

LECTURE

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Populism and the Future of Democracy *Roger Kimball*

Abstract: *Unlike the term “democracy,” which has wide appeal, “populism” is rife with derogatory connotations and is used as a rhetorical weapon to delegitimize political movements. But at the heart of current populist upsurges—in Europe and in the U.S.—is a healthy reaction against relocating authority from its traditional seat (Parliament in Britain and Congress and the Courts in the U.S.), into the hands of unelected, unassailable bodies (the European Union and the U.S. administrative agencies, respectively). The recent populist upsurges are also a reaction against a larger progressive project that seeks the dissolution of the nation state and Western civilization as necessary steps on the way to a universal civilization in which all parochial distinctions and divisions would be wiped away. One of the primary tasks of conservatism will be to resist this idea of a universal, despotic society.*

It is an honor to speak at The Heritage Foundation, one of the most robust and effective bulwarks of political maturity in the country.¹ And it is more than an honor to speak under the aegis of the great Russell Kirk, a man with whom I feel deeply acquainted though I never had the privilege of meeting him. For me, as I would wager for many of the people in this room, Kirk’s 1953 masterpiece *The Conservative Mind* was nothing less than a revelation. Acton, Burke, Babbitt, Disraeli, Santayana, James Fitzjames Stephen, and on and on: It was a whole alternative universe that Kirk opened up. It is sometimes said that William F. Buckley, Jr., rescued American conservatism from irrelevance. Russell Kirk rescued it from ignorance and superficiality.

KEY POINTS

- The populist uprising, here and in Europe, affirms sovereignty against threats to liberty posed by the progressive agenda.
- The current movements, cast with negative associations of “populism,” are in part a reaction against the state of dependency created by the administrative state.
- The administrative state is part of a larger progressive push that seeks the dissolution of traditional sources of identity in favor of world citizenship.

This paper, in its entirety, can be found at <http://report.heritage.org/hl1268>

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At one point in *The Conservative Mind*, Kirk defines conservatism as “the negation of ideology,” which is to say, conservatism rejects the habit of mistaking abstractions for human realities.² In the context of our present political dispensation, Kirk noted, that means that one of conservatism’s primary tasks will be “resistance to the idea of a total society” in which the state smothers individuality and enforces a stultifying bureaucratic conformity.³

In my brief remarks today, I would like to expand on that grand Kirkian theme by considering the careers of three familiar words.

Let me start with two: *populism* and *democracy*. Among other things, these two words remind us of the curious fact that certain words accumulate a nimbus of positive associations while others, semantically just as innocuous, wind up shouldering a portfolio of bad feelings.

Democracy

Think about it: Do you know any responsible person who would admit to being opposed to democracy? No one who does not enjoy a large private income would risk it. But lots of people are willing to declare themselves anti-populist. The discrepancy is curious for several reasons.

For one thing, it is a testament to the almost Darwinian hardiness of the word *democracy*. In the fierce struggle among ideas for survival, democracy has not only survived but thrived. This is despite the fact that political thinkers from Plato and Aristotle through Cicero and down to modern times have been deeply suspicious of democracy. Aristotle thought democracy was the worst form of government, all but inevitably leading to ochlocracy or mob rule, which is no rule.

In *Federalist* 10, James Madison famously warned that history had shown that democratic regimes have “in general been as short in their lives as they have been violent in their deaths.”⁴ “Theoretic politicians” he wrote—and it would be hard to find a more contemporaneous deployment of the word “theoretic”—may have advocated democracy, but that is only because of their

dangerous and utopian ignorance of human nature.⁵ It was not at all clear, Madison thought, that democracy was a reliable custodian of liberty.

One of conservatism’s primary tasks will be “resistance to the idea of a total society” in which the state smothers individuality and enforces a stultifying bureaucratic conformity.

