

Abstract

## The Threat to “Our Democracy” and the Neoliberal Crisis of Legitimacy

Adam Kotsko, Ph.D.

Assistant Professor, Religious Studies

North Central College

In recent years, US political commentators have warned of increasingly dire threats to “our democracy” stemming from Donald Trump and his Republican colleagues. What is missing is any attention to the more immediate context of Trump’s rise and his anti-democratic machinations: the ongoing legitimization crisis of the neoliberal order in the wake of the Global Financial Crisis.

As I argue in *Neoliberalism’s Demons*, neoliberalism is not just a matter of economic policies and political institutions—it is a political theological paradigm that grounds its legitimacy on moral values that are enshrined as its “ultimate concern.” Chief among these values is individual free choice, which can only be fully actualized in market competition. Hence neoliberalism seeks to remake as much of society as possible on the model of market competition. Yet neoliberalism’s very narrow vision of human freedom is a trap, giving us just enough agency to take the blame for social failures but not enough to change our circumstances. Neoliberalism’s relationship with democracy has always been ambiguous. On the one hand, an ideology founded on free

choice cannot totally ignore the ballot box. On the other hand, choosing anything but neoliberalism means rejecting freedom. Hence, after the initial installation of neoliberalism under Reagan, the American electoral system has produced narrow mandates and divided government—and, increasingly, actively anti-democratic results. The basic plausibility of the neoliberal strategy of legitimation was shattered by the Global Financial Crisis. Faced with such an apocalyptic challenge, the system did not change course but doubled down, spinning increasingly punitive and paranoid narratives about the causes of the crisis. Far from an aberration, Trump is a natural outgrowth of a declining neoliberal order that no longer commands popular legitimacy but clings to power by excluding and scapegoating real alternatives.

Special Article

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## The Threat to “Our Democracy” and the Neoliberal Crisis of Legitimacy

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Adam Kotsko

Assistant Professor / Religious Studies / North Central College

Among left-of-center political commentators in the United States, there is a widespread consensus that “our democracy” is in danger. Between Trump’s attempts to overturn the result of the 2020 election and subsequent efforts by state-level Republicans to restrict voting rights, these commentators often claim that Americans are in danger of being subjected to permanent minority rule and only a narrow window remains to preserve American democracy from this unprecedented threat. Democratic Party leaders, up to and including President Biden himself, have voiced the same concerns, characterizing the present moment as a crossroads for American democracy.

I share this sense of alarm at the willingness of Trump and the Republican Party to thwart and even overthrow the will of the voters, and I support the legislation that has been proposed in response. Indeed, as will become clear, I would support even more radical

reforms. My purpose in this paper, however, will not be to weigh in on the present controversy, but to attempt to place it in broader historical perspective. The relevant historical context is not only missing but actively suppressed in favor of a simplistic view that presents Trump as an unprecedented *novum* that has startled an innocent and unwitting nation.

This ahistorical perspective is encapsulated in what has emerged as a term of art in this political discourse: “*our* democracy.” So many presuppositions are packed into this odd little phrase. It implies a special relationship between the US and democracy—after all, we are fighting for “our” democracy, not democratic principles in general. It also assumes that “our” democracy is a stable possession, a baseline condition that Trump and his cronies are threatening to disrupt. Finally, by narrowing the focus to “our” democracy, it ignores the broader crisis of democratic legitimacy, which is playing out in different ways in different countries and regions but must be recognized as a global trend.

