they had fought against in Europe and the Pacific theater.³⁵² They were both empowered by their experiences with collective action, and determined to bring democratic values home.³⁵³ As these and other examples show, successful experience with organized civic engagement can lower what is sometimes referred to as the collective action threshold—one's willingness to participate in subsequent civic activities.³⁵⁴ The extent to which the citizenry has a history of civic engagement will often determine the degree to which it will participate in democratic institutions in the future.³⁵⁵

F. *A Disempowering Vision*

The previous discussion regarding the role that an engaged citizenry can play in combatting the emergence and rise of fascism, authoritarianism, and totalitarianism brings this review to its final point. In the end, Gershberg and Illing's assessment—one in

349. See, e.g., Mark Granovetter, *Threshold Models for Collective Behavior*, 83 AM. J. SOCIO. 1420, 1427–28 (1978) (describing varying capacities for engagement that might exist within the citizenry).

350. See SKOCPOL, *supra* note 250, at 46–59 (describing civic activism in the post-Civil War era); ROBERT D. PUTNAM, *BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY* 366–401 (2000) (describing civic engagement in the United States in the last decades of the 19th century).

351. See SKOCPOL, *supra* note 250, at 58–67 (describing civic groups in the early 20th century).

352. On the role of African-American veterans from WWII and their impact on the Civil Rights Movement, see, e.g., Bryan Greene, *After Victory in World War II, Black Veterans Continued to Fight for Freedom at Home*, SMITHSONIAN MAG. (Aug. 30, 2021), <https://tinyurl.com/mte8vp5a> [<https://perma.cc/8NT2-9PS4>].

353. *Id.*

354. See Granovetter, *supra* note 349, at 1427–28.

355. See generally PUTNAM ET AL., *supra* note 304.

which open, liberal systems can lead to illiberal outcomes through the effective use of contemporary communications technologies—is an ultimately deterministic and disempowering vision, one that removes agency from those members of society who would combat such forces. Their view, one that has the media at its center, tends to take citizen activism out of the equation, particularly organized citizen engagement, when it comes to combatting the rise of authoritarian rule. While they assert that “media literacy” and the restoration of local news will help to address these forces,³⁵⁶ those prescriptions are both weak tea, and fail to center collective citizen action as a key ingredient in the preservation of democracies. An institutional framework—recognizing that institutions serve as norms and organizations, are the engine and product of an engaged citizenry, and serve as the springboard and guardians of democratic values—not only places citizen engagement at the heart of democratic societies, but also centers such engagement as the best bulwark against authoritarianism. Thus, a robust and broad institutional response that recognizes the critical role of an engaged citizenry in shaping institutions—even where the media plays a role, albeit a subservient one at best—offers a far more complete roadmap for the defense of democracy than one that holds media at its center. It is also a more empowering vision, and one that is more likely to spark and excite such engagement in the first place.

CONCLUSION

The authors use the example of the demise of democracy in Peru under Alberto Fujimori to help prove their thesis as well.³⁵⁷ Fujimori came to power, like some authoritarians before him, through democratic means, and then consolidated power.³⁵⁸ His efforts were likely a success because Peru had faced a decade of hyper-inflation; economic hardship; and a terrorized population: the Marxist rebel force, Sendero Luminoso, was active, and would often steal explosives from Peru’s many mines and then use those explosives to destroy infrastructure.³⁵⁹ As a college student, I travelled through Peru on a service-learning trip while the Senderistas were at the apex of their activity. Our group was briefed on the situation and, in response to

356. GERSHBERG & ILLING, *supra* note 14, at 253–58.

357. *Id.* at 212–14.

358. *Id.*

359. On Sendero Luminoso’s strategies and tactics, see generally Henry Dietz, *Peru’s Sendero Luminoso as a Revolutionary Movement*, 18 J. POL. & MIL. SOCIO. 123 (1990).

the reports we received, one of my colleagues piped up: “It seems to me that there is an overabundance of dynamite in this country.”

When reading the *Paradox of Democracy*, I had a similar reaction. That some otherwise open and democratic nations have lapsed into fascism at times when demagogues have been able to harness new communications technologies does not mean that those technologies are the only—or even one of the most significant—drivers of that descent. This is what demagogues do. Sometimes they succeed, and at others they fail. The authors, choosing to see these phenomena through the prism of media analysis, offer few tools for assessing the full range of factors that lead to the political demise of democracies, or the conditions that prevent it from occurring. A more complete picture of this moment and the challenges it poses—one that centers the citizenry and its ability to harness not only technology but also, more importantly, all of the institutions of democracy—offers both a more comprehensive assessment of what is needed to defend democracy, and a more empowering vision that might actually make such a defense possible.