Nevertheless, nearly everyone wants to associate himself with the word *democracy*. Totalitarian regimes like to describe themselves as the “Democratic Republic” of wherever; conservatives champion the advantages of “democratic capitalism”; central planners of all stripes eagerly deploy programs advertised as enhancing or extending democracy. Even James Madison came down on the side of a subspecies of democracy, one filtered through the modulating influence of a large, diverse population and an elaborate scheme of representation that attenuated the influence of what Madison delicately called “the people in their collective capacity.”⁶

Democracy, in short, is a eulogistic word, what the practical philosopher Stephen Potter in another context apostrophized as an “OK word.” And it is worth noting, as Potter would have been quick to remind us, that the people pronouncing those eulogies delight in advertising themselves as, and are generally accepted as, “OK people.” Indeed, the class element and the element of moral approbation—what some genius has summarized as “virtue signaling”—are key.

Populism and the Populist

It is quite otherwise with the word *populism*. At first blush, this seems odd because *populism* occupies a semantic space closely adjacent to the word *democracy*. *Democracy* means “rule by the *demos*,” the people. *Populism*, according to *The American*

1. A version of this essay appeared in the June 2017 issue of *The New Criterion*.
2. Russell Kirk, *The Conservative Mind* (Washington, DC: Gateway Editions, 1986) p. 474.
3. *Ibid*, p. 471.
4. George W. Carey, *The Federalist* (Indianapolis: Liberty Fund, 2001), p. 46.
5. *Ibid*.
6. *Ibid*, p. 329.

Heritage Dictionary, describes “[a] political philosophy directed to the needs of the common people and advancing a more equitable distribution of wealth and power”—that is, just the sorts of things that the people, were they to rule, would seek.⁷

But the fact is that *populism* is ambivalent at best. Sometimes, it is true, a charismatic figure can survive and even illuminate the label *populist* like a personal halo. Bernie Sanders managed this trick among the eco-conscious, racially omnivorous, non-gender-stereotyping, anti-capitalist beneficiaries of capitalism who made up his core constituency.

But it was always my impression that, in this case, the term *populist* was fielded less by Sanders or his followers than by his rivals and the media in an effort to fix him in the public’s mind as one of the many lamentable examples of not-Hillary, who herself was presumed to be popular though not, heaven forbid, *populist*.

There are at least two sides to the negative association under which the term *populist* struggles. On the one hand, there is the issue of demagoguery. Some commentators tell us that *populist* and *demagogue* are essentially synonyms (though they rarely point out that *demagogos* simply meant “a popular leader,” for example, Pericles).

The association of demagoguery and populism describes what we might call the command-and-control aspect of populism. The populist leader is said to forsake reason and moderation in order to stir the dark, chthonic passions of a semiliterate and spiritually unelevated populace.

How dark? In the current issue of *The New York Review of Books*, the historian Christopher Browning has a review of a book about Hitler’s rise to power. At least, that is the ostensible subject of the review. The real aim of this disgusting and disingenuous essay is to lambast a caricature that Browning calls “Trump the populist.”⁸ There are, Browning allows, “many significant differences between Hitler and

Trump.”⁹ Think about that: There are “many significant differences between Hitler and Trump.”¹⁰ As Francisco says at the beginning of *Hamlet*, “for this relief much thanks.”

Consider, to take but one example, how often the word *anger* and its cognates are deployed to evoke the psychological and moral failings of both the populist multitude and its putative leaders.

But, of course it is the alleged, not to say fantastical, similarities between Hitler and Trump that Browning conjures up that the reader is meant to carry away with him. The lesson of Hitler’s rise is that he should have been squashed at the beginning: “[D]o it early,” Browning advises, as if Donald Trump bore any relevant similarity to the Nazi Fuhrer.¹¹

On the other hand, there is the issue of the fertile but unedifying soil of that populace upon which the demagogic leader works. Anyone who has looked at the commentary on Brexit, the campaign and early months of the Trump administration, or the recent French election will have noted this.

