

THE UNIVERSITY OF CHICAGO

DEMOCRATIC TRUST AND THE LIMITS OF DISTRUST IN DEMOCRACY

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STEPHANIE MICHELLE AHRENS

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Chapter 1

The Crisis of Trust in the United States

The major question underlying this project is one that people have been chipping away at for quite some time: Does democracy require trust? This question contains a multitude of sub-questions. What does it mean to trust? Further who or what needs to be trusted? Should you trust your fellow citizens? Do you need to trust your representatives? What about the representatives from other districts and states? Do representatives need to trust citizens? Should political officials trust each other? How do democratic citizens trust the government if they distrust their fellow citizens, who act and contribute to choosing who acts in those roles? Would trusting, not trusting, or some mixture of the two make for a healthier body politic?

The United States has been mired in a crisis of trust for the last half of a century. Whether or not the crisis of trust is also a crisis of United States democracy depends on your own understanding of trust and its relationship to democracy—and whose books you consult. As someone who envisioned trust to be both intrinsically valuable and functionally beneficial to democracy, what struck me was how it seemed that the Constitution of the United States (at

least as described by Publius in *The Federalist*)¹ was designed to ensure that people could trust the government while creating a system that relied on distrust, self-interest, and ambition to keep each part within its parchment barriers.² Even more, Publius expresses conflicted judgments about human nature and the qualities of citizens—an indubitably natural conflict³ that reveals how assumptions about human nature shaped the form of government. Citizens may have sufficient virtue for *this* system, but a sober consideration of their shortcomings has been a crucial part of forming the intricate safeguards in the Constitution.

Though the antagonism and skepticism that suffuses the government seems purpose-built to confine distrust to certain channels in a way that supports citizens being able to trust each other and the government, there are things about the political order of the United States—the widened (and still quite limited) suffrage, the opening of office to all citizens regardless of landholding, and the complex system that creates a dense social network—that indicate that it may be difficult to contain distrust and keep it from spreading throughout the citizenry.⁴

Considering today’s two-party system, we can see how distrust can seep out of the confines of institutionalized distrust to wider distrust between citizens. When the party that you support has more control over the goings on of government, all is fine. But what about when

1. Citations from *The Federalist* follow the format *Federalist* [essay number].[page]. Page numbers reference the pagination from Alexander Hamilton, James Madison, and John Jay, *The Federalist Papers*, ed. Clinton Rossiter, New York: Signet (2003).

2. The new Constitution being defended uses a thick network of checks and balances so that the new centralized government could “be trusted with all the powers which a free people *ought to delegate to any government.*” *Federalist*, 23.152.

3. The people are factious, passionate, and prone to destabilizing populist tendencies, e.g., in parts of *Federalist* 49 and 50, but also reasonable, judicious, and virtuous in, e.g., 2 and 37, and both in 55.

4. Discussed mostly in the second chapter of this project.

your party only has majority control of both houses of Congress, and the other party holds the presidency and more than one-third of the House of Representative and Senate.⁵ The members of your party may be working diligently to craft and propose legislation that you find essential to the country's health, but the president vetoes a number of passed laws and your party cannot rally the support needed in Congress to overturn the veto. Your party may have won some power, but the arrangement feels unfair when it seems like members of the other party merely oppose the legislation because it is not their own.⁶ When what one or one party of citizens see as important legislation related to, say, a public health emergency being hamstrung by opposition from members of the other party, supporters of the other party may see as the Constitution working to prevent a tyrannical majority from making rash economic decisions.

For a more dysfunctional example, we might imagine a president who began acting tyrannically, in ways that challenged the institutional norms both of the presidency and the country as a whole. You might distrust only the person who is president. Except that your fellows, through the filter of the Electoral College, voted to elect that person to office. How did the president evade correct judgment by the people as a potential tyrant during candidacy? Further, if the House of Representatives and Senate fail to impeach or censure the office in any way, then you might question how much you trust not only those representatives, but also the people who voted for them. Add in the complications of political partisanship and state or

5. Christopher J. Anderson, and Andrew J. LoTempio, "Winning, Losing and Political Trust in America," *British Journal of Political Science* 32, no. 2 (2002): 344-51.

6. The stout disagreement that people encounter even when they might otherwise agree simply because they are of differing parties, or because one party feels that they have not been consulted or listened to is something Publius notes in *Federalist* 70.424-425.

regional concerns, and you have a significant threat to the cultivation and maintenance of trust among citizens as well as to democratic stability.

In this chapter, I sketch out some problems that are connected to decreased trust, especially within the United States, like gridlock, hyper-polarization, and the decline of important democratic norms. But I also suggest that three problems underlie current research on trust and democracy, especially with respect to the study of the United States. 1. The focus on trust has given short shrift to the importance of understanding distrust. 2. It remains unclear what kind of trust is important for democracy amid a landscape of numerous and highly varied conceptions of trust. 3. Foundational issues that might have an effect on our judgment or the prevalence of trust and distrust have been unexamined in favor of more easily quantifiable and measurable linkages like scandals, the economy, and perceptions of government performance.

Why Is Trust Important?

People assume that lying plays a part in politics, even if those lies are as small as fierce political enemies talking about each other as if they were friends in public political discourse to maintain a sheen of decorous collegiality. Hell, it is possible “that the nature of representative democracy impels altruistically-motivated elected parliamentarians to feel entitled to lie to their voters.”⁷ People likewise accept that gamesmanship is a part of politics. It is also nearly expected that politics, by its nature, must endure or be inhabited by some amount of corruption even though that is not ideal. If all of that is true, then the prospect of trusting in government or in those who hold political office is a risky proposition. You, as an ordinary citizen, have given to others

7. Alex Rubner, *The Mendacious Colours of Democracy: The Anatomy of Benevolent Lying* (Charlottesville: Imprint Academic, 2006), vi.

concentrated, coercive political power over you—and the people in charge may well be corrupt! Movies like *Mr. Smith Goes to Washington* embody the frustration of assuming that reality. Meanwhile, the system (and deepening polarization) has made running for office a daunting task.⁸ Candidates become far more open and vulnerable to interactions with others, any skeletons in their closets from opposition research done on them, and if they are outside of establishment circles, or unwilling to make compromises to keep that information out of the public's reach, they are not likely to last long without some political cunning.

What could be more appropriate than a healthy dose of skepticism? Distrust, by some estimations, is what helps us to shape effective and stable government institutions.⁹ So why has there been such an insistence on the importance of trust in democracy?¹⁰ For one, it is difficult to

8. See especially chapter six in Andrew B. Hall, *Who Wants to Run?: How the Devaluing of Political Office Drives Polarization* (Chicago: University of Chicago Press, 2019).

9. One need only look to Machiavelli or Locke [and for a perspective on trust in Locke's work, see Emily C. Nacol, "The Risks of Political Authority: Trust, Knowledge and Political Agency in Locke's Second Treatise," *Political Studies* 59, no. 3 (2011): 580-95] for how distrust shapes how government has been theorized in the history of political thought, though others have theorized particularly about how distrust can be employed protectively in democracy, see Eri Bertsou, "Rethinking Political Distrust," *European Political Science Review* 11, no. 2 (2019): 213-30; John Braithwaite, "Institutionalizing Distrust, Enculturating Trust," in *Trust and Governance*, eds. Valerie Braithwaite and Margaret Levi (New York: Russell Sage Foundation, 1998), 343-75.

10. Piotr Sztompka, "Trust, Distrust and Two Paradoxes of Democracy," *European Journal of Social Theory* 1, no. 1 (1998): 19-32; Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon and Schuster, 2001); Patti Tamara Lenard, *Trust, Democracy, and Multicultural Challenges* (University Park: Pennsylvania State University Press, 2012); Sofie Marien and Marc Hooghe, "Does Political Trust Matter? An Empirical Investigation into the Relation Between Political Trust and Support for Law Compliance," *European Journal of Political Research* 50, no. 2 (2011): 267-91. There are exceptions that argue against trust's importance, like Russell Hardin, "Do We Want to Trust in Government?" in *Democracy and Trust*, ed. Mark Warren (Cambridge: Cambridge University Press, 1999), 22-41; Joseph Gershtenson and Dennis L. Plane, "In Government We Distrust: Citizen Skepticism and Democracy in the United States," *Forum (2194-6183)* 13, no. 3 (2015): 481-505.

imagine how democracy would work well and maintain its legitimacy without trust.¹¹ If there is not a sufficient amount of trust between people, then overcoming collective action problems becomes an arduous and nearly impossible task. As distrust intensifies, each party would require layer after layer of assurance that they were not somehow being suckered by the other under the guise of needing to get urgent legislation passed, and even that might not be enough to gather the agreement necessary to do the work of governing.¹² Democracies with high levels of trust also have higher levels of such desirable things as general well-being,¹³ more economic stability,¹⁴ and lower levels of undesirables like corruption,¹⁵ but perhaps an example of trust failure can make the point more acutely.

11. For an explanation of why trust, especially what he calls spontaneous and institutional trust, is so necessary for democracy, see Sztompka, "Trust, Distrust and Two Paradoxes of Democracy." Another perspective explains how trust allows people of different culture and backgrounds to come together in stable society, Daniel Weinstock, "The Problem of Civic Education in Multicultural Societies," in *The Politics of Belonging*, ed. Alain Dieckhoff (Boulder: Lexington Books, 2004), 107-24. For an argument on how low trust levels exacerbate democratic functioning, see Marc J. Hetherington and Thomas J. Rudolph, *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis* (Chicago: University of Chicago Press, 2015); Marc J. Hetherington, and Jason A. Husser, "How Trust Matters: The Changing Political Relevance of Political Trust," *American Journal of Political Science* 56, no. 2 (2012): 312-25. For a discussion of how distrust and a lack of trust threaten legitimacy, see Gabriella R. Montinola, "Corruption, Distrust, and the Deterioration of the Rule of Law," in *Distrust*, ed. Russell Hardin (New York: Russell Sage Foundation, 2004), 298-324.

12. An example of how distrust's intensification stymies collective action is the infamous failure of the Gang of Eight to pass immigration reform, see Alec MacGillis, "How Washington Blew Its Best Chance to Fix Immigration." (2016): <https://www.propublica.org/article/washington-congress-immigration-reform-failure>.

13. John F. Helliwell, Haifang Huang, and Shun Wang, "New Evidence on Trust and Well-Being," in *The Oxford Handbook of Social and Political Trust*, ed. Eric M. Uslaner Oxford University Press, 2018), 409-46.

14. Francis Fukuyama, *Trust* (New York: The Free Press, 1995).

15. Andrew Wroe, Nicholas Allen, and Sarah Birch, "The Role of Political Trust in Conditioning Perceptions of Corruption," *European Political Science Review* 5, no. 2 (2013): 175-95.

Though I could choose from a host of examples, we can see how trust failures have practical, undesirable outcomes in the current context of the United States in the middle of a pandemic. Trust is already low. When a pandemic caused by a novel virus threatens the country, we see how the erosion of an interconnected web of trust makes life incredibly difficult. Even before the pandemic was on its way, the editorial board of *The Washington Post* decried the lack of government preparedness to address a foreseeable issue.¹⁶ Citizens, then, have a reason to not trust the national government to handle a pandemic. Then, when officials like the president and surgeon general publicly, and in their capacity as political officials, deny the reality and severity of a deadly, little-understood virus, what are citizens to do? News eventually emerged that high-ranking politicians were briefed, became concerned about (some even concerned enough to unethically reorganize their stock portfolios), and even gave a talk to a group of business leaders warning them about the virus in grim terms, and then turned around and told citizens that there was nothing to be concerned about.¹⁷ A divide begins to form between those who continue to trust the political officials and those who trust public health experts, epidemiologists, and other highly-respected people in the field. The result, to the detriment of all, has been a muddled response.

If political representatives, who want to be re-elected, cannot trust that their constituents will understand that tough public-health mandates are put in place in the interest of the common good, and the chief executive of the country continues to downplay the virus, representatives face

16. Board, Editorial, "Be Prepared." *The Washington Post*, 2019.

17. Robert Faturechi, and Derek Willis, "Senator Dumped Up to \$1.7 Million of Stock After Reassuring Public About Coronavirus Preparedness." (2020): <https://www.propublica.org/article/senator-dumped-up-to-1-7-million-of-stock-after-reassuring-public-about-coronavirus-preparedness>.

a tough choice. This sounds silly, of course, because it sounds like it should be an easy choice to save lives, but citizens have proudly flouted mandates and staged armed protests.¹⁸ Some, like Georgia Governor Brian Kemp, frame their decision to not enact critical public-health orders as putting trust in citizens to do what they ought to do without mandating practices such as mask wearing. Quelling the virus requires people to adhere to certain standards of behavior. Since asymptomatic or pre-symptomatic people can spread the virus, wearing masks, staying six feet away from people who are not in your household, and avoiding being in spaces engaging in activities where distancing or masking are not possible, e.g., when eating or drinking, crowded barrooms, activities that require close proximity like jiu jitsu, are the simple measures that can stem surges of infection. But if citizens cannot trust each other to adhere to these rules,—say because people may be having large gatherings at home or going to their favorite two-hour spin class unmasked—then the virus is more likely to continue spreading. Without being able to trust either that government rules will change to support these policies and individuals who may be hurt by them, or that individuals will follow expert recommendations, spaces become less safe even for those who do follow recommendations and prolong the outbreak.

There is no shortage of work that tries to identify or remedy shortcomings or problems of the United States of America's form of government. We can trace the long tradition of thinking and writing on the subject back to the formation of the new Constitution—including some Anti-

18. Of note is that the continued insistence on second-amendment rights signals a lack of trust in the government to not take up arms against you and in your fellow citizens to not threaten your life or property.

Federalist claims that the Constitution asked citizens to trust the new, national government too much.¹⁹

Difficulties Measuring Trust

Beginning in the late 1960s, quantitative evidence of declining trust in the United States government emerged from American National Election Studies (ANES). At the time, the United States was engaged in the Vietnam War and protests against it were raging, the civil rights movement claimed several legislative victories while encountering inhumane defiance and violence, and President Lyndon B. Johnson signed into law the Hart-Celler Act, abolishing immigration quotas based on national origin. Over time, the data show a jagged, precipitous decline in citizen trust in government in the United States, from 49 points in 1958 to 17 points in 2016.²⁰ By the 1980s, academics across fields were writing about two broad questions that the data raise. The first is what trust is.²¹ Trust is a fuzzy concept, lending itself to numerous and somewhat varied definitions. Survey questions that operationalize concepts like trust do not

19. See Cecilia Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government," *The William and Mary Quarterly* 12, no. 1 (1955): 3-43 and cf. Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1998), 486-494, 496-499, and 505.

20. "Trust in Government Index 1958-2016." *The American National Election Studies* (www.electionstudies.org). *These materials are based on work supported by the National Science Foundation under grant numbers SES 1444721, 2014-2017, the University of Michigan, and Stanford University.* <https://electionstudies.org/resources/anes-guide/top-tables/?id=116>.

21. Richard Holton, "Deciding to Trust, Coming to Believe," *Australasian Journal of Philosophy* 72, no. 1 (1994): 63-76; Annette Baier, "Trust and Antitrust," *Ethics* 96, no. 2 (1986): 231-60; Diego Gambetta, ed. *Trust: Making and Breaking Cooperative Relations* (New York: Blackwell, 1988); Christian Morgner and Michael King, eds. *Trust and Power* (Cambridge: John Wiley & Sons, 1979); Marc Cohen and John Dienhart, "Moral and Amoral Conceptions of Trust, with an Application in Organizational Ethics.," *Journal of Business Ethics* 112, no. 1 (2013): 1-13.

always capture full meanings, leaving both respondents and scholars to question what is being asked and measured. The second is what relationship does trust have to democracy, or political and social life generally speaking.²² Is trust necessary? Democratic? Risky? Undesirable?