If this crisis of democratic legitimacy—sometimes unhelpfully grouped together under the heading of “right-wing populism” or “authoritarianism”—is a truly global phenomenon, then it must have a global cause. And the only truly global reality is capitalism, or more specifically the new vision of capitalism that arose in the 1970s and became truly dominant after the fall of the Soviet bloc: neoliberalism.<sup>1)</sup>

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1) Classic accounts of neoliberalism include Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège De France, 1978-79*, trans. Graham Burchell (New York: Picador, 2008); David Harvey, *A Brief History of Neoliberalism* (New York: Oxford University Press, 2005); Philip Mirowski, *Never Let a Serious Crisis Go to Waste: How Neoliberalism Survived the Financial Meltdown*

Where most accounts of neoliberalism—also known as the Washington Consensus—focus on economic statistics and public policy, in *Neoliberalism's Demons* I make the case that neoliberalism is much more than a grab bag of policy recommendations and best practices: it is a totalizing worldview that aims to shape every aspect of society, from the dizzying heights of international politics down to the individual soul. In my own terminology, it is a political theological paradigm, a complex structure that coordinates the behavior of power structures (the political element) and the values or “ultimate concerns” that they claim to embody (the theological element).<sup>2)</sup> Like any successful paradigm, neoliberalism has evolved over time, while still retaining a fundamental continuity that, I argue, persists today even under the conditions of so-called “right-wing populism” or “authoritarianism.”

Returning to the American scene, this means that the threat to “our democracy” is not the arbitrary whim of one stubborn old man and those who have fallen under his spell, but is instead the outgrowth of the neoliberal paradigm that has informed the bipartisan political con-

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(New York: Verso, 2013); Pierrot Dardot and Christian Laval, *The New Way of the World: On Neoliberal Society*, trans. Gregory Elliott (New York: Verso, 2013); and Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (Cambridge: Zone, 2015). I discuss all of these sources and the distinctiveness of my approach in *Neoliberalism's Demons: On the Political Theology of Late Capital* (Stanford: Stanford University Press, 2018), particularly chapters 1 and 2.

2) My view of political theology is based on a critical reappropriation of Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: University of Chicago Press, 2005), for which see *Neoliberalism's Demons*, ch. 1. The concept of the “ultimate concern” as the basis of theology is of course drawn from Paul Tillich, *Dynamics of Faith* (New York: Harper & Row, 1957).

sensus for a generation or more. In order to flesh out this claim, I will proceed in three steps. First, I will give a more thorough account of the neoliberal order and its political theological presuppositions, emphasizing its ambiguous relationship to democracy. Second, I will discuss the ways that neoliberalism, starting with the Reagan Revolution of the 1980s, progressively reinvigorated the anti-democratic aspects of the American constitution that had become more and more vestigial under the postwar New Deal order. Third, I will show that neoliberalism, which actively eschewed any robust democratic mandate after it was firmly established, had to rely on strategies of demonization to shore up its legitimacy—strategies that culminated in Trump’s attempted insurrection. I will then conclude by considering ways to develop a truly democratic political theological paradigm that can displace and defeat the neoliberal order.

## I.

What is neoliberalism? Broadly speaking, neoliberalism is a political agenda that aims to remake as many areas of life as possible on the model of market competition. It has been so successful in imposing its agenda that many of us take for granted the centrality of the market to society. If we take a step back, however, it appears strange that an institution associated with cold utility and voracious greed should be held up as an ideal. The answer that neoliberals offer is that the market is the institution that best exemplifies the ideal of *freedom*. Market competition

is the best way to organize society in the neoliberal view because the market is all about people coming together freely to freely choose between goods and services. By contrast, governments and labor unions are untrustworthy because they apply one-size-fits-all policies that do not respect individual freedom.<sup>3)</sup>

We can say, then, that the neoliberal order's principle of legitimacy is freedom. But it promotes a very strange and narrow version of freedom. Neoliberal freedom is not the bold self-assertion of open-ended creativity, but the correct response to market signals. This means that, in effect, neoliberalism gives us just enough freedom that it can blame us for our own problems if we choose "wrongly," but not enough freedom to really change our circumstances. The system achieves this by presenting us with forced choices, where we are technically free to choose but feel all but compelled to choose a certain option. A good example of this phenomenon is the student loan crisis in the US. Young people in the US are constantly told that the only way to escape poverty in adulthood is to go to university, and so they are often willing to do whatever it takes to get a degree, including taking out huge loans. And whether they get a good job or not—in fact, whether they finish their course or not—they still have to pay back those loans. After all, they "freely" chose to borrow the money!