Consider, to take but one example, how often the word *anger* and its cognates are deployed to evoke the psychological and moral failings of both the populist multitude and its putative leaders. In a remarkable, apocalyptic effusion published in the early hours of November 9, 2016, David Remnick, the editor of *The New Yorker*, warned that the Trump presidency represented “a rebellion against liberalism itself,” an “angry assault” on the civil rights of women, blacks, immigrants, homosexuals, and countless others.¹²

Later commentators warned about our “angry, cynical times,” the “raw, angry and aggrieved” tone

7. Ibid.

8. Christopher R. Browning, “Lessons from Hitler’s Rise,” *The New York Review of Books*, April 20, 2017, <http://www.nybooks.com/articles/2017/04/20/lessons-from-hitlers-rise/> (accessed June 20, 2017).

9. Ibid.

10. Ibid.

11. Ibid.

12. David Remnick, “A Hundred Days of Trump,” *The New Yorker*, May 1, 2017, <http://www.newyorker.com/magazine/2017/05/01/a-hundred-days-of-trump> (accessed June 20, 2017).

of Trump's rhetoric, the unchaperoned "anger" of Americans who felt they "had been left behind."¹³ CNN dilated on how "Trump's Anger Could Lead Down a Dangerous Road,"¹⁴ while *The Washington Post* promised to take its readers "Inside Trump's Anger and Impatience" and *The New York Times* endeavored to explain "How Festering Anger at Comey Ended in His Firing."¹⁵

There are occasional acknowledgments that the diagnosed "anger" may be understandable, even justified.¹⁶ But we are left with the unmistakable impression that the phenomenon as a whole is something vicious and irrational. Anger "festers." It leads to "sudden," i.e., impulsive decisions. The road it steers us toward could be "dangerous."

Populism, in short, seems incapable of escaping the association with demagoguery and moral darkness. Like the foul-smelling wounds of Philoctetes, the stench is apparently incurable. Granted, there are plenty of historical reasons for the association between demagoguery and populism, as such names as the brothers Tiberius and Gaius Gracchus, Father Coughlin, Huey Long, not to mention Mr. Brownin's friend Adolf, remind us.

Populism as a Delegitimizing Term

Still, I suspect that in the present context the apparently unbreakable association between populism and demagoguery has less to do with any natural affinity than with cunning rhetorical weaponization. Where *democracy* is a eulogistic word, *populism* is wielded less as a descriptive than as a delegitimizing term. Successfully charge someone with populist sympathies and you get, free and for nothing, both the imputation of demagoguery and what was famously derided as a "deplorable" and "irredeemable" cohort.¹⁷ The element of existential depreciation is almost palpable.

So is the element of condescension. Inseparable from the diagnosis of populism is the implication not just of incompetence but also of a crudity that is part aesthetic and part moral. Hence the curiously visceral distaste expressed by elite opinion for signs of populist sympathy. When Hillary Clinton charged that half of Donald Trump's supporters were an "irredeemable" "basket of deplorables," and when Barack Obama castigated small-town Republican voters as "bitter" folk who "cling to guns or religion or antipathy to people who aren't like them," what they expressed was not disagreement but condescending revulsion.¹⁸

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I think I first became aware that the charge of populist sympathies could have a powerful political, moral, and class delegitimizing effect when I was in London last June to cover the Brexit vote. Nearly everyone I met, from Tory ministers to taxi drivers, from tourists to tradesmen, were Remainers. The higher up the income and class scale you went, the more likely it was that your interlocutor would be in favor of Britain's remaining in the European Union. And the more pointed would be his disparagement of those arguing in favor of Brexit. The Brexiteers were said to be "angry," yes, but also ignorant, fearful, xenophobic, and racist.

Except that they were not, not the ones I met, anyway.

13. Ibid.

14. Stephen Collinson, "Trump's Anger Could Lead Down a Dangerous Road," CNN, May 12, 2017, <http://www.cnn.com/2017/05/12/politics/donald-trump-james-comey-anger/index.html> (accessed June 20, 2017).

15. Maggie Haberman, Glenn Thrush, Michael S. Schmidt, and Peter Baker, "'Enough Was Enough': How Festering Anger at Comey Ended in His Firing," *The New York Times*, May 10, 2017, <https://www.nytimes.com/2017/05/10/us/politics/how-trump-decided-to-fire-james-comey.html> (accessed June 20, 2017).