But there is a disconnect between what the data say and the flurry of work that followed. What the data truly show is a reflection of responses to certain questions, rather than a measure of “trust” as defined by scholars who theorize about trust. The inspired works may not rely on the data, but they do begin from an assumption that what has been measured is at least related to what they have defined as trust. Survey questions designed to measure political trust have serious shortcomings, many of which are related to the difficulty of defining political trust.²³

Looking directly at the questions from ANES²⁴ trust in government battery, they ask how often you trust the government, with government clarified in an opening statement as “the

22. Paul Faulkner, “Finding Trust in Government,” *Journal of Social Philosophy* 49, no. 4 (2018): 626-44; Susan P. Shapiro, “The Social Control of Impersonal Trust,” *American Journal of Sociology* 93, no. 3 (1987): 623-58; James S. Coleman, *Power and the Structure of Society* (New York: W. W. Norton and Company, 1974); Anthony Giddens, *The Consequences of Modernity* (Cambridge: John Wiley & Sons, 1991); Fukuyama, *Trust*; Barbara Misztal, *Trust in Modern Societies* (New York: Blackwell, 1996); Lenard, *Trust, Democracy, and Multicultural Challenges*; S.N. (Shmuel Noah) Eisenstadt and Luis Roniger, *Patrons, Clients and Friends: Interpersonal Relations and the Structure of Trust in Society* (New York: Cambridge University Press, 1984). There is some overlap between these and those who focus on defining trust. Usually, any foray into trust’s relationship to social or political life contains a section devoted to trying to define trust.

23. Suzanne L. Parker, Glenn R. Parker, and Terri L. Towner, “Rethinking the Meaning and Measurement of Political Trust,” in *Political Trust and Disenchantment With Politics: International Perspectives*, ed. Christina Eder, Ingvill C. Mochmann, and Markus Quandt (Boston: Brill, 2015), 59-82; Joseph Gershtenson, and Dennis L. Plane, “Trust in Government,” *2006 American National Election Studies Pilot Report*, 2007); Timothy E. Cook and Paul Gronke, “The Skeptical American: Revisiting the Meanings of Trust in Government and Confidence in Institutions,” *The Journal of Politics* 67, no. 3 (2005): 784-803.

24. Pew Research Center, “Trust and Distrust in America,” (2019). Pew reports similar data, using responses to the ANES question “How much of the time do you think you can trust the government in Washington to do what is right—just about always, most of the time, or only

government in Washington” to “do what is right,” if it is beholden to special interests or all of the people, if they waste tax dollars, and how many “of the people running the government” are “crooked.”²⁵ These questions show the amount of latitude that any respondent might take in thinking about their response. Let us take the first question as an example. What is the government in Washington? Respondents may immediately think of their assessment of the president, all three branches of the federal government, the party that has majority power, or just their elected representatives. “What is right” may also have different meanings to different people. Is it what is fair? What is right according to constituent desires? What is right for the country as a whole? What is right for the individual responding? What is legal?

There are only two to three potential responses to each of these questions, except in the case of the first question where a respondent could volunteer an answer of “I never trust the government in Washington to do what is right” even though it was not a provided option. The responses are given a rating, 0 and 100 for two-option items, 0, 50, and 100 for three-option items, and 0, 33, 67, and 100 for four-option items. Responses are totaled up to create the Trust in Government Index. Higher numbers reflect higher levels of trust, but these are somewhat rough measurements. The upshot of the difficulties of definition and measurement is not that the data do not offer important insights. Rather, it indicates that current surveys on trust offer a small window into the state of trust in the government, not a full view of it.

some of the time” supplemented by data from polls conducted by other reputable organization and themselves to provide more data points regarding answers to that specific question over a broader range of specific dates.

25. These are variables VCF0604-0608.

The state of trust surveys generates further questions in three areas. The first is distrust. Does declining trust mean that skepticism or distrust are on the rise, or that people are becoming trust agnostic?²⁶ Surveys do not specifically ask about distrust, so, unfortunately, we cannot come to any conclusions about distrust from the survey data on trust. And, yet, we make inferences. If trust is low, then its opposite, distrust, must be high. However, in making this bifurcated distinction we neglect a range of middle-ground options that exist between trust and distrust that have yet to be the subject of wide- and high-level survey research in the United States.²⁷ Following that, what is distrust and its relationship to democracy?

The second area in which questions arise is trust. Do these questions represent what it means to trust in the government? Here we are talking about a specific government, that of the United States, so we must ask what it means to trust in a democratic, representative, federal government. Political trust via survey questions is a mixture of belief about some entity or people doing “what is right,” acting in the interest of the people, being a good steward of tax money, and a lack of corruption, all dependent in different ways on how a respondent understands pieces of these questions. Are these broad strokes the most precise understanding of whatever trust democracy demands to function? Or is it something trust-adjacent? It is not the goal of this

26. Cook, and Gronke, “The Skeptical American: Revisiting the Meanings of Trust in Government and Confidence in Institutions”; Gershtenson, and Plane, “Trust in Government.” Trust agnosticism is a disposition one takes that is of neither trust nor distrust. One could say that they do not have the information necessary to determine whether they should trust or distrust government, leaving them in this middle position, talked about by Edna Ullmann-Margalit, “Trust, Distrust, and in Between,” in *Distrust*, ed. Russell Hardin (New York: Russell Sage Foundation, 2004), 67.

27. Steven Van De Walle, and Frédérique Six, “Trust and Distrust as Distinct Concepts: Why Studying Distrust in Institutions is Important,” *Journal of Comparative Policy Analysis: Research and Practice* 16, no. 2 (2014): 158-74.

project to provide an operationalizable definition for terms related to the trust surveys, but recognizing the knotty nature of defining and measuring trust, distrust, and whatever is in between makes it easier to see why there needs to be more attempts at clarity. Perhaps, in the end, these things cannot be operationalized or measured in a way that is fully satisfying. That need not dampen efforts to seek theoretical clarity and specificity, especially when the secondary question—what is trust’s relationship to democracy?—hangs on the answer to the question of what trust is.

If trust is just about believing in and relying on someone else’s commitment to something, then you may very well “trust” that someone who says that they are committed to finding a way to fire you will, indeed, do their utmost to find a way to fire you. But do you trust that person? Certainly not. You believe them, but trust brings with it connotations of care. Trust understood as blind faith, as well as the trust among thieves that is divorced from justice or morality, would also not likely fit democracy well. If trust requires a trustor to have personal experience with the trustee, one could argue that large representative democracies are fine, or even better off, without trust.²⁸ But if trust is a belief that others share a widely understood set of norms and mores, then trust becomes a key component of democracy.²⁹

Finally, the data push us to wonder what could cause such a steep decline in political trust.³⁰ To that effect, researchers have found several interesting linkages between depressions of

28. This is part of Russell Hardin’s argument for why trust in government is not warranted, “Do We Want to Trust in Government?”

29. Patti Tamara Lenard, “Trust Your Compatriots, but Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy,” *Political Studies* 56, no. 2 (2008): 312-32.

30. For a recent review with thoughts on this that have developed over two decades, see Jack Citrin, and Laura Stoker, “Political Trust in a Cynical Age,” *Annual Review of Political Science*, 21 (2018): 56-61.

trust and appraisals of government performance,³¹ scandals,³² a decline in voluntary social group involvement,³³ a lack of shared public culture,³⁴ and even genetics,³⁵ formative experiences in our youth,³⁶ and increasing citizen expectations of government.³⁷ What we have yet to investigate is whether or not the roots of government in the United States might lay some of the groundwork that begins a vicious cycle of distrust, or perhaps does not fully attend to what is needed to foster the trust that democracy needs to function well.

The surveys have provided extraordinarily useful information about general trust in the United States, and part of their importance is the questions that have sprung forth from them. What is trust when we talk about it with respect to democracy? Is it good or bad? Is it a sine qua non of, merely important to, unnecessary for, or even harmful to democracy? And what about distrust with respect to all of the same question? What could contribute to low levels of trust that

31. Virginia A. Chanley, Thomas J. Rudolph, and Wendy M. Rahn, "The Origins and Consequences of Public Trust in Government," *Public Opinion Quarterly* 64, no. 3 (2000): 239-56; Marc J. Hetherington, and Thomas J. Rudolph, "Political Trust and Polarization," in *The Oxford Handbook of Social and Political Trust*, ed. Eric M. Uslaner (Oxford: Oxford University Press, 2018), 579-98; Marc J. Hetherington, and Thomas J. Rudolph, "Priming, Performance, and the Dynamics of Political Trust," *Journal of Politics* 70, no. 2 (2008): 498-512.

32. Shaun Bowler, and Jeffrey A. Karp, "Politicians, Scandals, and Trust in Government," *Political Behavior* 26, no. 3 (2004): 271-87.

33. Putnam, *Bowling Alone: The Collapse and Revival of American Community*.

34. Fukuyama, *Trust*, or poorly ordered institutions William Mishler, and Richard Rose, "What Are the Political Consequences of Trust," *Comparative Political Studies* 38, no. 9 (2005): 1050-78.

35. M. Reimann, O. Schilke, and K.S. Cook, "Trust is Heritable, Whereas Distrust is Not," *Proceedings of the National Academy of Sciences of the United States of America* 114, no. 27 (2017): 7007-12; Gregory A. Porumbescu, and Yoonhwan Park, "Examining the Distinctiveness of Antecedents to Trust in Government," *African & Asian Studies*, 13:3 (2014): 315-37.

36. Eric M. Uslaner, *The Moral Foundations of Trust* (Cambridge: Cambridge University Press, 2002).

37. Russell Dalton, "The Social Transformation of Trust in Government," *International Review of Sociology* 15, no. 1 (2005): 133-54.

has not yet been considered? These three areas, distrust, trust, and contributing factors are addressed in this dissertation.

Roadmap

Distrust

While the focus of most work in understanding trust and its relationship to democracy has, understandably, been on trust, distrust has been so far out of the spotlight that its neglect has become a detriment to the study of trust.³⁸ How can we fully understand trust relationships without also understanding distrust?

In the chapter *The Limits of Distrust*, I argue that the modern tendency to institutionalize distrust in democratic constitutions, usually through a combination of separating powers and adding checks and balances, harms a democratic state. Through an investigation of the character of distrust, I show how these institutional safeguards can become the starting point for a vicious cycle of distrust.³⁹ But distrust is not a solid, single concept. Distrust shifts with

38. Notable exceptions are the work of Van De Walle, and Six, “Trust and Distrust as Distinct Concepts: Why Studying Distrust in Institutions is Important”; Ullmann-Margalit, “Trust, Distrust, and in Between”; Lenard, “Trust Your Compatriots, but Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy”; Roderick M. Kramer, “Collective Paranoia: Distrust Between Social Groups,” in *Distrust*, ed. Russell Hardin (New York: Russell Sage Foundation, 2004), 136-66; Katherine Jane Hawley, “Trust, Distrust and Commitment,” *Noûs* 48, no. 1 (2014): 1-20; Russell Hardin, “Distrust: Manifestations and Management,” in *Distrust*, ed. Russell Hardin (New York: Russell Sage Foundation, 2004), 3-33; Henry Farrell, “Trust, Distrust, and Power,” in *Distrust*, ed. Russell Hardin (New York: Russell Sage Foundation, 2004), 85-105; Bertson, “Rethinking Political Distrust.”

39. Arguing for how institutional safeguards can become the starting point of a vicious cycle of distrust goes with the general recognition that distrust breeds distrust and can spread like an infection throughout a system, see Philip Manow, “Low-Trust and High-Trust Equilibria in Politics: Party Patronage and Political Corruption as Coordination Games,” in *Jahrbuch Für*

varying degrees and characteristics, and I highlight two features (egoism and competitiveness) that aggravate the vicious cycle of distrust in democratic body politic.

Even when used as a protective measure distrust begets more distrust. With increasing distrust comes the inevitable dampening of trust because when distrust becomes the fundamental disposition of the relationship between people, then no one is given the chance to prove that they can be trustworthy.⁴⁰ If trust is as important to democracy as some have argued, then it would seem that distrust ought to be limited to prevent democratic backsliding. When the norms and operations of political institutions formalize distrust, distrust becomes part of what shapes the political activity of citizens who act in those institutions. Additionally, people do not find people acting within the rules of the system sufficient to win their trust. Meaning and motivation matter, so simply following fair processes and delivering good outcomes is not enough. People care, at least in studies on the business world, that those who are entrusted with power are following established norms, act fairly, and do so not simply because they need to be seen as “in compliance.”⁴¹ Political officials model political activity for ordinary citizens, and if their actions are structured on distrust then that is what they model. Which leaves us with an important question: How can democracy deal with the potential for abuse of trust without establishing a system that seeds roots of distrust that I argue are ruinous for democracy?

Handlungs- Und Entscheidungstheorie, ed. Plümper T. Burth HP. (Wiesbaden: VS Verlag für Sozialwissenschaften, 2003), 7-30.

40. Deborah Welch Larson, “Distrust: Prudent, if Not Always Wise,” in *Distrust*, ed. Russell Hardin (New York: Russell Sage Foundation, 2004), 47.

41. Joel Brockner, and Emily C. Bianchi, “Breaking the Vicious Cycle of Low Trust in Decision-Making Authorities: It’s What They Do and How They Do It,” in *Restoring Trust in Organizations and Leaders: Enduring Challenges and Emerging Answers*, ed. Roderick M. Kramer, and Todd L. Pittinsky (Oxford: Oxford University Press, 2012), 269-70.

Democratic Trust

The following chapter argues that a domain-specific account of trust can help us to answer the question of balancing trust and risk in democracy. When we look at data that say that trust in government is declining and read arguments about why trust is good or bad for democracy, there is one significant point of confusion: everyone seems to be using slightly (and sometimes vastly) different understandings of trust. Defining trust in terms of specific domains increases precision when using a typically fuzzy term and helps us to formulate sharper arguments about trust's character and role in that domain.

Recognizing the need for a domain-specific account of trust, I establish parameters for democratic trust that combine the intrinsically valuable, moral features of trust with a benign form of distrust. Democratic trust addresses the riskiness of trusting people with coercive political power over you and does so without either losing the sense of care for the common good or providing roots for the growth of harmful distrust.

Distrust, Democratic Trust, and the Constitution

Having defended positions on the danger of relying on a system of institutionalized distrust and the case for the importance of democratic trust in a democratic body politic, I analyze how trust and distrust are supposed to work in the United States Constitution through a reading of *The Federalist*. I argue that *The Federalist's* characterizations of trust and distrust fall short of democratic trust and provide a foundation for problematic distrust, setting the stage for crises of trust.

I am absolutely, categorically not making a causal argument. Try as I might, I have yet to imagine a methodological framework that would satisfy those who want to know if I can prove

either that the distrust in *The Federalist* that colors the Constitution of the United States is a source of current democratic ills like steeply declining trust in government, hyperpolarization, inequality, and all of the things that follow from them, or that a more trust-minded defense and system of democratic government would avoid those problems. I do imply that those things may be true. But what I am arguing for is this: When we sit down to think about what a democracy should look like, is it possible that trying to create systems of trust would be better than creating systems of distrust that we, working from a seemingly pragmatic point of view, have decided are our best chance at securing trust, legitimacy, or safety from tyranny?