In *Neoliberalism's Demons*, I argued that the true core of the neoliberal order isn't any particular policy—like tax cuts, or deregulation, or priva-

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3) The classic articulation of this viewpoint is of course Milton Friedman, *Capitalism and Freedom* (Chicago: University of Chicago Press, 2020 [1962]).

tization—but the forced choice. The forced choice is a powerful strategy of legitimization, in that it not only grounds the neoliberal order in our formal consent, but also provides a way for it to answer challenges to its legitimacy. One thing that hurts the legitimacy of the social order is if people are suffering for no good reason—for instance, a college drop-out paying off their student loans decades later. When confronted with that seemingly pointless suffering, the neoliberal order can answer that the bad outcome was a risk that the individual freely took on when they accepted the loan. Respecting their freedom to fail is more important than making sure everyone enjoys a positive outcome.

And neoliberalism gives us plenty of freedom to fail—in fact, it sometimes seems like it gives us nothing but that. It gives us just enough freedom that it can blame us for our own problems, but not enough freedom to really change our circumstances. More than that, the system gets us to blame *ourselves* for our problems, to focus on our own choices rather than asking why we only had those choices in the first place. Instead of asking why the state doesn't provide free universities, borrowers blame themselves for choosing the wrong school or the wrong field of study. And when we blame ourselves, we implicitly endorse the legitimacy of the system, because we acknowledge that the outcome was justified.

In some ways, this strategy is a strange one, because it relies on guilt and shame rather than more positive emotions to shore up the system—but it is undeniably powerful. Even those who are aware of the forced choice are susceptible to the trap of blaming themselves rather than the system.<sup>4)</sup> (I include myself here, and I literally wrote an entire book

about the forced choice.) Neoliberalism digs its way into our emotions, into our self-image, in a way that is very difficult to dislodge.

In *Neoliberalism's Demons*, I argue that one reason the trap of the forced choice is so effective, at least in Western countries, is that it taps into some of the deepest cultural patterns from Christianity. In traditional Christianity as well, we have free will, but only on condition that we choose rightly. Anything that we choose independently of God—anything that is truly free in the sense of not being determined by someone else—is by definition a sin. This of course raises the question of why God would give us freedom that can only harm us, and the (largely implicit, but sometimes shockingly explicit) answer is that he needs sin in the universe so that he has something to redeem. It is much more glorious and impressive to pull good out of evil than for everything to go right in the first place. Hence, some Christian theologians suggest, one of God's first acts was to make sure there was a rebellious and sinful element in his creation that he could overcome. According to Augustine, when God created the angels to be his spiritual helpers, he immediately commanded them to submit to him unconditionally. Those who hesitated were branded as demons and condemned with no possibility of forgiveness—so that God would always have evil foes to overcome.<sup>5)</sup>

Drawing an analogy from this Christian theologoumenon to the neoliberal order, I see that some version of this process happens all the

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4) See Mark Fisher, *Capitalist Realism* (New York: Zero Books, 2008), which remains perhaps our best account of how it *feels* to live under neoliberalism.

5) This narrative plays out in Augustine, *The City of God*, trans. Marcus Dods (New York: Modern Library, 1993), Book XI. See my discussion in *Neoliberalism's Demons*, ch. 3.

time. Countries that take IMF loans are forced to adopt policies that will keep them in an economically dependent position, meaning that they will “fail” and be forced to seek loans again. In the US, Black and other minority communities are patrolled and harassed more heavily by police, meaning that the police inevitably arrest and charge more of them. Since people who have been in prison can seldom find legitimate jobs, it forces more and more people into illegal pursuits to survive—which provides the justification for sending more police into those communities, repeating the cycle.

In short, the neoliberal system doesn’t only force us to choose the “right” thing—often, perhaps even most of the time, it forces us to choose the “wrong” thing. The reason for this is that it needs a ready supply of scapegoats to blame for social problems. In recognition that the system is acting like God did when he trapped the fallen angels into acting as his foes, I call this dynamic of setting people up to fail “demonization.” Even though certain countries, groups, and individuals are more exposed to it than others, under neoliberalism everyone is in danger of being demonized—that is, of being presented with a forced choice in which we are forced to choose “wrong.”