16. Remnick, "A Hundred Days of Trump."

17. Amy Chozick, "Hillary Clinton Calls Many Trump Backers 'Deplorables,' and GOP Pounces," *The New York Times*, September 10, 2016, <https://www.nytimes.com/2016/09/11/us/politics/hillary-clinton-basket-of-deplorables.html> (accessed June 20, 2017).

18. Ibid.

Sovereignty

And this brings me to the third word I would like to ponder this afternoon: *sovereignty*. For the pro-Brexit people I met, the issue of Britain's relation to the European Union turned on a simple question: "Who rules?" Is the ultimate source of British sovereignty Parliament, as had been the case for centuries? Or is it Brussels, seat of the European Union?

The question of sovereignty, I believe, takes us to the heart of what in recent years has been touted and tarred as the populist project.

Consider Britain. Parliament answers to the British voters. The European Union answers to—well, to itself. Indeed, it is worth pausing to remind ourselves how profoundly undemocratic is the European Union. Its commissioners are appointed, not elected. They meet in secret. They cannot be turned out of office by voters. If the public votes contrary to the wishes of the E.U.'s commissars in a referendum, they are simply presented with another referendum, and then another, until they vote the "right" way.

Think about this: The E.U.'s financial books have never been subject to a public audit. The corruption is just too widespread. Yet the E.U.'s agents wield extraordinary power over the everyday lives of their charges. A commissioner in Brussels can tell a property owner in Wales what sort of potatoes he may plant on his farm, how he must calculate the weight of the products he sells, and whom he must allow into his country. He can "lawfully suppress," as the London *Telegraph* reported, "political criticism of its institutions and of leading figures," thus rendering the commissars of the E.U. not only beyond the vote but also beyond criticism.¹⁹

It is a little different in the United States. I'll come to that presently. At the moment, it is worth pausing to note to what extent the metabolism of this political dispensation was anticipated by Alexis de Tocqueville in his famous passages about "democratic despotism" in *Democracy in America*. Unlike despoticisms of yore, Tocqueville wrote, this modern allotrope does not tyrannize over man—it infantilizes him. And it does this by promulgating ever more

cumbersome rules and regulations that reach into the interstices of everyday life to hamper initiative, stymie independence, stifle originality, and homogenize individuality. This power, said Tocqueville, "extends its arms over society as a whole. . . . and finally reduces each nation to being nothing more than a herd of timid and industrious animals of which the government is the shepherd."²⁰

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Tocqueville's analysis has led many observers to conclude that the villain in this drama is the state. But the political philosopher James Burnham, writing in the early 1940s in *The Managerial Revolution*, saw that the real villain was not the state as such but the bureaucracy that maintained and managed it.

The shepherd of whom Tocqueville wrote was really a flock of shepherds, a coterie of managers who, in the guise of doing the state's business, prosecuted their own advantage and gradually became a self-perpetuating elite that arrogated to itself power over the levers of society.

This separation of the real power of society from the economy and political life renders the managerial elite all but untouchable. And this, as Burnham saw, was the property neither of liberalism nor of conservatism but rather of anterior forces that engulfed both.

Sovereignty was shifting from Parliaments to what Burnham called "administrative bureaus," which increasingly are the seats of real power and, as such, "proclaim the rules, make the laws, issue the decrees."²¹ As far back as the early 1940s, Burnham could write that "'Laws' today in the United States . . . are not being made any longer by Congress, but by the NLRB, SEC, ICC, AAA, TVA, FTC, FCC, the Office of Production Management . . . , and the other

19. Ambrose Evans-Pritchard, "Euro-Court Outlaws Criticism of EU," *The Telegraph*, March 7, 2001, <http://www.telegraph.co.uk/news/worldnews/1325398/Euro-court-outlaws-criticism-of-EU.html> (accessed June 20, 2017).
20. Alexis de Tocqueville, *Democracy in America*, trans. Harvey Mansfield (University of Chicago Press: 2000), p. 647.
21. James Burnham, *The Managerial Revolution* (New York: John Day Company, 1941), p. 148.

leading ‘executive agencies.’”²² And note that Burnham wrote decades before the advent of the EPA, HUD, CFPB, FSOC, the Department of Education, and the rest of the administrative alphabet soup that governs us in the United States today.