Although this project does not intend to provide a formal or quantitative claim about the cause of the decline, it argues that constitutions may play a role in setting the stage for either trusting or distrusting citizen and government relations. It makes this argument by clarifying the roles of trust and distrust in a democracy, showing that 1) democracy requires trust, 2) because trust and distrust oppose one another, there are limits on how much distrust a democracy can tolerate, 3) the system of checks and balances in the United States is inherently distrusting, and 4) because of the United States' democratic features, the distrust that fuels checks and balances will eventually trickle downward and outward, surpassing the limits tolerable to a democracy. I suggest that creators and revisers of democratic constitutions should be attentive to fostering democratic trust and limiting distrust as much as possible.

Chapter 2

The Limits of Distrust

In the next chapter, I show that although scholars have offered numerous and varied formulations of trust and argued about the degree to which it is important, trust is a vital component of democracy. Let us, for now, take for granted that this is true, relying on others who have argued that trust supports goods like political legitimacy, voluntary compliance with laws and norms, and enables a plural society to make important political decisions that address domestic and international issues even when there is disagreement.¹

Trust, for all of its merits, can be dangerous. An overly trusting society can be a target for internal bad actors—your usual democratic boogymen: demagogues, tyrants, con artists—who would exploit that trust for their own ends.² The response to the danger of trust has been to institutionalize distrust. What I mean by “institutionalize distrust” is that institutions are built as

1. Lenard, *Trust, Democracy, and Multicultural Challenges*.; Hetherington, and Rudolph, *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis*; Montinola, “Corruption, Distrust, and the Deterioration of the Rule of Law.”

2. There is a difference between trust and gullibility which does seem to be somewhat ignored. A study has found that people who are predisposed to trust others are still able to discern when trust is not warranted, and are not at a higher risk of misplacing trust than those who routinely distrust others even when that distrust is not warranted, Julian B. Rotter, “Interpersonal Trust, Trustworthiness, and Gullibility,” *American Psychologist* 35, no. 1 (1980): 1-7.

an extension and reflection of distrust, e.g., if you do not trust people with political power, you design institutional ways to rein in their use of that power. Systems of democratic or quasi-democratic government are designed with a pragmatic eye toward curbing problems associated with power, so writers and theorists of democratic constitutions separate the powers of government (sometimes many times), detail transfers of power, devise frameworks of checks and balances, and attenuate populist or mob-like voting tendencies among “the masses” through institutional design. It has been argued that these measures make it possible for people to trust in government or perceive their government as legitimate, and we can reason through how this works. When these institutional norms are being followed and it seems that political processes and outcomes are relatively fair, citizens have little reason to worry in the ordinary course of governing and power changing hands, even when governing is done by a person’s less preferred candidate. Should a problem arise, citizens have the power to deal with it through their own channels of political power: bringing suit, politically organizing to communicate with officials and citizens, running for office, or denying a bad actor re-election.

Ideally, a democratic system that institutionalizes distrust works to contain distrust and channel it into positive efforts to safeguard democratic stability and maintain citizens’ freedom. Distrust stops working so well when people no longer follow the norms that distrust inspired to preserve legitimacy, when political processes and outcomes no longer seem fair, or when citizens’ ability to use their power to hold others accountable and effect meaningful political change is diminished. Crucially, the breakdown of distrust’s usefulness is tied to distrust breaking past its containment and intensifying, e.g., when decisions to attenuate populist or mob-like voting tendencies result in the creation of gerrymandered electoral maps that are clearly designed to benefit one political party over another legitimate party, casting doubt on legitimacy and fairness,

and intensifying distrust by providing people a particular political reason to distrust the system that allowed for that to happen, the people who put it into place, and those who voted for and continue to support those who put it into place.

Given how foundational distrust seems to be in ordering democracies, there has been surprisingly little interrogation of what distrust actually is and whether institutionalizing it could bring about critical problems for democracy. In this chapter, I take the stance that if we agree that *trust* is important for democracy, then we have to seriously consider how and why democracies rely on institutionalizing *distrust*, the dangers of doing so, and how we might avoid those dangers, all of which should be informed, in part, by careful attention to the characteristics of distrust.³ The answers to these questions are miles away from each other depending on if distrust is an aphoristic disposition of a healthy dose of skepticism or a more rigid refusal to ever cooperate with or trust others. A lack of theorizing about distrust's meaning makes it harder to answer questions about distrust and democracy. While I do not supply a complete theory of distrust here, I do use the few existing theories to show how distrust intensifies and spreads and how distrust can look and act differently depending on its character and degree.

I argue that institutionally enshrining distrust as a safeguard against corruption or tyrannical impulses in a democratic body politic is corrosive when calibrated without regard for democracy's form, function, or the negative effect that distrust has on democracy. The main cause for concern is that distrust tends to spread and intensify in a vicious cycle, eroding necessary trust, impeding the repair of trust relationships, and imperiling legitimacy. If trust is as

3. Perhaps attempting to avoid the dangers of institutionalizing distrust will lead to new problems, and those should be investigated and questioned, too.

important to a democracy as some have argued, then it would seem that distrust ought to be limited to prevent democratic backsliding. Although in theory distrust has been deployed limitedly, when the norms and operations of political institutions formalize distrust, distrust becomes part of what shapes the political activity of citizens who act in those institutions, which in turn models political activity for ordinary citizens.

To make the case for considering the limits of distrust in a democracy, I focus specifically on two things. One is that distrust institutionalized between branches of government can spread outward and downward, threatening a democracy with widespread, sclerotic distrust. Although theories explain how distrust slides into a self-reinforcing “vicious cycle” or spiral of increasing distrust, they have yet to be applied to constitutional analysis, and institutionalized distrust is treated as a necessary component of democracy without regard for its potential wider impact.⁴ The other is that distrustful mechanisms differ in character and degree, and the differentiations can either soften or aggravate distrust’s less democratic features. I argue that institutionalizing distrust is harmful to democracy when it is framed and understood as rooted in egocentric competition or the structure of the institutions themselves encourage an ethos of egocentric competition, rather than a cooperative sense of mutual care or concern for human rights.

I⁵ proceed by first considering two of the general conceptions of distrust currently available: a commitment-based account and a rational choice account. From there I evaluate how

4. Piotr Sztompka, *Trust: A Sociological Theory* (Cambridge University Press, 1999).

5. I am still trying to figure out how exactly to formulate the appropriate motives for democratic trust and mistrust. It can, but need not be, altruistic, but the desire to protect personal rights cannot cross the line into competitive, egocentrism.

distrust interacts with democracy, including reasons why democracies tend to institutionalize distrust. While institutionalizing distrust has become an accepted and even expected part of democratic constitutions, I point to potential problems in doing so. These problems are distrust's tendency to spread and the effect that the character of these distrustful institutions can stymie the trust necessary to sustain a healthy democracy.

What Is Distrust

Distrust is far less studied than trust, but it is equally important to understand given that democratic constitutions tend to institutionalize distrust as a safeguard against corruption. With respect to distrust's place in a democracy, thinking has coalesced around two opposite points on a spectrum: distrust may be salutary as a "healthy dose of skepticism," or distrust may be harmful because it forecloses the trust necessary to sustain democracy.⁶ Arguments of both sorts are rarely absolute, i.e., there is usually room to say that trust, too, is important or that distrust might be less than ideal, but there is a consensus that widespread distrust indicates democratic trouble.⁷ What I do here adds a dimension of specificity and clarity that goes beyond a general mixing of trust and distrust, because I identify the aspects of trust and distrust that contribute and endanger democracy. Without a larger conversation about what distrust is, we miss out on a more complicated, but certainly richer, understanding of distrust. While I am not crafting a full

6. Braithwaite, "Institutionalizing Distrust, Enculturating Trust"; Bertsou, "Rethinking Political Distrust"; Yann Allard-Tremblay, "Trust and Distrust in the Achievement of Popular Control," *The Monist* 98, no. 4 (2015): 375-90; Matthew R. Cleary, and Susan Stokes, *Democracy and the Culture of Skepticism* (New York: Russell Sage Foundation, 2006); Russell Hardin, ed. *Distrust* (New York: Russell Sage Foundation, 2004).

7. There are examples of arguments that distrust is a sign of a vigorous democracy, but the argument for why distrust and skepticism are good is that corruption is high! Cleary and Stokes, *Democracy and the Culture of Skepticism*.

conception of distrust in this dissertation, I am explaining why certain potential features of distrust should be avoided when crafting democratic institutions. In general, when I refer to distrust I am referring to an intentionally vague and broad disposition of skepticism in another person, to which various features can be appended—that skepticism might, for instance, be about the other person’s truthfulness or competence, it might be backed up by knowledge or belief about the other person’s motives or past behavior. This section draws out why that is the case and calls for more work to be done in defining distrust.

As it stands, conceptions of distrust can be sorted into three broad groups: the absence or diminishment of trust,⁸ a contrapositive of trust,⁹ or skepticism of the “trust, but verify” variety.¹⁰ But distrust has been treated as secondary to trust, often appended to thorough works on trust as simply the absence or negation of whatever the fully fleshed out concept of trust is.¹¹ Trust can refer to something akin to religious faith or hope, a formal or informal contractual relationship replete with specific legal terms, the decision to act on a judgment about someone’s trustworthiness, an individual psychological disposition of optimism that guides their

8. Knud Ejler Løgstrup, *The Ethical Demand* (South Bend: University of Notre Dame Press, 1956).

9. This is the most common formulation of distrust when it is given a definition rather than treated as merely the absence of trust (which is the most popular treatment of distrust). Whatever trust is, distrust is when the conditions of trust are negated. Cleary, and Stokes, *Democracy and the Culture of Skepticism*; Hardin, *Distrust.*; Hawley, “Trust, Distrust and Commitment”; Edna Ullmann-Margalit, “Trust Out of Distrust,” *The Journal of Philosophy* 99, no. 10 (2002): 532-48.

10. Gershtenson, and Plane, “In Government We Distrust: Citizen Skepticism and Democracy in the United States.”

11. Trust’s definitional bareness can be seen even in something as simple as checking the *Oxford English Dictionary*. The entries for trust as a noun and a verb combined are roughly thirty printed pages, whereas the combined entries for distrust fill only four pages. We might say that that indicates that the usage of distrust is straightforward, but it is as rich of a term as trust.

interactions with others, separate from or bound up with your knowledge of someone's past behavior or current motivations and subsequent expectations formed off of your knowledge. It has a variety of facets, characteristics, and degrees, each of which works differently in different contexts. Religious trust, for example, might not be the kind of trust you want people to have in a democratic executive, but that does not necessarily mean then that there should be no trust between the people and a democratic executive. It could be that another form of trust would be more suitable. Distrust should be similarly teased out so that we can identify the parts or kind that suit democracy and those that do not.

Notable exceptions to the scarcity of work defining distrust are theories by Edna Ullman-Margalit and Katherine Hawley. They share some similarities, like trying to be consistent in treating trust and distrust as contrapositives and giving attention to the definition of each and concluding that we can have relationships that involve neither trust nor distrust. But there are also marked differences between the two, and the differences indicate that there is room for still more work to be done here. Additionally, even though the two conceptions of distrust are quite different, we can see how distrust conceived either way is a double-edged sword that can be protective, but can also spread, intensify, and be less than ideal for democracy.

Ullman-Margalit presents trust and distrust on a spectrum, where trust and distrust are graded with respect to our belief that another person will act in our best interests.¹² On this spectrum, there is room for an agnostic position of non-trust (and non-distrust) in which "I lack the belief that you intend to act in my best interests with respect to a given matter."¹³ Non-trust

12. Ullmann-Margalit, "Trust, Distrust, and in Between."

13. Ullmann-Margalit, 67.

falls short of distrust, merely indicating that I have no reasons to either trust or distrust you. This trust-neutral disposition challenges the idea that where there is low trust, there must be distrust. Having no reason to trust someone does not necessarily mean that you have reasons to distrust them.¹⁴ This neutral position might characterize many low-stakes situations involving distant acquaintances, strangers, or those whom we may trust in some matters but neither trust nor distrust in others, e.g., you might trust that your beloved local ballet company's artistic director will program a season that you will enjoy because she has in the past and you trust her balletic artistic vision, but neither trust nor distrust her to curate a museum exhibit on portraiture through the ages. Power, depending on one's assessment of it and human nature, may make this neutral position impossible for many political relationships. If you believe that power always corrupts or that the fallibility of human beings in a complicated world makes giving anyone concentrated political power an untenably risky proposition, then those conditions may constitute sufficient reasons to distrust anyone with unlimited, substantial, or even marginally increased political power.

We cross from distrust-agnosticism into distrust, according to Ullman-Margalit, when we affirmatively believe that someone else will not act in our best interest in a given situation. Several other levels of distrust give way to full distrust, which is defined as “when I believe that you intend to act, with respect to that matter, against my interests qua my interests—that is, because they are my interests.”¹⁵ Full distrust can even be extended into complete distrust by

14. The liminal space between distrust and non trust is, in fact, one of the difficulties with extrapolating information about distrust from studies on trust and highlights again the need for trying to understand distrust on its own terms, Bertsou, “Rethinking Political Distrust,” 215.

15. Ullmann-Margalit, “Trust, Distrust, and In Between.”

expanding the belief that a certain person will act maliciously against your interests in all matters rather than just in a specific instance. Motive becomes a paramount factor in categorizing deeper levels of distrust.

The spectrum of distrust shows how distrust can progress. Starting from a general presumption of non-trust, if someone were to betray you or act in a way that made you question their trustworthiness, then your degree of distrust in that person will increase with any negative experience. Kinship, forgiveness, or other forces can make a relationship more resilient, lessening the potential for a negative spiral into distrust, but that resiliency is not impervious to repeated betrayal or disappointment. There are opportunities to repair the relationship to restore it to non-trust or even on to the spectrum of trust, but once you reach full distrust, it may be impossible to find ways to move toward trust or even non-trust. If we imagine institutionalized distrust as providing grounds for resilient trust in government that can withstand when officials, elites, or ordinary fellow citizens disappoint us, we see how distrust can be benignly employed.¹⁶ Still, if democratic government requires some trust or cooperation to function, it is clear that full and complete distrust ought to be avoided.

Additionally, Ullman-Margalit differentiates between benign, or soft, distrust (a strategic position meant solely to protect one from being the proverbial sucker in game theoretical models of trust) and harmful, or hard, distrust (a strategic position that exploits a trusting party).

Differentiating between benign and harmful distrust provides a basis for paying attention to the character of institutionalized distrust to ensure that it aligns more closely with clearly protective,

16. And, while no system will ever be foolproof, it is clear that the protection provided by that resiliency is limited.

soft distrust rather than exploitative and inflammatory hard distrust. Even soft distrust, however, can foreclose opportunities for mutual cooperation.¹⁷ In hedging your bets against the possibility that the other person is not going to act trustworthily, you may always act as if you are suspicious of them no matter how often the other person demonstrates their trustworthiness, getting in the way of building a relationship of trust.

In Ullman-Margalit's account of distrust, we can tease out a couple of potential parts of distrust. The first is that there are degrees of distrust that can escalate, and they interact with a relationship's resiliency. I could distrust someone a little, and they could redeem themselves and win my trust—or continue to confirm my belief about their untrustworthiness; my best friend could greatly disappoint me, and I could continue to trust or distrust her minimally rather than making an abrupt about-face from fully trusting her to fully distrusting her. Depending on the circumstance, different degrees of distrust may be warranted, so it is possible that a certain amount of distrust may be appropriate to democracy, but we would still need to define and limit that degree. Second, distrust might involve belief or knowledge about the potential trustee's motivations for acting or their competency. Thirdly, there are kinds of distrust. Ullman-Margalit illustrates the difference between benign and harmful distrust, and it is possible to theorize about even more kinds. Lastly, distrust here is oriented toward an individual in a specific instance with respect to action in *my own interest*, though more extreme distrust can mean that you completely distrust that individual in all circumstances. This raises the question of whether distrust could also be a more generalized disposition and if it can refer to action in the interest of a community

17. Ullmann-Margalit, 72-73.

or a set of ideas rather than one's own particular interest, which would seem to be true. I have also commented on how distrust thus conceived could be good or problematic for democracy.