## II.

This narrow and in some ways paradoxical view of human freedom clearly puts neoliberalism at odds with democracy, which puts forth the popular will as the principle of legitimacy. And neoliberalism has often

been happy to do without democratic legitimation entirely—most famously in Pinochet’s Chile, which combined mass torture and “disappearances” with such neoliberal priorities as privatizing public pensions. Within the Western countries, by contrast, it has typically used formal democratic institutions to achieve and maintain hegemony. Indeed, in the US, neoliberal policy enjoyed robust popular mandates under Reagan, who defeated the incumbent Jimmy Carter by a margin of nearly 10% and won all but four states in the Electoral College and who was able to use that mandate to push forward deep structural reforms that would be very difficult to reverse.

Most of the time, however, and in most Western countries, the neoliberal order has adopted a version of the forced choice in elections.<sup>6)</sup> The normal form this takes in the US is that voters are presented with two fundamentally similar candidates, so that voters are more or less forced to endorse some version of neoliberalism. A riskier strategy is to run a neoliberal candidate and a clearly unacceptable alternative, on the theory that voters will respond appropriately to the blackmail no matter how unappealing they find the mainstream candidate. This strategy was tried unsuccessfully in the 2016 US election—where a strong plurality of Americans did choose “correctly” (i.e., voted for the neoliberal candidate Hillary Clinton over the clearly unfit Donald Trump) but were thwarted by the Electoral College—and then more successfully in the 2017 French election, where Emmanuel Macron edged out the right-wing extremist Marine Le Pen. An even more transparent strat-

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6) See my more extended discussion in *Neoliberalism’s Demons*, ch. 4.

egy is that frequently seen in referenda around European Union matters in the 1990s and 2000s, which member states felt obligated to keep running over and over until the population finally voted “correctly.” More recently, the EU has used economic blackmail to manipulate both referenda (as in the 2015 referendum on the Greek bailout terms) and to replace unacceptable governments (as when the technocrat Mario Monti was installed in the wake of Silvio Berlusconi in 2011).

How can such anti-democratic stratagems be squared with the neo-liberal value of freedom? The answer is simple: to vote against neo-liberalism is to vote against freedom itself. Ideally, everyone would recognize their true self-interest and vote correctly on their own, but in our fallen world, sometimes the people must be forced to be free. And in those cases when they act out and choose wrongly, the “good” neo-liberal subjects focus all their energy on demonizing those who voted for the incorrect candidate or, even worse, sat out the election entirely—never asking why they were presented with such unappealing options in the first place.

In retrospect, American political norms and institutions provided almost ideal conditions for the installation and maintenance of neoliberalism. At the time Reagan was elected in 1980, the two major American parties remained incoherent—there were still liberal Republicans and conservative Democrats—and bipartisan cooperation was the norm. Therefore, even though Republicans failed to take control of Congress (a feat they would not achieve until the 1994 mid-term elections), Reagan’s resounding popular mandate (prompted Congressional Democrats to work together with him on his most important priorities. This meant that

Reagan's neoliberal agenda was able to quickly replace the declining New Deal model of the postwar era as the bipartisan political consensus. Democrats looking to roll back Reagan's reforms were marginalized, and Democratic presidential candidates have remained consistently pro-market and pro-business to this day. So profound is the Democrats' commitment to bipartisanship that Bill Clinton continued to collaborate with Republicans on major legislation even as they were in the process of impeaching him. More recently, Joe Biden eagerly sought an infrastructure bill that could gain the support of the party that regards him as an illegitimate president who stole the election.