Sovereignty’s Role in the Rise of Populism

As the economist Charles Calomiris points out in his important, just-published book *Reforming Financial Regulation*, we are increasingly governed not by laws but by ad hoc dictats emanating from semi-autonomous and largely unaccountable quasi-governmental bureaucracies, many of which meet in secret but whose proclamations have the force of law.

I am convinced that the issue of sovereignty, or what we might call the location of sovereignty, has played a large role in the rise of the phenomenon we describe as populism in the United States as well as Europe. For one thing, the question of sovereignty, of who governs, stands behind the rebellion against the political correctness and moral meddlesomeness that are such conspicuous and disfiguring features of our increasingly bureaucratic society. The smothering, Tocquevillian blanket of regulatory excess has had a wide range of practical and economic effects, stifling entrepreneurship and making any sort of productive innovation difficult.

But perhaps its deepest effects are spiritual or psychological. The many assaults against free speech on college campuses, the demand for “safe spaces” and “trigger warnings” against verbal or fashion-inspired “micro-aggressions” (Mexican hats, “offensive” Halloween costumes, etc.) are part of this dictatorship of political correctness. In *The Road to Serfdom*, Friedrich Hayek said that one of the “main points” of his argument concerned “the psychological change,” the “alteration of the character of the people,” that extensive government control brought in its wake.²³ The alteration involves a process of softening, enervation, infantilization even: an exchange of the challenges of liberty and self-reliance—the challenges, that is to say, of adulthood—for the coddling pleasures of dependence.

Breaking with that drift becomes more and more difficult the more habituated to dependence a people becomes. In this sense, what has been described as

a populist upsurge against political correctness is simply a reassertion of independence, a reclamation of what turns out to be a most uncommon virtue, common sense.

The question of sovereignty also stands behind the debate over immigration: indeed, is any issue more central to the question “who governs?” than who gets to decide a nation’s borders and how a country defines its first person plural, the “we” that makes us who we are as a people?

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Throughout his campaign, Donald Trump promised to enforce America’s immigration laws, to end so-called “sanctuary cities,” which advertise themselves as safe havens for illegal aliens (though of course we must not call them “illegal aliens”), and to sharpen vetting procedures for people wishing to immigrate to America from countries known as sponsors of terrorism.

The President sometimes overstated and not infrequently misstated his case. Semantic precision is not a Trumpian speciality. But political effectiveness may be. Behind the *Sturm und Drang* that greeted Trump’s rhetoric on immigration, we can glimpse two very different concepts of the nation state and world order. One view sees the world as a collection of independent sovereign countries that, although interacting with one another, regard the care, safety, and prosperity of their own citizens as their first obligation. This is the traditional view of the nation state. It is also Donald Trump’s view. It is what licenses his talk of putting “America First,” a concept that, *pace* the anti-Trump media, has nothing to do with Charles Lindbergh’s isolationist movement of the late 1930s and everything to do with fostering a healthy sense of national identity and purpose.

22. Ibid, p. 147.

23. Friedrich Hayek, *The Road to Serfdom* (University of Chicago Press: 1944, 1994), Preface 1956, p. xxxiv.

The alternative view regards the nation state with suspicion as an atavistic form of political and social organization. The nation state might still be a practical necessity, but, the argument goes, it is a regrettable necessity inasmuch as it retards mankind's emancipation from the parochial bonds of place and local allegiance. Ideally, according to this view, we are citizens of the world, not particular countries, and our fundamental obligation is to all mankind.

The Unwitting Heirs of Immanuel Kant

This is the progressive view. It has many progenitors and antecedents. But none is more influential than Immanuel Kant's 1795 essay "Perpetual Peace."