Hawley offers an account of distrust in terms of commitment, with the overarching goal of creating a combined theory of trust and distrust that avoids the problem of burdensomely moral and unclear definitions of trust that then simply define distrust as the absence of trust. In the commitment-based theory, "To distrust someone to do something is to believe that she has a commitment to doing it, and yet not rely upon her to meet that commitment," wherein non-reliance means that you will act as if she may or may not meet that commitment, rather than firmly believing that she will fail to follow through.¹⁸ To give a political example, you might distrust the winner of an election who is a member of an opposing political party when she says that she will fight for policies that help all of her constituents, not merely her partisans. Because of that distrust, you might organize a political rally or engage in other forms of political activism to advocate for policies that you support. If you firmly believed that she would fail to follow through, you might instead resign yourself until the next election, or organize less to change her vote or proposed legislation and more to bring attention to important issues that may change the minds of those who supported her or did not vote. The commitment at issue must be clearly understood, reasonable, and can be explicit or implicit.

Commitment-based distrust is narrow, in part, because of this definition of commitment. If you believe a person has no commitment to X—especially if X is potentially unreasonable or unclear—then your relationship with them is not one of distrust, but something else. This does

18. Hawley, "Trust, Distrust and Commitment," 10. The theory of reliance that she is extending here is from Holton, "Deciding to Trust, Coming to Believe."

raise the question about what the relationship is between a citizen and a political official when the citizen believes that the official is not committed to democratic ideals or following the established norms of institutions, because under this definition it is not one of distrust. Binding trust and distrust to this limited understanding of commitment prevents people from asking too much of those they trust and necessitates clarity on the nature and bounds of the commitment they impute on others, but also leaves some potential democratic relationships that seem to clearly be a matter of trust or distrust in categorization limbo.¹⁹

The normative aspect of Hawley's commitment-based distrust is as narrow as commitment. In commitment-based distrust, we retain the normative standard that one should try to fulfill commitments, but beyond that, normative and moral judgments are neither part of deciding to trust or distrust, nor are they the outcome of surprised, fulfilled, or failed relations of trust and distrust. The goals of the commitment and the motives of the person either fulfilling or disappointing that promise are irrelevant.²⁰ Ordinarily, if a person has a commitment to something immoral or morally dubious, that would be grounds to distrust her, wherein distrust refers to regarding that person with suspicion or doubting their honesty or reliability rather than commitment-based distrust. Hawley argues that this view of distrust wrapped up in judgment of morality and motivation makes defining distrust confusing. Therefore, in commitment-based trust, you trust that a person who declares their intention to, say, arbitrarily expelling all non-Christians from a country, is indeed committed to fulfilling that commitment.

19. I, obviously, think that is a problem, but still have not been able to put my finger exactly on why.

20. Hawley, "Trust, Distrust and Commitment," 13-14.

With respect to motives, one would normally find it troubling to find out that someone was just paying lip service to democratic commitments so that they could win some power and exert their individual political will with the extra force of a held office. In the case of the politician paying lip service to democratic commitments to amass power, people believe the politician has a commitment and rely on the politician to follow through, not knowing that the candidate's commitment was false. In commitment-based trust and distrust, the relationship between constituents and the politician is not one of trust or distrust because it was based on a fraudulent understanding of commitment. But it should clearly be a case that ends in a relationship or judgment of distrust, which make the commitment-based account of distrust confusing.

By limiting commitment and normative considerations, defining what qualifies as trust and distrust can be much clearer. Free from the quagmire of determining whether someone can be trusted if they have made a sincere commitment to do something noxious, we can simply say that the person is a bad actor who can be trusted to do what he pledges to do. If a person can be relied upon to fulfill a commitment, even if the commitment is disagreeable or could be characterized as misbehavior, then saying that they can be trusted does not carry a moral judgment that the person can be trusted *to do something good or for the right reasons*. Separating trust and distrust from a normative evaluation of the substance of a commitment or a person's motives in completing or failing to follow through on a commitment is clarifying, if unintuitive.

I have pointed to a couple of ways in which commitment-based distrust can interact with democracy. At a general level, we can perhaps simply imply that a large majority of people in a democratic country have a commitment to democratic ideals and the agreed-upon democratic processes when making political decisions. If citizens were to take a protective disposition of

distrust toward their representatives or fellows, then that means that you believe that they have a commitment to democratic values, equality, justice, care for each other, but you do not rely on them to follow through. That is an existential political problem if that is the primary disposition. Democracy requires work, but it would be exhausting to always act as if someone may or may not satisfy these essential commitments, especially when failure could significantly impact citizens' lives.²¹

Both Ullman-Margalit's spectrum of distrust and Hawley's commitment-based distrust share the idea that distrust can be protective, by setting a standard for why one should not enter into a trust relationship with someone else or providing a reason for someone to act as if the other person might fail in their commitment or might take advantage of their trust. But distrust can also prevent people from collaborating with one another fully or can make collaboration an expensive effort. For both, distrust is connected to belief, and goes beyond mere calculated (un)reliability.

In some ways, these two accounts of distrust are radically different, and there is clearly room for more work to be done to identify aspects of distrust in the same way that trust has been treated. In the commitment-based account of distrust, the priority of action being done in *my* best interest that is a central part of Ullman-Margalit's distrust, is completely absent. The commitment could be to anything, in anyone's interest, the most relevant matter is whether or not the trustor relies on the trusted. The commitment account's narrowness makes distrust an attitude applied to discrete relationships that merely influences how someone who distrusts another acts, given that the person cannot be relied upon to fulfill a particular commitment,

21. This is the lived experience of those experiencing oppression in democracies.

rather than a decision to either enter into a trust relationship with someone or not. And whereas from Ullman-Margalit's spectrum of distrust we see that it is possible for the decision to distrust to be loaded with judgments of morality, competence, or motivation, these are absent from Hawley's account. The wide gap between these two shows that there is yet more work to be done in conceptualizing distrust. Increased attention to distrust could help to clarify murky distinctions that plague work that involves distrust in politics, religion, economics, business management, ethics, etc. We need to identify the specific kinds or features of distrust with the same vigor evident in the study of trust.

The variations in the accounts of distrust above are evident also in how scholarship presents distrust's role in a democracy, where conceptions of distrust are similarly varied if somewhat less robustly developed. For example, Meena Krishnamurthy argues that distrust is key to tempering tyranny while recognizing that extreme distrust can pose a threat to democracy.²² On the other side, Patti Tamara Lenard relates that all distrust is undesirable, though sometimes necessary.²³

Democracy and Distrust

In this section, I consider the view that distrust is salutary or necessary for democracy. Distrust can, of course, be justified, and still not be ideal. The argument that I am making in this dissertation is not that there ought to be no distrust, either structurally instituted or in

22. Meena Krishnamurthy, "(White) Tyranny and the Democratic Value of Distrust," *The Monist* 98, no. 4 (2015): 391-406.

23. Distrust has been positioned as desirable for its usefulness as a safeguard and a motivation for action, but it does not seem to be something valued in and of itself, which we might compare to how trust is often positioned as a virtue. Lenard, "Trust Your Compatriots, but Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy."

interpersonal political relationships. It is, instead, that *certain forms or parts* of distrust are less compatible with and beneficial for democracy. Therefore, it would be prudent to avoid crafting institutions based off of egocentrically competitive forms of distrust, which I argue are particularly problematic.²⁴ Arguments for distrust’s usefulness primarily foreground its role in protecting against political malfeasance and corruption. These arguments for justified distrust reflect evergreen and ever-urgent political anxieties, but do not address the array of *kinds* of distrust and how different kinds might serve or harm democracy. Eri Bertsou’s argument stands out by separating institutionalized distrust and its aim of securing freedom (what she terms “liberal distrust”) from the kind of immediate distrustful attitudes of citizens toward political actors, the government, and political life that plague dysfunctional democracies (“political distrust”). In sections four and five, I counter Bertsou’s argument that classical liberal distrust is beneficial for democracy precisely because classical liberal distrust still does not account for how various forms, aspects, and degrees of distrust can affect the practice of democracy. Further, I show how the distinction between mere citizens and political officials are blurred in a democratic body politic such that attempting to contain distrust only to officials is, at least theoretically, quite difficult.

Why Might Democracy Need Distrust?

Distrust and skepticism can be seen as essential to democracy, wherein the stakes of politics appear to automatically justify distrust.²⁵ In sharing political power with their fellows, democratic

24. While I elaborate on egocentric competitiveness below, it is connected to Ullman-Margalit’s hard distrust insofar as it encourages strategically using distrust to further personal goals, though it is not necessarily exploitative in the way that hard distrust is.

25. Vivien Hart, *Distrust and Democracy* (Cambridge: Cambridge University Press, 1978);

citizens make themselves vulnerable to each other's will. Trusting co-citizens with coercive political power presents a high degree of risk, raising questions about whether it is reasonable or prudent to trust the government, as an institution, or (groups of) individuals using political power—whether as officials or ordinary citizens.²⁶ Democracy does not guarantee that individual citizens will get the political outcomes that they wish, or even that citizens will be free from potential government-induced harm.²⁷ Whether political power is most actively used by a full assembly of citizens, elected officials, or officials selected by sortition, democratic citizens are vulnerable to each other's will.

Citizens exert power over each other in numerous typical democratic processes. Examples could come from trials, elections for representatives, actions of legislators, executives, or the judiciary. In any election, for example, citizens have the opportunity to use their political power to choose a representative. Whoever wins that election will then hold whatever power has been entrusted to them. If you happen to be a Republican who lives in Chicago, or a Democrat who lives Oklahoma, you may feel that you have little political power and cannot trust your fellows to either vote in a way that recognizes your interests or perspective on what is in the common interest. Geraldo, who uses a walker, might vote for a candidate who pledges to expand

Hardin, "Distrust: Manifestations and Management"; Gershtenson, and Plane, "In Government We Distrust: Citizen Skepticism and Democracy in the United States."

26. Hardin, "Do We Want to Trust in Government?" Hobbes supplies a reason—the state of nature is even riskier—but his solution is an absolute sovereign, perhaps less risky than trusting all fellow citizens to collectively make important political decisions.

27. Democracy might offer remedies, or aim to prevent harm to its citizens, but it cannot guarantee that the remedies or preventive measures will be successful. We can, however, question if democratic bonds or social contracts are broken when citizens (either at large, or certain groups, or an individual) are harmed. What constitutes harm, etc., are difficult follow up questions, but this falls far out of scope for this project. It is sufficient to say that democracy, like any political arrangement, has risks.

accessible infrastructure. Elena, who was recently laid off and faces unmanageable property taxes on an upside-down mortgage, might favor someone who has pledged to lower the tax rate.

When one candidate wins, others who represent the needs and desires of a minority of those who voted, lose.²⁸ We might hope that our fellows will vote for someone who will, at the very least, not cause us (either as individuals or a nation) harm. But they could.

So, if we are either hypothetical writers of a democratic constitution, deciding how to order government or ordinary citizens in an existing democracy deciding how to act in the political sphere should we trust citizens to make decent electoral, legislative, judicial, or executive choices? Or is distrust the wiser disposition? You might wonder why I have taken a general approach to this question—would it not be relevant to think about context? In truth, it might be, but in modern democracy we are talking about making a decision about ordering political life for people who will never know each other. In smaller cases of local government, it might be that what we know about our town of 3,000 people provides sufficient reason to trust, or to be highly selective about how, whom, and why we distrust.

Whether we should trust each other or not, there is some evidence to suggest that people have less trust in the government when their candidate loses the presidential race.²⁹ While recording lower levels of trust does not tell us anything positively about growth in distrust, it suggests that even if the election was perceived to have been fair, people have less trust in a

28. Democracy need not be a zero-sum game, and the elected person might end up addressing the needs and desires of those who preferred her opponents. But, in the meantime, the agendas of the winners or majorities take priority.

29. Anderson and LoTempio, “Winning, Losing and Political Trust in America.” The study has a small N of only two elections (1972 and 1996), and authors opine that races with a less clear winner like 2000 might be confounding.

government led by a member of an opposing party. Distrust, therefore, might be unavoidable in a democracy. Even if one's preferred candidates win in Congress, backing the loser for the presidency exacts a trust toll.³⁰ The data do not collect reasons why this happens, but it seems likely to be connected to the stakes of politics and heightened polarization.³¹

The Upside of Distrust (Or Mistrust)

If citizens are expected to share coercive political power with each other, wherein some or any could suffer harm from the decisions of others, then the benefits of distrust ought to be considered. Two that stand out are: (1) distrust or skepticism might inspire citizens to critically consider candidates and policies, promoting civic vigilance and political accountability and drive action based on those critical considerations, and (2) at the level of institutional design, it creates roadblocks that theoretically discourage, penalize, or make it difficult to do harm. Both stem from the concern that giving others political power is a risky proposition and could be characterized as fitting into a broad category of “a healthy dose of skepticism.” Some have separated these positive features from distrust and categorized them as mistrust.³²

30. Cf. Marc Hooghe, and Dieter Stiers, “Elections as a Democratic Linkage Mechanism: How Elections Boost Political Trust in a Proportional System,” *Electoral Studies*, 44 (2016): 46-55 who find that in systems where losers still have a share in power in Belgium, there does not seem to be a significant difference in trust between winners and losers.

31. Polarization contributes to identifying the opposing party as corrupt or harmful, and can reinforce the idea that if the opposition wins—especially if they win continuously—the process may be corrupt, Shanto Iyengar, and Sean J. Westwood, “Fear and Loathing Across Party Lines: New Evidence on Group Polarization,” *American Journal of Political Science* 59, no. 3 (2015): 690-707; Hetherington, and Rudolph, *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis*; James L. Martherus, *et al.*, “Party Animals? Extreme Partisan Polarization and Dehumanization,” *Political Behavior*, (2019): 1-24.

32. Pierre Rosanvallon, *Counter-Democracy*, trans. Arthur Goldhammer (Cambridge University Press, 2008); Lenard, “Trust Your Compatriots, but Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy.”

Distrust can be one way to motivate civic vigilance and political accountability.³³

Recognizing the personal and collective risks of giving political power to someone who is unfit, e.g., corrupt or lacking critical knowledge and skills to conduct political business, citizens will, in theory, carefully assess the actions of current and potential officeholders to identify and address those that seem dangerous. This commitment to oversight takes a disposition of doubt and makes it part of engaging citizens in democracy and holding officials accountable. Danger might be manifest in an elite who refuses to act transparently or offer an account of their actions, or when an officeholder makes a decision that harms citizens.³⁴ Distrust does rely on recognizing issues that democracies face, like potential intentional bad actors, already discussed above, and the danger of incompetence.

The possibility that some citizens are unwilling or unable (due to time constraints, apathy, overinflated ego, etc.) to develop competency in political action and decision making, can be a reason to distrust the government, political officials, or to institutionalize distrust. It takes a lot of effort to try to understand the problems of others, the potential effects that X decision might have on an area—industry, population, territory—that one is unfamiliar with, yet democracy asks this of citizens and politics asks it of those who are in power. Citizens (both ordinary and additionally empowered) might unwittingly cause harm in using their power, even if they have good intentions and harbor good will toward those who are harmed. If Penny

33. Distrust is not the only way to motivate citizens to scrutinize the actions of politicians, but obviously the focus here is on the potential benefits of distrust in a democracy.