The norm of bipartisan collaboration is not merely an arbitrary preference of the political class, as disturbingly committed to it as some individual politicians seem to be. The structure of the federal government—with staggered elections that all but guarantee that neither party can hold onto unified control for long—all but mandates cross-partisan cooperation in order to get anything done in normal times. Sweeping popular mandates are rare, and the changes that get pushed through in those moments tend to be secure simply because of the difficulty of passing legislation absent such a wave. In the 20th century, arguably only Franklin Roosevelt, Lyndon Johnson, and Ronald Reagan were able to convert lopsided victories into significant reforms, leaving subsequent presidents to tinker within the boundaries those transformative presidents set.

Though the federal government gets the most attention, the federal structure of the country—which disperses authority among 50 states and a staggering number of autonomous municipal governments—also

proved to be a natural fit for neoliberalism. Those 50 regional units and countless other smaller authorities provide a ready-made field for neoliberal competition, as states and municipalities vie for corporate investment and the jobs that come with them. The most famous such competition was Amazon's search for a location for a second headquarters.<sup>7)</sup> The company invited cities from around the country to put together proposals to lure the giant corporation, including state-provided infrastructure and tax incentives—all this for a company that already pays effectively zero federal taxes. While the spectacle of state and local governments conspiring to bribe one of the wealthiest companies on earth was particularly unedifying, it was not at all unusual. Drawing potential employers—or, failing that, tourist dollars—has arguably become the primary job of public officials below the federal level.

This situation of continual competition for capital and jobs creates strong incentives against raising taxes. The ease of moving among the states means that higher state taxes could wind up driving away wealthier residents instead of increasing revenue. This incentive structure, combined with the requirement that state and local governments run balanced budgets, turns the states into automatic engines of austerity, as they are invariably forced to cut government spending during economic downturns—just when that spending is needed most. In the

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7) For an overview of the process and its outcome, see Nat Levy and Monica Nickelsburg, "Amazon HQ2, one year later: How the search for a 2nd home changed the company, and the country," *GeekWire*, (November 13, 2019), <https://www.geekwire.com/2019/amazon-hq2-one-year-later-search-2nd-home-changed-company-country/>

wake of the Global Financial Crisis, for instance, the effects of the massive 2009 federal stimulus bill were partly blunted by state- and municipal-level budget cuts.

Even leaving aside the fiscal distortion introduced by state-level autonomy, the huge number of powers left to states militates against any rational public policy-making. State-level control over election laws—which serves no purpose other than to allow local white populations to customize the amount of discrimination Black and other minority voters will experience—has been most prominent in the news recently. But other random powers lie with the states, including many public health functions. A federal vaccine mandate requiring all US residents to get vaccinated would likely be unconstitutional, as states have authority over such matters. President Biden’s attempt to get around this procedural hurdle by using workplace safety regulations to mandate vaccines has been hung up in the largely Republican-controlled court system for months. Even the Centers for Disease Control rely primarily on the voluntary release of state-level public health data and voluntary compliance with its guidance—neither of which were forthcoming from Republican-controlled states during the pandemic.<sup>8)</sup>

The problem of state-level autonomy was recognized during the New Deal era. Significant changes to the federal structure of the US Constitution would be extremely difficult to implement given the high burden for a constitutional amendment—which would require a super-

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8) Jeneen Interlandi, “Can the C.D.C. Be Fixed?” *New York Times Magazine*, (June 6, 2021), <https://www.nytimes.com/2021/06/16/magazine/cdc-covid-response.html>.

majority of states to agree to the reduction of their own power—and so Franklin D. Roosevelt and his successors largely worked to circumvent state autonomy through financial incentives and various federal mandates. This effort culminated in the introduction of federal revenue sharing in 1972, which significantly reduced the pressure on states and municipalities to self-finance through local tax revenues. This program was abolished under Reagan, laying the groundwork for the competition for private investment and jobs that has become the norm today. Republicans have also worked to reinvigorate state-level government's prerogatives and weaken the role of the federal government. This approach is usually justified by the appeal to so-called “small government” or “local control,” but its concrete effect is to remove any effective counterweight to corporate power at the same time that it increases the obstacles to any democratic reforms. As the power of the individual states grows, any meaningful reform increasingly needs to work through 50 idiosyncratic political systems—many of which have drawn their legislative boundaries in a way to virtually guarantee one-party control and hence isolate politicians from any democratic accountability. The worst recent case was the state of North Carolina, which revised an already biased map to create a situation where Democrats would have to win by a landslide of 7% in the popular vote in order to get a bare majority of seats in the state legislature.<sup>9)</sup>