Kant lists various conditions for the initial establishment of peace—the eventual abolition of standing armies, for example—and a few conditions for its perpetuation: the extension of "universal hospitality" by nations was something that caught my eye.²⁴ Ditto "world citizenship."²⁵

Kant makes many observations along the way that will be balm to progressive hearts. He is against "the accumulation of treasure," for example, because wealth is "a hindrance to perpetual peace."²⁶ By the same token, he believes that forbidding the system of international credit that the British empire employed "must be a preliminary article of perpetual peace."²⁷ Credit can be deployed to increase wealth, ergo it is suspect. Kant looks forward to the establishment of a *Völkerbund*, a "league of nations," all of which would freely embrace a republican form of government.²⁸

It would be hard to overstate the influence of Kant's essay. It stands behind such progressive exfoliations as Woodrow Wilson's "Fourteen Points," not least the final point that looked forward to the establishment of a League of Nations. You can feel its pulse beating in the singing phrases of the 1928 Kellogg-Briand Pact, which outlawed war. It is worth noting that among the initial fifteen signatories of that noble-sounding pact, along with the United States, France, and England, were Germany, Italy, and Japan. What does that tell us about the folly of

trusting paper proclamations not backed up by the authority of physical force? It is one thing to *declare* war illegal; it is quite another to enforce that edict.

Kant's essay also directly inspired the architects of the United Nations and, in our own day, the architects of the European Union and the battalions of transnational progressives who jettison democracy for the sake of a more-or-less nebulous (but not therefore un-coercive) ideal of world citizenship.

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I would not care to wager on how many of the hysterics who congregated at airports across the country to protest Donald Trump's effort to make the citizens of this country safer were students of Kant. Doubtless very few. But all were his unwitting heirs. "Universal hospitality": How the protestors would have liked that phrase! I have no doubt that the motivation of the protestors had many sources. But to the extent that it was based on a political ideal (and not just partisan posturing or a grubby bid for notoriety and power), the spirit of Kant was hovering there in the background.

In this sense, the issue of sovereignty also stands behind the debates over the relative advantages and moral weather of *globalism* vs. *nationalism*—a pair of terms almost as fraught as *democracy* and *populism*—as well as the correlative economic issues of underemployment and wage stagnation. Those whom Madison might have called "theoretic" politicians may advocate globalism as a necessary condition for free trade. But the spirit of local control tempers the cosmopolitan project of a borderless world with a recognition that the nation state has been the best guarantor not only of sovereignty but also of broadly shared prosperity.

What we might call the ideology of free trade—the globalist aspiration to transcend the impediments of national identity and control—is an abstraction that principally benefits its architects. As Rusty Reno, the

24. Immanuel Kant, "Perpetual Peace: A Philosophical Sketch," <https://www.mtholyoke.edu/acad/intrel/kant/kant1.htm> (accessed July 1, 2017).

25. Ibid.

26. Ibid.

27. Ibid.

28. Ibid.

editor of *First Things*, pointed out in a recent op-ed for *The New York Times*, “Globalism poses a threat to the future of democracy because it disenfranchises the vast majority and empowers a technocratic elite.”²⁹

In the end, what James Burnham described as the “managerial revolution” is part of a larger progressive project.³⁰ The aim of this project is partly to emancipate mankind from such traditional sources of self-definition as national identity, religious affiliation, and specific cultural rootedness, partly to perpetuate and aggrandize the apparatus that oversees the resulting dissolution. Burnham castigates this hypertrophied form of liberalism as “an ideology of suicide” that has insinuated itself into the center of Western culture.³¹

He acknowledges that the proposition may sound hyperbolic. The word “suicide,” he notes, may seem “too emotive a term, too negative and ‘bad.’”³² But it is part of the pathology that Burnham describes that such objections are “most often made most hotly by Westerners who hate their own civilization, readily excuse or even praise blows struck against it, and themselves lend a willing hand, frequently enough, to pulling it down.”³³ The issue, Burnham saw, is that modern liberalism has equipped us with an ethic too abstract and empty to inspire real commitment.