34. In accounts of democratic accountability, the focus tends to only be on the accountability of officials (who hold potent coercive power) to citizens, and not at all on holding our fellow citizens to account, see Jeremy Waldron, “Accountability: Fundamental to Democracy,” *NYU School of Law, Public Law Research Paper*, 14-13 (2014).

believes that the representative who won in his district does not have the skill or knowledge to be effective, he might doubt not only the competence of the representative, but also of his co-constituents who voted for a candidate whom he deems incompetent. Even more worrisome is the potential case of citizens ceding power to someone they strongly suspect will intentionally use that power to harm them or others due to a broad lack of care in vetting the candidate, an inability to understand the harm the candidate or policy might inflict on others, or a process has failed. This is especially problematic when the citizens who are at the highest risk of harm are members of an oppressed, minority, or minoritized group.³⁵

Adopting a disposition of skepticism toward those running for office and officeholders is one way to establish norms of accountability that prevent harm by curbing the potential for people to exploit the vulnerability of citizens. If citizens are aggressively vetting candidates, then only candidates who pass the initial gauntlet of scrutiny will be given access to increased, coercive power. In the process of vetting, citizens may also expand their own civic knowledge through sharing concerns. A desert dweller might bring up problems that they could face if a candidate from the swamplands were to take office, enlightening those who would not otherwise know about the issues facing those in the desert. But even after winning, the distrust remains. Power, after all, can be corrupting, so anyone holding it is subject to continuous public scrutiny.

Maintaining a disposition of distrust may be civically exhausting, but an argument for it can be wrapped up in the republican argument that maintaining democratic forms of government

35. In the United States in particular, given the history of enslavement and the legacy and current effects of systemic oppression, Black Americans have reasons to distrust the government and their fellow citizens. Shayla C. Nunnally, *Trust in Black America* (New York: NYU Press, 2012).

requires hard work. Even in a representative democracy, citizens ought to care about the work of their representatives rather than merely offload responsibility to the representative, and representatives have a duty to be transparent in nearly all of their work.³⁶ The line of reasoning in such arguments is that, in the interest of justice, citizens should not abdicate their role in holding their representatives accountable and engaging in constant vigilance.³⁷

Beyond motivating citizens to analyze politics, distrust can drive important political action based on their analysis. When citizens put forth the effort to question and judge the choices that have been made in their name by the government, they are more likely to catch corruption and other problems and hold officials accountable or engage in other political action.³⁸ Meena Krishnamurthy uses Martin Luther King Jr.'s *Why We Can't Wait* as a basis for defining distrust as a democratic value that drives citizens to political action with the goal of "bring[ing] about justice by tempering tyranny."³⁹ In moving people to be attentive and follow up that attentiveness with action meant to achieve justice or the common good, distrust can be a powerful tool to prevent and remedy harm.

It is arguably in that spirit of enabling citizens to feel safe in entrusting the government with coercive powers that the United States Constitution, as well as other modern and historical democracies, institutes a system of accountability rooted in distrust.⁴⁰ Institutions structured to

36. On political accountability in a democracy see Waldron, "Accountability: Fundamental to Democracy."

37. Philip Pettit, "Democratic Influence," in *On the People's Terms* (Cambridge: Cambridge University Press, 2012), 187-238.

38. An alternate possibility is that corruption will become more cunning and sophisticated, or that citizens will tire of the exercise.

39. Krishnamurthy, "(White) Tyranny and the Democratic Value of Distrust," 400.

40. Institutionalizing distrust in various ways is widely recognized as a solution to the problem of trust's riskiness and necessity in a democracy, see Sztompka, "Trust, Distrust and

establish norms of active civic oversight and guard against structural problems of democracy (e.g., the tyranny of the majority) may give people the confidence to assent to the formation of a government in the establishing moment and empower citizens to act on their own and others' behalf in the face of government corruption, incompetence, or failure at any time.

After all, there are persons or groups of people that democratic citizens might rightfully declare so clearly unworthy of trust that the only way to interact with them is through a disposition of hardened skepticism. People who unyieldingly believe in or actively promote genocidal and oppressive policies, for instance. Those who lie so that they may enjoy political power or exploit democratic trust to accomplish selfish or oppressive ends are justifiably distrusted. An unwillingness to compromise or engage with these distrusted ones is salutary to democracy, although realizing their existence and betrayal can have ill effects. But, if we may stray from this section's purpose of looking at the benefits of distrust, if such people exist, then it is possible that they and others unknown might conceal themselves, their deeds, and their motivations. Given evidence that someone not only could, but has, violated the bonds of democratic trust makes concerns over general trustworthiness more immediate. Any citizen could be a potential con man. And this line of thought feeds into the spread and hardening of distrust.

That line of thought hints at the limits of what distrust can accomplish in a democracy when taken generally but being more specific about types and arenas of distrust sharpens how distrust can be at once useful and harmful. Eri Bertsou separates liberal distrust from political

Two Paradoxes of Democracy”; Gershtenson and Plane, “In Government We Distrust: Citizen Skepticism and Democracy in the United States”; Margaret Levi, “A State of Trust,” in *Trust and Governance*, ed. Valerie Braithwaite, and Margaret Levi (1998), 77-101.

distrust to make this very point.⁴¹ Bertsou's liberal distrust is equivalent to vigilance, "the need for vigilance (liberal distrust)...leads to the design and inclusion of safeguards."⁴² That vigilance inspires the creation of institutional safeguards against potentially corrupt actors. Checks and balances and the separation of powers fall under the umbrella of liberal distrust, and underpin the creation of systems designed to use institutional distrust to foster political trust. Bertsou's political distrust, on the other hand, "can be defined as a relational attitude that reflects *perceptions of untrustworthiness* specific to the political system in its entirety or its components."⁴³ These perceptions of untrustworthiness are based on evaluations of people who are acting in government with respect to "technical incompetence and failure, conduct that violates shared notions of what is right and fair, and conduct that is incongruent with the citizens' best interests"⁴⁴. Bertsou's political distrust is what you feel when you vote for someone who says that she is committed to establishing, maintaining, and enforcing high environmental standards in local businesses, and you find out that she does nothing of the sort once elected. What is more, she has taken a significant amount of donations from businesses that contribute to pollution. Liberal distrust is what motivates you to check up on that. Liberal distrust plays a positive role in cultivating overall trust relations, whereas political distrust can tend toward a vicious cycle that eventually erodes confidence in political institutions.

41. Bertsou, "Rethinking Political Distrust"

42. Bertsou, 217.

43. Bertsou, 220.

44. Bertsou, 221.

Distrust's Downsides: Vicious Spirals and Trust Erosion

The erosion of trust that accompanies a vicious cycle of self-reinforcing distrust is a serious threat to democracy. While the high stakes of politics make trust risky, democracy implies and requires trust in its ideals and practice.⁴⁵ As an ideal, democratic government is rooted in the polis or polity. Democratic government involves the sharing of rule via effective participation (implying legal equality), voluntary compliance under the rule of law, and reliance on collective action to solve political problems. Any fellow citizen could be bestowed concentrated political power in the form of government office. All citizens also have a share in diffuse political power in the form of citizen duties like voting and holding leaders accountable. The act of continuously sharing that power implies the existence of some trust. Without trust, the will to share that power or to accept that people will voluntarily comply with laws without the need for cumbersome and costly enforcement decreases.⁴⁶ At that point, a democracy may continue to function, but it will not be functioning optimally. I will return to this in the next chapter, but the point is that democracy exists in tension between trust and distrust.

How, then, should a democracy deal with the pull between trust and distrust, risk and hope, efficiency and ineffectiveness when creating or revising a constitution? Two responses come to mind. The first puts primary emphasis on trust as a democratic virtue, educating citizens in a way that teaches them the importance of trust, fostering habits that promote and maintain trust among citizens, and exiling those who unrepentantly sow distrust by spreading lies or betraying the trust given to them. But such a system may seem overbearing and impossibly utopian or

45. Lenard, *Trust, Democracy, and Multicultural Challenges*.

46. Robert D. Putnam, Robert Leonardi, and Raffaella Y. Nanetti, *Making Democracy Work* (Princeton: Princeton University Press, 1994); Fukuyama, *Trust*.

dystopian. The second impulse may be to create a government governed by a robust system of checks and balances so that citizens feel comfortable with the power of the state, institutionalizing distrust.⁴⁷

Institutionalizing distrust, in line with Bertou's idea of liberal distrust, can seem natural when it comes to democratic politics because the power that one entrusts to others can be immense and, therefore, threatening. Depending on the particulars of a political society's orders, citizens might trust each other with the power to vote on policies and officials, the responsibility to hold officials accountable, uphold laws, maintain democratic norms, serve as jurors in trials, and hold political office. A certain amount of caution surrounding potential or ongoing relationships of political trust seems in order. No one wants to be a sucker when the stakes are as high as one's life or liberty. The threat of losing life and liberty provides a strong incentive to be suspicious of those who are given political power, and hierarchical relations of power—something nearly impossible to escape—amplify the potential for distrust.⁴⁸

When crafting institutional measures of distrust, democratic citizens should pay careful attention to two aspects of distrust. First, distrustful institutions should be crafted with the recognition that distrust is self-reinforcing and has a tendency to spread.⁴⁹ Institutionalized distrust, therefore, should be as moderate and minimal as possible to minimize the risk of snowballing distrust. Relatedly, the mechanisms of distrust should not be framed as egocentrically competitive, i.e., a self-interested mode of checking and balancing in which one

47. Sztompka, "Trust, Distrust and Two Paradoxes of Democracy."

48. Farrell, "Trust, Distrust, and Power."

49. It may seem that given the existence of justified distrust that if institutional design is simply meant to formalize that justified distrust then they should only enhance feelings of security. And that is true to a certain extent. I will have a better response later.

can “win” by checking others more and being checked less. With a character of egocentric competitiveness, these mechanisms will formalize hard distrust, the kind that Ullman-Margalit explains as a strategic stance that exploits a trusting party for individual gain.⁵⁰ Hard distrust heightens the perception of threat, making distrust seem like the only prudent way to approach political relationships, lest citizens unnecessarily risk their lives or rights. Democracy is particularly sensitive to the degree and framing of institutionalized distrust because government is an extension of the citizens. Government gives structure and order to how citizens should conduct themselves in the political arena, and if that model encourages or does not protect against immoderate distrust, citizens will adopt the distrustful attitudes and behaviors that their officials model for them.

Distrust’s tendency to harden and spread is not controversial. The experience of having one’s trust be disappointed has consequences. People who are betrayed tend to protect themselves against future breaches of trust, including by refusing to trust people even when they have no reason not to. In misplacing distrust, skeptical people close themselves off from the opportunity to build trusting experiences that might undo their presumption of distrust.⁵¹ Additionally, the people who have done nothing to deserve distrust can recognize these protections and might respond differently because of it—turning misplaced distrust into a self-fulfilling prophecy.⁵² If another person proves to be untrustworthy in a way that harms you despite your protections, you

50. Ullmann-Margalit, “Trust, Distrust, and in Between,” 72-73.

51. Reimann, Schilke, and Cook, “Trust is Heritable, Whereas Distrust is Not”

52. Larson, “Distrust: Prudent, if Not Always Wise.”

recede further, doubling down on protections or refusing to trust entirely. Slowly, or perhaps quickly, distrust spreads, becomes more extreme, and trust erodes.⁵³

Even beneficial distrust can be the starting point for descending toward more extreme versions of trust. As distrust hardens, it removes the possibility for democratic trust⁵⁴ because it presumes that a person is not worthy of trust *a priori*. Acting from a presumption of distrust is what institutionalized distrust is supposed to alleviate in the wider population, but if institutionalized distrust filters downward and outward then it recreates the problem that it was meant to solve. The problem is that institutionalized distrust is not confined to institutions. Institutions and systems of institutionalized distrust do not work on their own. People have to do the work, so when you see the Court strike down legislation as unconstitutional that isn't "the Court" or the Constitution doing it. It is the individual justices, who are also citizens, declaring that there is reason to distrust the legislators and/or the president (who are also citizens) because they have gone past constitutional boundaries in some way.

As distrust strengthens, monumental amounts of information or a significant change in perception are needed to overcome an attitude of distrust. The inability to trust members of any out-group can eventually become exaggerated and irrational.⁵⁵ Even in a small homogeneous democracy, anti-democratic distrust might start when one experiences intentional or unintentional political harm by someone with as small of a difference from you as eye or hair color, economic status, or any other arbitrary, incidental characteristic. For the sake of self-

53. This is apparent in trust games, too.

54. Democratic trust, which is the subject of the next chapter, includes a presumption that one's fellows are concerned with caring for the common good in the use of political power. That presumption can be overridden in the light of evidence that someone has broken trust.

55. Kramer, "Collective Paranoia: Distrust Between Social Groups."

protection, one could extend their feelings of distrust or moral aggression to members of that constructed group, and on and on until he can trust no one but himself. In a larger, heterogeneous democracy, the number of fault lines upon which any person could begin to differentiate themselves from potential out-groups increases. If a cycle of distrust begins, it can eventually—perhaps over a very long period of time—result in a climate in which it is impossible to talk to each other about politics, or enter into and abide by political compacts, let alone interact with one’s fellow citizens in a way that accords them the respect and autonomy that they deserve as human beings.

Rational choice theory shows how trust or distrust can intensify through iterated games, often as a way to describe why people might be rational in their decision to trust.⁵⁶ As people experience broken trust, their willingness to trust others in the future becomes impaired. A person who experiences betrayal can become more cautious when dealing with people who fall into the same category as the one who betrayed her or with people more generally. Instances of distrust build upon each other and create a quasi-rational basis to stoke distrust, resulting in an unwillingness to cooperate with others even if they have not acted in an untrustworthy manner. Why cooperate when you believe that the other party will undermine and ultimately harm you? That sounds like a reasonable cause for reservation. But at a certain point, the inability to cooperate becomes a problem for democracy: legislatures can be rendered essentially defunct, experiencing dysfunction that goes beyond mere gridlock, and people abdicate their civic duties.

56. John Brehm, and Wendy Rahn, “Individual-Level Evidence for the Causes and Consequences of Social Capital,” *American Journal of Political Science*, 41, no. 3 (1997): 999-1023.

In the most extreme case, the rule of law crumbles under perceived illegitimacy, and citizens essentially become individuals in a Hobbesian state of nature.⁵⁷

The relationship of Hobbes's form of liberalism, if you will allow me a stretch in using liberalism to describe Hobbes, to trust is a tricky one. Hobbes's insistence on the importance of covenants combined with the nature of the absolutely sovereign government that he describes presents a challenge to readers. While this paper is not the place to attempt to settle an interpretive debate about trust and government in Hobbes' work, it is worth quickly sketching the issue because, as Susanne Sreedhar writes, "The Hobbesian state of nature is the paradigmatic example of conditions of distrust. Without a mechanism for the enforcement of covenants, there is no assurance that people will perform."⁵⁸ Hobbes views rampant distrust as synonymous with the oft-cited "solitary, poor, nasty, brutish, and short" life of man in the state of nature.⁵⁹ Simply because rampant distrust indicates an objectively terrible state of being does not, per se, indicate that widespread trust leads to human flourishing, but it does suggest that if citizens are subject to unrestrained distrust while in an organized society, then their society is not far removed from the undesirable state of nature.