In short, one reason that neoliberalism has enjoyed such durable

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9) Zack Beauchamp, “North Carolina’s extreme new gerrymander, explained,” *Vox*, (November 9, 2021), <https://www.vox.com/policy-and-politics/2021/11/9/22765982/north-carolina-redistricting-gerrymandering-2021-2022>

success in the US despite growing popular disenchantment with neoliberal policies is that it was able to take advantage of the anti-democratic structures built into the US Constitution. While the Fordist order had worked to mitigate the effect of those structures and approach a more truly democratic system, Reagan reversed those trends and his Republican successors have even introduced new anti-democratic constraints—most famously the Senate filibuster, which requires a supermajority in order to cut off debate and can therefore be used to prevent legislation from coming up for a vote even if a majority of members support it. While the rule has been on the books for many decades, it only emerged as an obstacle to routine legislation in 2009, amid Republican efforts to hobble the first Black president. Yet Democrats have not only passively acquiesced but often actively supported these anti-democratic moves, which allow them to maintain the neoliberal consensus while telling their increasingly restive left flank that their hands are tied.

### III.

Hence neither the neoliberal order nor, increasingly, the US Constitutional order can claim real democratic legitimacy—such is the state of “our democracy.” On the one hand, the combination of a baroque system and a norm of divided government make it very difficult to hold elected officials responsible for their results or lack thereof, because outside of once-in-a-generation wave elections, it is essentially impossible for either party to implement their agenda in any straightfor-

ward way. On the other hand, the party duopoly presents the public with a binary choice in which it is still largely impossible to vote against neoliberalism.<sup>10)</sup> The electoral system serves, then, only to provide an increasingly implausible fig leaf of popular consent, not to give the public the means to shape public policy. In other words, the American electoral system gives the people just enough power that the political and media classes can blame the people for bad outcomes (including outcomes where their will was overturned, as in Trump's inauguration!), but not enough to actually change their situation.

This triumph of neoliberal logic poses a very serious problem for the durability of the neoliberal order. Control of institutional power is not enough to maintain long-term hegemony—a political theological paradigm also needs some form of legitimacy. In the 80s and especially the 90s, the neoliberal order could paper over its legitimacy deficit by pointing to the prosperity it had created.<sup>11)</sup> While the economic gains were neither as great or as widely distributed as in the best years of the postwar Fordist order, they were real enough, and certainly marked a contrast with the economic malaise of the late 70s. Yet the early neoliberal era was already punctuated by financial crises followed by lackluster economic and job growth. Even when those crises were not precipitated by outright fraud—as in the Savings and Loan crisis and of course the Global Financial Crisis—they called the stability and credi-

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10) I make the case that Trump is in fundamental continuity with neoliberalism in *Neoliberalism's Demons*, ch. 4.

11) Here I draw on the periodization put forward in Will Davies, "The New Neoliberalism," *New Left Review* 101 (2016): 121-134.

bility of the finance-led market-centered model of governance into question. Shouldn't the masters of the universe have been able to see, for instance, that many tech stocks pumped up to absurd valuations in the late 90s were essentially worthless? Why are they getting such outsize rewards for failing at their ostensible job of rational capital allocation while inflicting the consequences of that failure on the general public?