In Burnham’s view, the primary function of liberalism was to “permit Western civilization to be reconciled to dissolution,” to view weakness, failure, even collapse not as a defeat but “as the transition to a new and higher order in which Mankind as a whole joins in a universal civilization that has risen above the parochial distinctions, divisions, and discriminations of the past.”³⁴

What has been called *populism* is a visceral reaction against these forces of dissolution.

The Administrative State

Around the time that Donald Trump took office, his chief strategist Steve Bannon said that his goal was to “deconstruct the administrative state.”³⁵ The phrase “administrative state”—also called “the regulatory state” or “the deep state”—has lately floated into common parlance. In his recently published pamphlet *The Administrative Threat*, the legal scholar Philip Hamburger describes it as “a state within a state,” a sort of parallel legal and political structure populated by unelected bureaucrats.³⁶ This amorphous congeries of agencies and regulations has become, Hamburger argues, “the dominant reality of American governance,” intruding everywhere into economic and social life.³⁷

Article I of the Constitution vests all legislative power in Congress, just as Article III vests all judicial authority in the Court. The administrative state is a mechanism for circumventing both. As such, Hamburger argues, the administrative state operates outside the Constitution.

Binding citizens not through congressionally enacted statutes but through the edicts of the managerial bureaucracy, the administrative state, Hamburger says, is “all about the evasion of governance through law, including an evasion of constitutional processes and procedural rights.”³⁸ Accordingly, he concludes, the encroaching activity of the administrative state represents “the nation’s preeminent threat to civil liberties.”³⁹

29. R. R. Reno, “Republicans Are Now the ‘America First’ Party,” April 28, 2017, *The New York Times*, <https://www.nytimes.com/2017/04/28/opinion/sunday/republicans-are-now-the-america-first-party.html> (accessed June 20, 2017).

30. James Burnham, *Suicide of the West: The Definitive Analysis of the Pathology of Liberalism*, edited by Roger Kimball (New York: Encounter Books, 2014).

31. *Ibid.*, pp. 26–27.

32. *Ibid.*, p. 14.

33. *Ibid.*

34. *Ibid.*, p. 350.

35. Philip Rucker and Robert Costa, “Bannon Vows a Daily Fight for ‘Deconstruction of the Administrative State,’” *The Washington Post*, February 23, 2017, https://www.washingtonpost.com/politics/top-wh-strategist-vows-a-daily-fight-for-deconstruction-of-the-administrative-state/2017/02/23/03f6b8da-f9ea-11e6-bf01-d47f8cf9b643_story.html?utm_term=.6b9834b42cd2 (accessed June 20, 2017).

36. Philip Hamburger, *The Administrative Threat* (New York: Encounter Books: 2017), p. 1.

37. *Ibid.*

38. *Ibid.*, p. 4.

39. *Ibid.*, p. 57.

Hamburger draws an analogy between the behavior of the administrative state and the behavior of the despotic English monarchs of the seventeenth century. Instead of persuading Parliament to repeal or revise a statute, British kings like Charles I or the two Jameses simply evaded its force by decreeing that some or all of their subjects were not subject to its strictures. The king's power was absolute not merely in the sense that it was all but unlimited but also in the sense that it was independent or outside of the law. Students of Latin will recall the Ablative Absolute, a construction in which an ablative phrase is *absolūtum*, "loosened" from or independent of the main clause of a sentence. Hamburger shows how the growth of the administrative state represents an extralegal "revival of absolute power" in this sense, one that threatens to transform constitutional rights and guarantees into mere "options" that the government bestows or withholds at its pleasure.⁴⁰ "The evasion," he notes, "thereby changes the very nature of procedural rights."⁴¹

The Constitution may have vested all legislative power in Congress and entrusted all judicial power to the courts, but the administrative state sidesteps those requirements by erecting a parallel bureaucratic structure of enforcement and control.

Such rights traditionally were assurances against the government. Now they are but one of the choices for government in its exercise of power. Though the government must respect these rights when it proceeds against Americans in court, it has the freedom to escape them by taking an administrative path."