The key to this section has been that distrust has a tendency to spread and harden, even when used protectively. This is true even when distrust is institutionalized because, in a democracy, your fellow citizens are the ones who are holding office. Therefore, your fellow citizens are the ones who are very publicly checking each other and being checked. The

57. Montinola, "Corruption, Distrust, and the Deterioration of the Rule of Law."

58. Susanne Sreedhar, *Hobbes on Resistance: Defying the Leviathan* (Cambridge University Press, 2010), 41.

59. Thomas Hobbes, *Hobbes: Leviathan* (Cambridge University Press, 1996), XIII.

institution is not doing the distrusting or being distrusted. It is your representative, representatives who are members of your own and opposing parties, appointed officials, political elites, who are distrusting each other. And political officials act as a public model for citizen political activity, so when your state representatives are always accusing the representatives from your neighboring state, you may start to distrust ordinary citizens from that state, too. After all, they did choose their representatives. But distrust (or mistrust) can still be helpful for all of the reasons mentioned in section three. So how can we avoid these problems while retaining the benefits?

Egocentric, Competitive Distrust: A Problem for Democracy

Distrust can have different forms and characteristics. Some, like liberal distrust, might soften distrust's harmful tendencies. Others, like paranoid distrust, can exacerbate them. One characteristic that democratically institutionalized distrust should avoid—both for practical and philosophical reasons—is egocentric competitiveness.

Competitiveness is not in and of itself antithetical to democracy. A competitive spirit can produce excellence, and for those who see democracy as rooted in elections or a competitive marketplace of ideas, competition is a part of the democratic experience.⁶⁰ People put themselves and their ideas forward into the public arena and compete for votes. Egocentric competitiveness, as its name suggests, combines immoderate self-interest or self-regard and competition. At the extreme, egocentric competitiveness prioritizes one's own needs and desires no matter the harm

60. Daniel A. Dombrowski, *Contemporary Athletics & Ancient Greek Ideals* (Chicago: University of Chicago Press, 2009), 125-49; Mark Wenman, *Agonistic Democracy* (Cambridge: Cambridge University Press, 2013).

caused to others. Your fellow citizens who disagree with you, or whose rights are trampled for the sake of your wants and worries are mere competitors to be fought and defeated. In this egocentric view, it is easy to over-generalize non-co-partisans as enemies unworthy of trust and cooperation.⁶¹ When arbitrary and non-democratic reasons form the basis for no longer extending democratic trust widely to co-citizens, distrust ceases to be useful for democratic maintenance.

While distrust can motivate accountability that tempers tyranny in a democracy, egocentric competitiveness warps distrust's democratic function and any possible virtue. Accountability is meant to ensure that no one usurps political power to subvert citizen rights or the common good. The threat of potential accountability may deter some bad actors, accountability can reveal misdeeds, and lead to appropriate remedies. With egocentric, competitive distrust, however, a "gotcha!" attitude becomes the mode of engagement. In a paradigm of egoism, citizens approach political accountability as a mission to prove that their opponents are working for their self-aggrandizement to the detriment of the public, are subverting norms, or are otherwise corrupt. Importantly, these missions are not taken to earnestly protect wider citizen rights or the common good, nor are those who distrust willing to see those they have othered as people deserving of prior democratic trust. The glee with which suspicions are confirmed and the disappointment when they cannot be confirmed are particularly striking as undemocratic dispositions.

Competitive distrust forgoes introspection into one's views or interrogation of the work of those officials who are one's co-partisans. Winning takes pride of place above all else in the name

61. Kramer, "Collective Paranoia: Distrust Between Social Groups."

of a distorted sense of self-preservation.⁶² Truth, respect for the humanity and rights of others, moderation—all are lost in a partisan, self-serving exercise of brutishness disguised as democratic accountability.

One of the problems of egocentric, competitive distrust being the basis for or part of the practice of mechanisms of distrust (prescribed actions or rules that are put in place and described as such) is that distrust should⁶³ be used as infrequently as possible, and competition can invite strategic responses that directly oppose that goal.⁶⁴ First is the incentive to both transgress and check as much as possible. If others will be vying for your powers, then it would be best to act offensively by doing what you can to increase your power and aggressively police the others who might try to encroach on your power.⁶⁵ Although the most obvious relationship this affects is the one between branches of government, it extends to individual state representatives against those of other states (an intra-branch relationship) and even individual citizens. Mere short-term gamesmanship becomes a primary motivation in the competitive paradigm.⁶⁶ But each check can represent a perceived breach of trust. As the incidence of breaches rises, so does the general

62. Recall that distrust has many similarities to paranoia in my construction of it, which borrows from Kramer, so this idea of self-preservation is warped and irrational.

63. For how trust and distrust frame the way that people interpret things, see Karen Jones, “Trusting Interpretations,” in *Trust: Analytic and Applied Perspectives*, ed. Pekka Mäkelä, and Cynthia Townley (Amsterdam: Rodopi, 2013), 15-29.

64. Lenard, “Trust Your Compatriots, But Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy,” 322.

65. In a democratic government, “the other” is one’s fellow citizen, even when one party is an official and the other an ordinary citizen.

66. Consider the recent state of congressional hearings in the United States—even minimally engaged political citizens could guess from an audio-only presentation whether or not the questioner is a Republican or Democrat simply based off of the line of questioning.

tendency towards distrust. If cooperative mistrust were the character of the mechanism by which a bad actor is revealed, the blow to trust may be softer.

Competitive distrust prioritizes winning, no matter the means or goals. This can incentivize the concealment of actions that ought to be public. If concealment of an act or motives is seen as the path to winning, then even good aims are subverted. Concealment, even for the purpose of doing good, subverts democracy because it assumes that citizens would not support an act in the country's interest. But obscuring actions or motives is especially harmful in the case of concealing corruption. When proverbial sunshine exposes what has been hidden, the revelation calls into question the sincerity of others, eroding willingness to operate from a presumption of trust.

When attempting to figure the risk associated with competitive institutions it is helpful to consider how their competitiveness relates to distrust. First, competitive checks are more akin to distrust than trust. For one, they may inspire actions that lead to increased checks. With each check the threat of mistrust solidifying into an attitude of distrust increases. The damage is intensified by asymmetrical power dynamics between trusting and trusted parties in the primary three political relationships. Second, as Annette Baier argued, "Where the truster relies on his threat advantage to keep the trust relation going, or where the trusted relies on concealment, something is morally rotten in the trust relationship."⁶⁷ A competitive constitutional framework supports precisely this kind of morally rotten trust relationship.

When distrustful institutions start from an assumption of self-interested, ambitious actors, then the argument for a rational trust in officials, i.e., that requires only that citizens

67. Baier, "Trust and Antitrust," 255.

believe that political officeholders and fellow citizens will not intentionally cause him or her or the country harm because it would not be in their interest to do so, is faulty. Intention matters. If one's primary intention could be escaping the accountability processes of an institution to exercise one's will, then what are the punishments for other than to inspire motivation to subvert them—especially when the government seems to stoke a competitive atmosphere? Inculcating a sense of moral obligation in political relationships⁶⁸ and a cooperative, rather than a competitive, democratic political culture⁶⁹ may matter more than any brilliantly composed institutional system. The latter may be useless without the former two.

Distrust bleeds out from institutions and into general relationships of democratic trust amongst citizens. One of the primary reasons for this is simple. Baked into the ethos of democratic politics and government, *de jure*, all who hold political office and ordinary citizens are the same under the law,⁷⁰ Officials merely hold temporary powers in the name of other citizens, but at base all officeholders are citizens. When officeholders breach trust, a citizen is not only breaching trust within an institutional setting as an officeholder, but also represents the potential for any citizen to breach the trust of another. The inevitable formation of factions and parties

68. The expectation of a moral obligation existing between those in a political relationship of trust goes beyond many current formulations of trust in politics, which rely primarily on rational, self-interested choice based on the predictability of someone's actions. Moral obligation requires a shared set of moral norms and widespread recognition that betrayal—whether found out or successfully concealed—of those expectations is utterly, unconscionably subversive.

69. A cooperative democratic culture is one in which political action is treated as a mutual endeavor for the common good, not as a zero-sum game. There can still be passionate disagreement, however that disagreement is tempered by a willingness to compromise and a refusal to see areas of disagreement as a battlefield.

70. It should be noted that there are some formulations of democracy that do not follow this construction of equality.

complicate trust relationships immensely in a competitive paradigm because they provide an immediate heuristic to produce and reproduce distrust in political opponents and add yet another dimension to trust relationships: party affiliation.⁷¹

Egocentric competitiveness and distrust's tendency to spread and harden can work together to create the conditions for problematic, widespread distrust in a democracy. However, responses to the problem of trust tend to rely on institutionalizing distrust, ignoring or minimizing the threat that institutionalizing distrust can pose to the long-term health of a democracy. One of the reasons for neglecting this threat might be connected to the idea that distrust that is formalized primarily at the level of the government will not spread to other crucial trust relationships. I have pointed here to some preliminary reasons why that is not true but have not yet delineated the relationships of trust that need to be fostered to sustain a democracy.

Conclusion

Democracy requires trust to function and support political legitimacy, but the stakes of misplacing trust in someone who is given political power over you can have concrete, catastrophic outcomes. Institutionalizing distrust has long been a popular solution to solving this problem of trust in a democracy, usually in the form of separated powers or checks and balances.

While the threat of trusting someone who is corrupt is obvious, the potential effects of institutionalizing distrust have not been thoroughly investigated. Here, I have shown both positive and negative effects of institutionalizing distrust. Liberal distrust can inspire the creation of institutional safeguards that protect citizens against abuse of power or tyranny and motivate

71. Michael S. Lewis-Beck, *et al.*, *The American Voter Revisited* (Ann Arbor: University of Michigan Press, 2008).

direct action in the face of injustice. These safeguards, however, can be counterproductive if they are not designed with democracy's needs or distrust's character and interaction with democracy in mind. What starts as formalized distrust can become a model for distrusting behavior in the citizenry broadly. Because distrust is self-reinforcing, if there are incentives to use mechanisms of distrust frequently as an offensive strategy, then distrust can quickly bloom and go to seed. Framing these mechanisms as egocentrically competitive can accelerate the spread of distrust by incentivizing a primary attitude of distrust toward political opponents. Once distrust begins to fall into the more extreme side of the spectrum, trust is substantially eroded.

If distrust becomes the primary mode of political relationships and trust is no longer available, then a democracy will struggle to function.⁷² Diffuse distrust signals democratic failure and presents with the perception of irreparable corruption, ultimately begetting illegitimacy.⁷³ Citizens need to trust that others will follow the laws and that the government works for the common good, or at least does not work to intentionally harm the public. In a popular government, all citizens hold the power that comes with the responsibilities of democratic citizenship, and all citizens theoretically have the potential to hold the increased power that comes with political office. If the response to the danger of betrayal in all of these relationships is to institutionalize distrust, then that threatens trust. The threat comes from enshrining distrust such that it could spill over into the pool of generalized political trust. As distrust snowballs, government will struggle to solve political problems in a timely and efficacious manner, citizens can opt out of the process from apathy or inability to trust, and the political system can be

72. Tom R. Tyler, *Why People Obey the Law* (New Haven: Yale University Press, 1990).

73. Russell J. Dalton, *Democratic Challenges, Democratic Choices* (Oxford: Oxford University Press, 2004).

likened to a machine with gunky, clogged gears. When distrust spreads and citizens take on a primary disposition of distrust, citizens are in the position of constantly questioning why they should share power with their potentially corrupt fellow citizens and why they should engage in a system in which their so-called equal voice feels like a whisper in a void compared to the outsized influence of a consistent, oppressive majority (whether genuine or merely perceived).

If institutionalizing distrust remains the best option to safeguard a democracy from abuse of power and corruption, then it is worth thinking about how to adequately respond to the problems that distrust poses to a democracy when creating or revising a democratic constitution. In the following chapter, I propose a form of trust that combines typical attitudes and behaviors of trust with the less harmful components of distrust.

Chapter 3

Democratic Trust

It is relatively uncontroversial to say that trust is good for democracy.¹ But when we look at data that say that trust in government is declining and read arguments about why trust is good or bad for democracy, there is one significant point of confusion: everyone seems to be using slightly (and sometimes vastly) different understandings of trust. What we are left with is a fragmented conversation where one person can argue that trust is vital for democracy, but reduce trust to limited rational reliability, while someone else may argue that trust is inimical to democracy because their conception of trust looks more like blind faith or requires personal interaction between the trusting and trusted.² Meanwhile, surveys showing declining trust in government rely on a peculiar definition of trust that needs to be inferred from survey questions, and whether

1. Lenard, *Trust, Democracy, and Multicultural Challenges*; Patti Tamara Lenard, "Shared Public Culture: A Reliable Source of Trust," *Contemporary political theory*, 6:4 (2007): 385-404; Max Kashefi, "Democratic States, Social Capital/trust, and National Development," *International Review of Modern Sociology* 41, no. 1 (2015): 29-54; Sztompka, "Trust, Distrust and Two Paradoxes of Democracy"; Putnam, Leonardi, and Nanetti, *Making Democracy Work*; Hooghe, and Stiers, "Elections as a Democratic Linkage Mechanism: How Elections Boost Political Trust in a Proportional System"; Marien, and Hooghe, "Does Political Trust Matter? An Empirical Investigation Into the Relation Between Political Trust and Support for Law Compliance."

2. This can be seen especially vividly in the various chapters in Mark Warren, ed. *Democracy and Trust* (Cambridge: Cambridge University Press, 1999).

those questions actually measure trust has been the subject of much debate.³ In the midst of all of this, we do not know which, if any, of these conceptions of trust is the one that is relevant to a well-functioning democracy.

I propose here that one way to approach this problem is to define a domain-specific account of trust for democracy, i.e., democratic trust. Why not just use trust, political trust, or social trust, like others have done? The reason can be illustrated with the simple example of trust and friendship. How do we explain why it makes sense to say that you trust your best friend, to whom you turn for advice and consolation on issues from the most intimate to the mundane, even if you do not trust them to drive your car or manage your finances? It would be nonsensical to say that you do not trust your friend because of these exceptions—they are not part of the domain of trust in a friendship.⁴ The trust that belongs to friendship is also different than the trust that belongs to citizens' relationship with political officials, or familial relationships.⁵ Trust's nature, or at least our understanding of it, is flexible, but that flexibility places a burden on scholars to carefully define trust relative to the domain that they are examining. Political and social trust, while being examples of domain-specific accounts, refer to trust in domains that are

3. On the subject of debate over what surveys of trust are measuring, see Parker, Parker, and Towner, "Rethinking the Meaning and Measurement of Political Trust."

4. Your friend may have a lead foot or a worrisome habit of fiddling with the music and air controls while driving on the highway, so you might not trust your friend in the domain of safe driving, but you still trust him as a friend.

5. The trust that applies to each of these reflects the nature of each relationship. Friends have personal connections to and experience with one another and have chosen to build a relationship in which both are relatively equal. Citizens are in a somewhat involuntary relationship with political representatives, in which the representative has more power than the ordinary citizen. Family is another involuntary relationship (except for some marriages and chosen families), but one in which power shifts over time, the members have deep personal knowledge of each other, and there is a presumed commitment to care for one another.

certainly a part of democracy, but they are tuned for generality. Political trust, for example, could be applied to a monarchy or other political body.

I argue that understanding trust within the confines of a specific domain, the pertinent one here being democracy, addresses the problems that have grown out of trust's conceptual plasticity with clarity that helps us to formulate sharper arguments about trust's character and role in that domain.⁶ Because there has been some resistance to defining domain-specific versions of trust, authors have done their best to get a general concept to fit specific contexts, leading to a multitude of subtly different versions of "a general conception of trust" that have, in fact, each been finessed in an attempt to make it fit a domain. This does a disservice both to fundamental conceptions of trust and the study of trust within particular domains, shortchanging both of them.