In short, the economic argument in favor of neoliberalism was far from a slam dunk, even in the best of times. Hence the primary legitimation strategy for neoliberalism has been the negative one of finding scapegoats to blame for its failings—in other words, neoliberalism has increasingly legitimated itself through demonization. Already from the very beginning, Reagan had paired his optimistic message of “morning in America” with a strategy of demonization. The figure of the “Black welfare queen” who supposedly defrauded the unsuspecting white taxpayer by using her exorbitant benefits to buy steaks and expensive cars is, as I argue in *Neoliberalism's Demons*, closely modeled on the early modern figure of the witch.<sup>12</sup> While Reagan's demonizing rhetoric was aimed at discrediting the welfare state paradigm that he sought to replace, his strategy provided a template for later neoliberals. The figures of the hardened criminal (implicitly coded as Black), the illegal immigrant (imagined as non-white), and the jihadist terrorist (a religious as

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12) See chapter 3, where I draw extensively on Melinda Cooper, *Family Values: Between Neoliberalism and the New Social Conservatism* (New York: Zone Books, 2017) and Silvia Federici, *Caliban and the Witch: Women, the Body, and Primitive Accumulation*, 2nd ed. (New York: Autonomedia, 2014).

well as racial other) have all served as handy scapegoats for the failings of the globalized neoliberal order.

All three groups are demonized in my precise sense of being morally entrapped. As I mention above, Black and other minority communities are over-policed and often literally entrapped into committing or confessing to crimes, setting up a life-long cycle of criminalization that few can escape from.<sup>13)</sup> Undocumented migrants, for their part, are demonized for being rational economic actors—they are, after all, responding appropriately to the economic incentives American employers have set up for them. Meanwhile, though I have no desire to minimize or explain away the harm terrorism has done, terrorism is a predictable response to the kind of political humiliation and despair that America has inflicted on the Middle East and the Islamic world more generally. Indeed, the problem of terrorism and extremism has only become worse as the War on Terror has ground on—one would be hard-pressed to design a more effective program for recruiting terrorists than US foreign policy in the Middle East.

In all three cases, the neoliberal system presents itself as the solution to a problem that it has itself created—and often actively engineered. And while Republicans have embraced demonization with greater gusto and creativity, the broad strategy has cut across partisan lines. Reagan may have inaugurated the era of mass incarceration with the War on Drugs, but Democrats such as Joe Biden and Bill and Hillary

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13) See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, revised ed. (New York: The New Press, 2012).

Clinton endorsed and expanded on it with the infamous Crime Bill. Trump may have indulged in lurid fantasies about undocumented workers' criminal activities, but it was Barack Obama who deported more people than any other president in history. Finally, the War on Terror—even if it seems to be coming to some kind of end, or at least undergoing a significant mutation—has always a bipartisan affair. And in all three cases, the response to the inevitable failure to contain crime or undocumented migration or terrorism is to spend more money generating more and more violence and destruction—creating a state apparatus that increasingly knows how to do nothing but harm.

This program of demonization is not some kind of external supplement to neoliberal policy. It is not mobilizing “leftover” retrograde sentiments (such as racism and nationalism) that neoliberalism would otherwise tend to overcome. It is integral to the neoliberal logic of the forced choice and represents arguably the *only* durable long-term strategy of self-legitimation for the neoliberal order. Neoliberalism cannot claim to reflect the will of the people, nor can it point to much in the way of economic benefits—indeed, neoliberal politicians have largely stopped even *promising* greater prosperity—but it can trip up and entrap its demons for ever and ever, amen. In so doing, our neoliberal overlords may be empowering their own future executioners in the form of an increasingly radicalized military-policing complex. Recent events from the George Floyd protests to Trump's attempted insurrection have clearly shown that the police are no longer under any meaningful democratic control, and especially in the wake of Trump's Big Lie and many state-level Republicans' embrace of it, it is not difficult to imagine elec-

tions being overturned or invalidated when they go the “wrong” way. But even if neoliberalism evolves in a more explicitly anti-democratic and authoritarian direction, that will represent a contingent but logical development of a system whose leaders already view themselves not so much as ruling over us but as judging us and making sure we get what we deserve. Even if we are no longer free to vote, we will still be free to fail—and free to take the blame for the choices the system has forced upon us.