Just as British kings in the seventeenth century evaded Parliament through such expedients as the Star Chamber and the exercise of royal prerogatives

and royal waivers—what John Adams castigated as "those badges of domination called prerogatives"—so the administrative state today operates in violation of the Constitution and beyond the authority of Congress.⁴² Barack Obama decreed that certain politically unpalatable provisions of the Affordable Care Act not be enforced, and presto, they were not enforced, even though they were the law of the land. He instructed his Department of Justice to intervene to prevent Arizona and other states from enforcing certain aspects of immigration law. He even forced public institutions to accommodate self-declared "transgender" persons in the toilets of their choice; he connived with lawsuits punishing bakers and Catholic hospitals and hobby shops that chose not to join this week's politically correct campaign for the sexually exotic.

The Constitution may have vested all legislative power in Congress and entrusted all judicial power to the courts, but the administrative state sidesteps those requirements by erecting a parallel bureaucratic structure of enforcement and control.

"Eighteenth-century Americans," Hamburger notes, "assumed that a rule could have the obligation of law only if it came from the constitutionally established legislature elected by the people."⁴³ Today, Americans find their lives directed by a jumble of agencies far removed from the legislature and staffed by bureaucrats who make and enforce a vast network of rules that govern nearly every aspect of our lives.

One of the most disturbing aspects of Hamburger's analysis is the historical connection he exposes between the expansion of the franchise in the early twentieth century and the growth of administrative, that is to say extra-legal, power. For the people in charge, equality of voting rights was one thing. They could live with that. But the tendency of newly enfranchised groups—the "bitter clingers" and "deplorables" of yore—to reject progressive initiatives was something else again. As Woodrow Wilson noted sadly, "The bulk of mankind is rigidly unphilosophical, and nowadays the bulk of mankind votes."⁴⁴ What to do?

40. Ibid, pp. 20–21.

41. Ibid, p. 39.

42. John Adams, "Thoughts on Government," quoted in Hamburger, *ibid.*, p. 20.

43. Ibid., p. 3.

44. Quoted in Hamburger, *ibid.*, p. 54.

The solution was to shift real power out of elected bodies and into the hands of the right sort of people, enlightened people, progressive people—people, that is to say, like Woodrow Wilson. Thus Wilson welcomed the advent of administrative power as a counterweight to encroaching democratization. And thus it was, as Hamburger points out, that we have seen a transfer of legislative power to the “knowledge class,” the managerial elite that James Burnham anatomized.⁴⁵

A closer look at the so-called knowledge class shows that what its members know best is how to preserve and extend their own privileges. Their activities are swaddled in do-gooder rhetoric about serving the public, looking after “the environment,” helping the disadvantaged, etc., but what they chiefly excel at is consolidating their own power.

No lecture undertaken under the aegis of Russell Kirk is quite complete without a nod to Kirk’s great inspiration Edmund Burke. So I would like to conclude with a sentence from Burke’s 1770 essay, *Thoughts on the Cause of the Present Discontents*. In that essay, Burke criticized the court of George III for circumventing Parliament and establishing by stealth what amounted to a new regime of royal

prerogative and influence-peddling. It was not as patent as the swaggering courts of James I or Charles I. George and his courtiers maintained the appearance of parliamentary supremacy. But a closer look showed that the system was corrupt. “It was soon discovered,” Burke wrote with sly understatement, “that the forms of a free, and the ends of an arbitrary Government, were things not altogether incompatible.”⁴⁶ That discovery stands behind the growth of the administrative state. We still vote. We still have a bicameral legislature. But behind these forms of a free government, the essentially undemocratic activities of an arbitrary regime pursue an expansionist agenda that threatens liberty in the most comprehensive way, by circumventing the law.

At the same time, however, a growing recognition of the totalitarian goals of the administrative state has fed what many have called a populist uprising here and in Europe. *Populist* is one word for the phenomenon. An affirmation of sovereignty, underwritten by a passion for freedom, is another, possibly more accurate, phrase.

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45. *Ibid.*, p. 55.

46. Edmund Burke, *Thoughts on the Cause of the Present Discontents*, in *Select Works of Edmund Burke*, Volume I (Indianapolis: Liberty Fund, 1999), p. 78.