Defining democratic trust benefits scholarship in three ways. Democratic trust gives us the opportunity to define the relationship between trust and democracy in finer detail. Also, it provides a clear, well-tailored definition that allows researchers to know if the trust that is being measured by quantitative studies is the kind of trust that is essential to democracy, or if it is some other form of trust, or a measure of something that is trust-adjacent. Another benefit is that creating space to establish a definition for democratic trust opens up avenues of debate that can focus more specifically on trust's relationship to democracy. Currently, when researchers come to different conclusions about trust's place in democracy, conversation is stunted when the root of the disagreement is that each uses a different general conception of trust. The conversation stops

6. For a pointed argument on why trust should be fundamentally understood within well-defined contexts or domains, see Jason D'Cruz, "Trust within Limits," *International Journal of Philosophical Studies* 26, no. 2 (2018): 240-50.

at, “well, we disagree about what trust is, so we have come to different conclusions about its place in democracy” or returns to debate over the “true meaning” of trust, whereas with democratic trust we can debate specifically about what democratic trust ought to address.

In this chapter I establish the parameters for domain-specific democratic trust, arguing why such an account is necessary and how this account responds to distinctly democratic concerns that have received little attention. Democratic trust has six main parameters that will be detailed and defended in this chapter:

1. There must be two parties in the relationship who are people or groups of people—not institutions.
2. One party cedes, or shares, political power to, or with, the other.
3. Political power is ceded and shared in the hope that the entrusted cares for the common good, making democratic trust a moral relationship present in both horizontal and vertical relationships.
4. In ceding and accepting the power both parties assume some risk.
5. Democratic trust is basic insofar as every citizen is assumed to be and treated as democratically trustworthy until one has demonstrated sufficiently untrustworthy behavior.
6. Democratic trust includes a mode of cooperative vigilance to mitigate the risk of democratic trust’s basic disposition as described in 5.

These parameters take into consideration the practical demands of democratic governance, the philosophical principles that undergird democracy, and the risks of putting trust in others who have political power over you. Current accounts of trust in democracy tend to flatten one or more of these—they might address the practical demands, but not the philosophical principles.⁷ Rather than flattening these features of democracy or trying to figure out which conception of trust *mostly* fits them (or concluding that without a good fit, trust is not essential to democracy), democratic trust threads together the aspects of trust that meet the needs

7. For an example of this, see Hetherington, and Rudolph, *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis*.

of democracy, lending clarity to a usually fuzzy concept and allowing me to sidestep concerns about whether or not the trust being defined is the true, fundamental definition of trust. It contains the two necessary, but alone insufficient, pieces of trust (power is being ceded from some number of beings to another number of beings or entities, and risk is involved in the relationship),⁸ and is otherwise tailored specifically to democracy. Democratic trust also has the benefit of being flexible enough to include a measure of cooperative accountability that mitigates trust's riskiness without relying on institutionalized distrust, avoiding the problems outlined in the chapter on the limits of distrust.

The beginning of the chapter shows how disjunction in trust definitions has affected attempts to answer questions about trust's role in democracy. It starts with a review of the dense landscape of trust definitions, emphasizing how the variation indicates that tailoring trust to suit specific domains afford more flexibility and clarity to those who study trust. I then turn to the domain of politics and democracy, first sketching out important features of democracy that trust needs to attend to before looking at the available definitions of political trust, including where these relations of democratic trust should exist to support a flourishing democracy: between citizens and government officials, between government officials, and between citizens. The first has been the subject of much work, but I point out that studies frequently only consider the upward flow of trust from citizens to officials when the downward flow is equally as important.⁹

8. For more on risk and how it separates trust from confidence and familiarity, see Niklas Luhmann, "Familiarity, Confidence, Trust: Problems and Alternatives," in *Trust: Making and Breaking Cooperative Relations*, ed. Diego Gambetta (Oxford: Blackwell, 1988), 100.

9. Surveys from American National Election Studies, PEW, Gallop, and others ask people about their trust in government, but not government officials about whether they trust ordinary citizens. Perhaps the reason is that this is a question that officials would likely feel pressure to answer in the affirmative no matter their personal inclinations, but the result has been

Additionally, we lack work that explores trust between government officials, which is surprising since officials model political behavior for citizens. Here, too, trust's definitional plasticity has yielded a remarkably wide range of thinking about trust's relationship to democracy—including two specialized forms of trust: political and social.¹⁰ While political and social trust do play a part in democratic trust, as they currently stand they do not fully address the specific trust needs of democracy. Finally, I set out the parameters for democratic trust, beginning with the work that has been done in this area by Patti Tamara Lenard, Mark Warren, and others. I briefly return to the riskiness of trust which was discussed in the previous chapter to explain how it fits into democratic trust without giving way to harmful distrust. Given the high stakes of the political power that democratic citizens entrust to each other, trust can seem dangerously naïve. Democratic trust, therefore, merges the attitudes and behaviors of trust with a cooperative mode of vigilance that preserves the upside of distrust and minimizes its more harmful attributes.

Making Sense of the Multiple Meanings of Trust

Trust is one of those slippery terms that seem to have a clear intuitive meaning but trying to pin it down with one concrete definition feels like an exercise in futility.¹¹ Is it trust if the definition allows you to trust someone to act heinously? Is it trust if there is an iron-clad contract that

an outstanding focus on only one part of the relationship between the people and the government as research builds off of the survey data.

10. The diversity of answers that has come from the diversity of definitions is not inherently bad. It has led to rich and complex work that I and others build on, but it comes with side effects like dampened conversation and potential measurement problems for quantitative work.

11. Not even the *Oxford English Dictionary* offers definitive clarity—the printout of the meaning of trust as a noun and a verb required nearly thirty pages, representing subtle and substantive variations in usage of the word.

protects my interest through punishment or remuneration in the case of disappointment? Can I trust someone with whom I have had little or no personal relationship, or is there a threshold of knowledge that must be reached to transition from naïveté to trust? Because trust has so many aspects that can be tweaked, definitions resist distillation into a tidily small number of overarching categories. Subdividing based on one aspect or another, e.g., the warrant for trust (which could be morality, ethics, duty, knowledge, reason, personal life experience, self-interest, or even irrelevant) merely ends up revealing how the number and complexity of definitions make these separations unhelpful, as for some the warrant is unclear, or mixed. Changing these ingredients can yield final descriptions of trust that are so divergent that they barely seem related.

Instead of looking at the abundance of variegated conceptions as complications, however, we can see them as generating a rich set of building blocks for trust. In that set are all of the potential pieces of trust, from which we can select the ones that are relevant to a class of relationships. What remains constant are two pieces noted earlier: 1) one person or group is ceding or sharing some power with another, and 2) there is some risk in this relationship. I begin here with three essentialist definitions of trust and some variations of them before turning to definitions of trust related to politics.

Three essential forms of trust have dominated the field of philosophy: one-place (X trusts), two-place (X trusts Y), and three-place (X trusts Y to ϕ). One- and three-place trust are the most relevant here because two-place trust generally refers to personal relationships of friendship and love.¹² While friendship and love foster feelings, habits, and attitudes that have a

12. Jacopo Domenicucci and Richard Holton, "Trust as a Two-Place Relation," in *The Philosophy of Trust*, ed. Paul Faulkner and Thomas Simpson (Oxford: Oxford University Press, 2017), 149-59.

place in the fabric of democratic trust, modern democracies are far too large for people to expect to have a personal relationship with their representative officials, let alone every one of their fellows. A second dimension of these essential forms is whether they treat trust as a calculated, strategic decision or a moral (or moralistic) attitude.

We see how the intersection of these two dimensions, placement of trust and warrant for trust, leads to at least three definitions of one specific type of trust. One-place trust, also referred to as generalized trust, is a wide disposition of trust expressed as *X trusts* or *X is trusting*, where trusting is an adjective. That sounds straightforward. And yet, even within this one category of trust, the first response to the question “what is one-place trust’s relationship to democracy?” is “well, that depends on what you mean by one-place trust.” Here I show how three prominent conceptions of generalized trust diverge, fundamentally altering meaning while still clearly being recognizable as trust. Knud Løgstrup, Robert Putnam, and Eric Uslaner are all describing one-place, generalized trust, but their definitions are far from interchangeable.

Løgstrup’s one-place trust is basic to the human state of being. In his words, “This may indeed seem strange, but [trusting each other] is a part of what it means to be human. Human life could hardly exist if it were otherwise. We would simply not be able to live; our life would be impaired and wither away if we were in advance to distrust one another, if we were to suspect the other of thievery and falsehood from the very outset.”¹³ In life, there are times when each of us will be vulnerable to others and others will be vulnerable to us. In merely crossing paths with someone who is stronger, faster, or smarter than you are, you trust that they will not take advantage of or harm you. For Løgstrup, it is clear that when people trust us, we innately know

13. Løgstrup, *The Ethical Demand*, 8-9.

that we ought to make the decision to care for or help them, and then follow through with action—not necessarily from demand or duty.¹⁴ Similarly, we trust others unless they have given us a reason not to. But that “unless” is additive and abnormal. Trust is natural and primary; distrust is unnatural and secondary. Distrust might be brought about by having observed the person acting terribly or by a general climate of distrust, but these are aberrations that pull us away from fulfilling the ethical demands of living. Trust and acting in a morally good way are, in this case, not something that we owe to each other, but rather something that we owe to an ethical demand of life.¹⁵

Far from resting on a hope or belief that others are as aware of and inclined to trust and act trustworthily as you are, this form of one-place trust says that you simply ought to trust. Combined with the knowledge that sociopolitical circumstances, life experiences, and even genetics may impact a person’s ability or desire to have the generally trusting attitude and behavior of one-place trust, we see how radical one-place trust is.¹⁶ Racism, sexism, classism, xenophobia, and other failures of humanity negatively affect people’s willingness to trust others as a general rule, and rightfully so. When experience and history remind us that people have many

14. Admittedly, this is confusing given that he writes about trust as a radical, ethical demand, but it is an ontological view of trust rather than a deontological one.

15. Løgstrup’s full argument is far more nuanced and intricate than what I have related here but covering it would likely require an entire interpretive companion volume. For more, see Hans Fink, and Robert Stern, eds. *What Is Ethically Demanded* (South Bend: University of Notre Dame Press, 2017).

16. If someone were living in a sociopolitical climate of corruption, one-place trust would be too demanding for most due to the likelihood of developing a protective attitude of distrust, see Kramer, “Collective Paranoia: Distrust Between Social Groups.” And studies show that life experiences, see Kim Mannemar Sønderskov, and Peter Thisted Dinesen, “Trusting the State, Trusting Each Other? The Effect of Institutional Trust on Social Trust,” *Political Behavior* 38, no. 1 (2016): 179-202 and genetics, see Reimann, Schilke, and Cook, “Trust Is Heritable, Whereas Distrust Is Not” can impact an individual’s levels of trust.

reasons to not trust each other, behaving as if trust is basic is, at best, idealistic, and, at worst, dangerous for the vulnerable. As idealistic as it may seem, I argue below that democratic trust ought to be basic, resonating with trust's intrinsic value. The demand in democratic trust is less radical, considering that democratic trust is tied to accountability, but it incorporates the ontological characteristics of Løgstrup that are absent in the next two variations.

Putnam and Uslaner each soften generalized trust by identifying a pragmatic justification for trusting others and acting trustworthily, thereby straining past the bounds of Løgstrup's fundamental account. Their views of generalized trust, also referred to as social trust,¹⁷ reflect the authors' grounding in social science, and demonstrates how easily trust's meaning shifts. Generalized trust, in Robert Putnam's view, is a strategic decision. You might be willing to trust an unknown other who belongs to a general pool of fellow citizens because you expect mutual reciprocity.¹⁸ That expectation of reciprocity fundamentally changes trust. The change can seem innocuous, but in shifting *why* we trust from an ontological demand to a strategic calculus—even an optimistic one based on community ties—we lose something of the essence of one-place trust.

Eric Uslaner makes a more moderate change, which is that general trust is the moral rather than rationally calculated attitude of someone who is generally willing to trust *most* people due to an optimistic perspective. Uslaner marshals the analysis of data, mostly from the General Social Survey of 1987, to argue that people who are optimistic tend to maintain their general trust even when personal experiences might indicate that they ought to be pessimistic or less trusting. In Uslaner's account, trust is a psychological attitude that can be learned (only as a

17. Yet another definitional quagmire that will be addressed later.

18. Putnam, *Bowling Alone: The Collapse and Revival of American Community*.

child), is moralistic, and does not depend on reciprocity or experiences.¹⁹ While there is evidence that experiences do, in fact, change a person's trustingness,²⁰ Uslaner treats generalized trust as a feature of an individual's psychology rather than a calculus or an ontological fact.

Three-place trust, *X trusts Y to ϕ* , lends itself to more specificity and control than one- and two-place trust, and most conceptions of "political trust" could be put into this category. If Gaby trusts an acquaintance, Joe, to brew her a cup of tea, then her trust in Joe is clearly confined to the act of brewing an adequate cup of tea and no further. Gaby and Joe have a clearly defined relationship and expectation with respect to this one instance of trust. Katherine Hawley's commitment account of trust, wherein trust is the belief that someone has a commitment to something, and we rely on them to follow through on it, is a version of three-place trust.²¹ The warrant for three-place trust can vary. One might trust someone to do a specific thing because if the trusted person fails, they will be sanctioned (risk is minimized), because they must to overcome a collective action problem or simply an otherwise impossible to-do list (to solve a collective action problem or other overwhelming task), because they expect to gain something from trusting (opportunistic or strategic), or because the trusted person has professional

19. Uslaner, *The Moral Foundations of Trust*.

20. Peter Thisted Dinesen, "Parental Transmission of Trust or Perceptions of Institutional Fairness: Generalized Trust of Non-Western Immigrants in a High-Trust Society," *Comparative Politics* 44, no. 3 (2012): 273-89; Peter Thisted Dinesen and Marc Hooghe, "When in Rome, Do as the Romans Do: The Acculturation of Generalized Trust Among Immigrants in Western Europe," *International Migration Review* 44, no. 3 (2010): 697-727; Sønderskov and Dinesen, "Trusting the State, Trusting Each Other? The Effect of Institutional Trust on Social Trust"; Bo Rothstein and Dietlind Stolle, "The State and Social Capital: An Institutional Theory of Generalized Trust," *Comparative politics* 40, no. 4 (2008): 441-59.

21. We can work our way backward from commitment-based, three-place trust to a less personally connected version of two-place trust, wherein me trusting you means that I rely on you to fulfill whatever commitments you might have rather than a specific one or set Hawley, "Trust, Distrust and Commitment."

credentials, e.g., a dentist or lawyer, that certify their ability and duty to competently complete a task (though there is also an implied sanction here, too).²² And even though three-place trust's contractual form can seem divorced from morality and attitudes, moral norms and discretion by the trustor and trusted can play a part in it.²³ The φ could widen from a specific action to a commitment to care for one another, or another similarly broad more.