#### IV.

Where does this leave “our democracy”? It should be clear that, while the election reform legislation proposed by the Democrats may help stave off the worst case scenario, it will take a great deal more to reinvigorate American democracy. Indeed, the first step toward American democracy may be to acknowledge that the US has historically never been a democracy. It was starting to become one in the 60s and 70s, but the neoliberal revolution has reversed most of those gains—not only by undercutting the institutional reforms, but by imposing what Michelle Alexander has characterized as a “New Jim Crow.” Clearly major reform would be necessary to open up the possibility of an authentically democratic future, beginning with the repudiation and replacement of the antique Constitution written by slavers and their allies. But even straightforward reforms with widespread support, such as the direct popular election of the president, are widely regarded as impossible. Few Americans understand, much less support, the exist-

ing Constitutional structure, and yet we resign ourselves to it as to some obscure fate handed down by the gods.

In order to build democracy in America, then, we will need to do more than tinker with institutional structures. In fact, we will need to do much less politics (as understood within our current system) and a lot more *theology*. We Americans will need to direct much of the attention we now lavish on the largely staged struggle between the two major parties within our ossified constitutional order toward the task of discovering new hopes and new values—new ways of living together. As with the best theology, our attempt to invent American democracy will need to be grounded in practice, both ethical practice and something like liturgical practice. We can practice democracy through organizing our workplaces, through taking shared responsibility for our schools and communities, through reinvigorating the rituals of public discussion and deliberation. Presumably when the hoped-for democratic society arises, it will have its own values and practices, and we present-day theologians, mired down in the sham of American neoliberal democracy, should not presume to dictate terms to that new creation. But if we do our democratic political theology right, we will be ready to greet democracy when it comes.

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**주제어** Keywords

Neoliberalism, Democracy, Political Theology, Public Policy, Apocalyptic Challenge  
신자유주의, 민주주의, 정치 신학, 공공 정책, 종말론적 도전

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한글 초록

## 신자유주의 체제 아래 민주주의와 정치신학: 포스트 트럼프 체제를 중심으로

Adam Kotsko, Ph.D.

조교수, 종교학

노스 센트럴 칼리지

최근 미국의 정치 평론가들은 도널드 트럼프가 출범한 정부가 야기한 '민주주의'의 위협에 대해 경고하며 이 위협의 직접적인 맥락이 글로벌 금융 위기 이후에 계속 되고 있는 신자유주의 질서의 정당성의 위기라고 주장한다. 하지만 필자는 신자유주의는 단지 경제 정책과 정치 제도의 문제가 아닌 도덕적 가치들 위에 정당성의 기반을 두는 정치신학적 패러다임을 주장하는 바이다. 신자유주의론은 개인의 자유를 최고의 가치로 여기며, 이는 시장 경쟁에서만 완전히 실현될 수 있다고 주장한다. 이 신념에 따라 신자유주의는 계속해서 시장 경쟁의 모델에 따라 사회를 재편하려고 시도한다. 그러나 이런 신자유주의가 정의하는 인간의 자유는 매우 협소한 시각에서 바라본 자유에 불과하며, 사회적 실패의 책임을 묻기에 충분한 매개가 될지는 모르나 현 시대의 위기 상황을 바꾸기에는 충분하지 않다. 신자유주의와 민주주의의 관계는 항상 모호하다. 자유 선택에 기반을 둔 이데올로기는 투표 결과를 완전히 무시할 수는 없지만 신자유주의만을 택하는 것은 자유를 거부하는 것을 의미할 수 있기 때문이다. 따라서 레이건 치하에서 신자유주의가 처음 도입된 후 미국의 선거 제도는 한정된 권한과 분열된 정부를 낳았고, 더 적극적으로 반민주적인 결과를 낳았

다. 신자유주의를 정당화하는 전략의 근본적 당위성은 글로벌 금융 위기로 인해 산산조각이 나고 말았다. 이러한 종말론적인 도전에 직면하여 시스템은 위기의 원인에 대해 점점 더 엄격하고 편집증적인 이야기를 만들어냈다. 결론적으로 필자는 트럼프의 기행이 대중을 설득시킬 정당성과 실질적 대안을 잃어버린 채 권력에서 쇠퇴하는 신자유주의 질서의 자연스러운 산물이라고 주장하는 바이다.

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