I am not the first to make an argument for domain-specific accounts of trust. Jason D'Cruz argues that trust, fundamentally understood, requires understanding the limits of the domain in which one is trusting another. Formulaically, it is expressed as *X trusts Y in domain D*. Domain-delimited trust gives the trusted person wider discretion to act beyond a particular instance. Instead of being trusted to simply φ (make tea, for example), they are trusted to make prudent decisions when acting with respect to a larger sphere (say, coordinating beverage preparation and delivery). The trusting person likewise can make distinctions between how they trust others—they may trust their mother in several domains, a new acquaintance in only one domain at the start, and political leaders in others. Additionally, D'Cruz argues that this essential definition of trust remains unchanged no matter the domain.²⁴ X trusts Y in domain D when you trust your running buddy to meet you for early-morning long runs and grueling track workouts, and when you trust that your local sushi restaurant will not serve you spoiled fish. Although trusting is more akin to friendship with your running buddy and transactional or contractual with the owner or chef of the sushi restaurant, the formula remains unchanged. The domain-delimited

22. Holton, "Deciding to Trust, Coming to Believe"; Coleman, *Power and the Structure of Society*; Hardin, "Do We Want to Trust in Government?"

23. Baier, "Trust and Antitrust."

24. D'Cruz, "Trust Within Limits."

formula retains trust's fuzziness, since what qualifies as "trust" can be domain-specific, and directs us toward creating sharper, context-specific pictures of trust.

Does Democracy Really Need Trust—Whatever Trust Is?

I opened by remarking on the overall agreement on trust's positive connection to good democracy. Having seen that even fundamental definitions of trust are contested, I now explain why democracy needs trust in some form, along with issues that democratic trust should address, and then consider how conceptions of trust in work related to politics looks line up with democracy's needs.

First, I want to sketch out the specific features of democracy that democratic trust ought to address. Briefly, they are: 1) effectively equal, involuntary share in political rule, 2) the potential for all to hold temporary concentrated power, 3) the risk of sharing and granting power to people you do not know, and 4) the dense network of trust relationships that are part of democratic functioning.

Democracy requires that the people rule. The people can rule through direct democracy, sortition, or indirect democracy. In all cases, the people are sharing political power with one another and, except for when holding a temporary amount of extra power,²⁵ each citizen has an equal share in that power.²⁶ The issues that arise around how the division, use, or concentration of that political power affects citizens drive concerns about trust. This basic feature of democracy

25. As is the case when, for example, one is sitting on a jury or elected to an office.

26. Individual members can also amplify their power by joining and recruiting people into groups or parties, but in theory each person has a somewhat equal amount of power.

resonates with the two essential building blocks of trust: the sharing or ceding of some power and risk.

Democratic trust must also account for the possibility that this situation of shared rule is not voluntary.²⁷ Even when power is equally shared through direct democracy, democratic citizens do not necessarily voluntarily share their political power with others. They do so because the place where they happen to be has a system of government that requires it. If you are a member of a minority or minoritized class that is often treated unjustly, then you have no reason to trust members of the majority. Nor, if asked, would you be likely to respond that you are quite happy to be sharing even equal political power with anyone who uses their power in a way that causes you harm.

Why, in fact, would anyone extend trust to someone else, thereby making themselves vulnerable to the political will of others?²⁸ Democratic government has coercive power over its citizens, and decisions made by that empowered state are binding and enforceable until overturned. This can include legal decisions made by a jury or judge, executive orders, and votes by your fellow citizens. Although a well-formed democracy offers citizens the means by which to voice their concerns, protest, and seek ordinary legal remedies for issues, when one's rights, liberty, or life are being negatively impacted these remedies may feel inadequate in the face of a

27. People may voluntarily trust (or feel like they have voluntarily given someone power over them) in situations where, e.g., they voted for a winning candidate, but democratic trust ought to be more concerned about the fact that being part of a country with a certain political system is often not a choice, but a given circumstance.

28. Hardin, "Do We Want to Trust in Government?" Hobbes supplies a reason—the state of nature is even riskier than civil society—but his solution is an absolute sovereign, perhaps (on his view) less risky than trusting all fellow citizens to collectively make important political decisions.

government apparatus.²⁹ In light of this, distrust seems to be a safer disposition for democratic citizens than trust, though as I argued in the previous chapter distrust brings its own set of problems.

Taking these elements together, we see that the high stakes of politics make trust risky, democratic governance implies and requires a dense network of trust.³⁰ In sharing your power, you are trusting people with power over you, though trust also helps to lubricate the functional wheels of government. Democracy involves sharing of rule via effective participation, implying legal equality, voluntary compliance under the rule of law, and collective action to solve political problems. Any fellow citizen could be bestowed concentrated political power in the form of government office. All citizens also have a share in diffuse political power in the form of voting and holding leaders accountable, among other citizen duties. The act of continuously sharing that power implies the existence of some trust, both in horizontal and vertical directions. Without trust, the will to share that power or to accept that people will voluntarily comply with laws without the need for cumbersome and costly enforcement decreases.³¹ At that point a democracy may continue to function, but it will not be functioning optimally. Crafting highly specific legal policies and enforcing them drains precious resources like time and political capital. Functioning optimally and merely functioning in this instance can be likened to the difference between engaging a contractor on a handshake and hiring a contractor and taking the time and expense to

29. This is obvious not only in historic issues like denying the humanity and citizenship of slaves and women's suffrage, but in current issues spanning from the Flint water crisis, the precarity of voting rights, and abusive policing practices. The United States Constitution offers remedies for these problems, but securing them can be a prolonged and sometimes unsuccessful process.

30. Lenard, *Trust, Democracy, and Multicultural Challenges*, 313-15.

31. Putnam, Leonardi, and Nanetti, *Making Democracy Work*; Fukuyama, *Trust*.

produce a painstakingly detailed contract of work, hiring a lawyer to bring suit if that contract is breached, and so on (with the lawyer, too). The second may feel more secure, but it requires far more effort and changes something intangible about the relationship between you and the contractor. So, while three-place trust might seem like a workable base for democratic trust, we see how its particularity does not quite suit democracy. Democratic citizens must trust people they do not know to act in a range of non-specific ways, because trusting in an ever-more complex system of impersonal rules threatens long-term stability.³²

Part of what makes democratic trust difficult to parse out is the network of relationships to which it is applied. Since the next chapter turns to the United States Constitution, let us use that as the example here. In a representative democracy in a federal republic, several trust relationships emerge: between citizens, between citizens and the political elites who wrote the new Constitution, between states, and between states and the proposed centralized government. In practice, we recognize even more formal and informal relations of horizontal and vertical trust between citizens, officeholders, local government, state government, branches of government, party members, the federal government, non-officeholding political elites, politically relevant experts, and so on.

As I see it, there are three primary relationships of trust in democratic government: (1) between additionally empowered people (including political officials, elites, and experts) and ordinary citizens, bi-directionally, (2) between government officials at the individual and branch

32. Frens Kroeger, "The Development, Escalation and Collapse of System Trust: From the Financial Crisis to Society At Large," *European Management Journal* 33, no. 6 (2015): 431-37.

levels, and (3) between citizens. Together, these three basic relationships encompass the tangled network of trust that makes up confidence in government.

Indices of confidence in government oftentimes address one direction of the first relationship: trust that citizens have in government officials (both particular officials and officials generally speaking) or whole branches of government. However, such indices do not consider the extent to which officials trust citizens to uphold their civic responsibilities. Do legislators trust citizens to be attentive to the proceedings of government? Will they vote conscientiously?

The second relationship, between government officials at the individual and branch level, seems largely to be left out of the conversation. And yet, trust between government officials at the individual and branch levels matters. If officials distrust each other, then they face a collective action problem that is further complicated by a hardened attitude of skepticism. Distrust makes the job of governing extremely difficult because it forecloses important channels of compromise.³³ Officials and elites, meanwhile, are the most publicly visible examples of how to engage in political life. Their actions are public, and when citizens observe trust or distrust in these relationships it is not unreasonable to believe that it acts as an example for how ordinary citizens should conduct themselves with respect to politics.³⁴ Essentially, the behavior filters downward, so institutions should be designed to encourage trust among officials, which runs

33. John Rountree, "Gridlock and Rhetorics of Distrust," *Rhetoric and Public Affairs* 21, no. 4 (2018): 607-38.

34. I have yet to find someone who has studied this, but there has been a study on how televised, uncivil political debates increases political distrust by Diana C. Mutz and Byron Reeves, "The New Videomalaise: Effects of Televised Incivility on Political Trust," *The American Political Science Review* 99, no. 1 (2005): 1-15.

contrary to the set-up of democracy in the United States and elsewhere that relies on distrust among officials to give citizens a reason to trust the government as a whole.

The generalized trust citizens have in each other has been a growing area of study, although there has been less attention to generalized *political trust* amongst citizens. However, the responsibilities of citizenship are many in a representative democracy, from vetting, to voting, to holding politicians accountable, to following laws, and are more specific than believing that any citizen one might run into would act in a trustworthy manner. The question from the General Social Survey “Generally speaking, would you say that most people can be trusted or that you can’t be too careful in dealing with people?” may not quite get to the heart of democratic trust among citizens.

And that returns us to the question of what trust looks like in the literature specifically focused on trust and politics. Russell Hardin’s influential work has argued that trust does not fit into the relationship between people and their representatives because they cannot know enough about each other to make a judgment to trust, even with a somewhat morally pared down idea of trust as “encapsulated interest.”³⁵ In fact, he calls the problematizing of the decline of trust in government in the United States surprising, given that the “Constitution frames a set of institutions explicitly designed to block government power as much as possible in order to deal with the fact that liberals of the era...assumed that government cannot and should not be trusted.”³⁶ In its most basic formula, encapsulated interest means that I believe that you will do X

35. Karen S. Cook, Russell Hardin, and Margaret Levi, *Cooperation without Trust* (New York: Russell Sage Foundation, 2005); Russell Hardin, “Government Without Trust,” *Journal of Trust Research* 3, no. 1 (2013): 32-52.

36. Hardin, “Distrust: Manifestations and Management,” 4. For a similar argument see also Gershtenson, and Plane, “In Government We Distrust: Citizen Skepticism and Democracy

in a way that serves my interests, because in serving my interests you serve your own. Because the relationships that many citizens have with their representatives in most modern democracies lacks the personal component that would give each insight into the other's motivations or inclination to follow norms, citizens should not trust the government or the officials that populate it. This is a problem for democracy precisely because even ordinary citizens are "government agents" insofar as they choose how to act, hold officials accountable, organize, vote, and share in the same political power. Encapsulated interest is a three-place trust that adds in the elements of motivation and personal experience.

Christian Budnik contends that, thankfully for those who follow Hardin, democracy depends on reliance rather than trust.³⁷ The argument goes that democracy is flexible and responsive enough that reliance (i.e., ascertaining that there is a high probability that people will act as you expect, compared to trust which for Budnik and Hardin involves more personal knowledge about a person's motivations and previous actions) suffices, especially given the limited personal relationships and depth of experience that members of modern democracies have with one another. Government institutions set up rules and norms that increase the ability for people to rely on fellow citizens and officials to play their civic role. When an official clearly acts against the public interest or fails to do their job, the incident could be investigated and new rules set into place.³⁸ Although Budnik confesses that Donald Trump's presidency and administration present challenges to his theory, what he does not recognize is how democracy—though

in the United States."

37. Christian Budnik, "Trust, Reliance, and Democracy," *International Journal of Philosophical Studies* 26, no. 2 (2018): 221-39.

38. See, especially Budnik, 226-29.

impersonal—still rests on a dense network of sociopolitical relationships that go beyond the far-flung reliance of a constituent, who has never met any of his representatives, on the rules and norms of institutions to self-police against corruption. That constituent has to trust that those with more political power than he are not in cahoots with one another to turn a blind eye to corruption, or that someone will do the work of oversight and transparent public communication so that citizens can make informed decisions in the next election.

The turn to reliance as sufficient, and even preferable over trust, rests on the belief that “good behavior” can be more reliably secured through incentives and punishment. But the exigencies of life, and perhaps the human condition, complicate what might seem like an easy, rational choice to follow institutionalized incentives. There could, for example, be more compelling incentives to engage in corrupt behavior and do one’s best to avoid being caught. Democratic trust, while cognizant of the fact that betrayal may result in shunning or removal from office,³⁹ rests primarily on the hope and belief that people can and will rise to the trust that they have been given.⁴⁰ Expecting that people will do so under threat of punishment changes the relationship into an adversarial one where citizens/officeholders learn to do what they can to avoid being caught when acting badly rather than acting well for the sake of it, as discussed in the chapter on distrust.⁴¹ We might call one positive trust, where citizens place their trust in representatives to act in the interest of the country. Negative trust, on the other hand, says, *I do*

39. Democratic trust should be more resilient than relying on the implicit threat of shame or firing, such that if someone makes a mistake they are not immediately shunned. They may lose being worthy of basic trust for a little while, but not forever.

40. As shown in John Braithwaite, and Toni Makkai, “Trust and Compliance,” *Policing and Society: An International Journal* 4, no. 1 (1994): 1-12 and described as the cunning of trust by Philip Pettit, “The Cunning of Trust,” *Philosophy & Public Affairs* 24, no. 3 (1995): 202-25.

41. Baier, “Trust and Antitrust.”

not necessarily trust you as my representative, but I do trust that if you make a serious misstep, there will be appropriate consequences and remedies. Note that I still have to trust that someone will identify the misstep, raise it as an issue, and follow through with an investigation that results in consequences and changes. Democracy requires more than reliance, and democratic trust cannot be constrained to the relationship between citizens and officials.

Relying on institutional norms requires trust in people to follow them. Without the belief, knowledge, or trust that norms are being followed, e.g., that citizens are paying enough attention to recognize when an official engages in nefarious action or that no citizen is so above the law that the lawbreaker could expect with near certainty that he or she would get off effectively scot-free, how can mere dependence on norms or commitments to norms be enough? Democratic trust acknowledges that confidence in institutions and norms relies on underlying trust in individuals to effectively enforce democratic mores, both formal and informal. And even though democratic trust is one-place, it is not completely separated from the kinds of questions that prompted formulations like Hardin's—such as, *how am I trusting the other person to act?*, and *why do I believe that the other person will act as I expect?* Democratic trust responds differently to the first (in the interest of the common good), and tweaks the second question to *why do I trust the other person in the domain of politics, or to hold a government position?* The answer, too, changes from reasoning related to individual expectations or strategically calculated reliance to a demand of trust and trustworthiness as basic features of humanity.

In the course of describing arguments that democracy does not require trust, I have shown how reliance falls short. There is evidence that trust can be good for democracy for functional reasons. Quantitative analyses tell us that democracies with high trust (defined in, admittedly, numerous and sometimes problematic ways) also have a preponderance of other desirable

qualities: better health outcomes, happiness, lower economic inequality, lower perceived and experienced corruption, and responsive, effective government.⁴² Trust can make it easier for people to get things done in a large, diverse society.⁴³ We can question whether the definition of trust in any of these is the kind of trust that we think is important for democracy, and it is true that, in the aggregate, they fall somewhere between rational reliance (a calculation of the probability that someone will act as you expect) and guarded moral trust (a guarded hope that others are committed to certain kinds of action in the interest of a shared moral code). At the very least, this span of operationalizable forms of political trust makes clear that, at the very least, a form of moderated trust benefits democracy.⁴⁴

The meanings of social and political trust reflect that social science's focus on them has largely been quantitative, and they miss some of the nuances and essence of trust relationships in democracy.⁴⁵ But in turning to philosophy and theory for clarification, social scientists are not met with a clear-cut definition. Defining democratic trust can, therefore, benefit even these studies. To collect and interpret data about an element essential to democracy, it helps to know what needs to be measured—if it, indeed, can be measured. A definition for democratic trust acts

42. For a comprehensive review of this literature, see Helliwell, Huang, and Wang, "New Evidence on Trust and Well-Being"; Jong-sung You, "Trust and Corruption," in *The Oxford Handbook of Social and Political Trust*, ed. Eric M. Uslaner Oxford University Press, 2018), 473-96.

43. Morgner and King, *Trust and Power*; Giddens, *The Consequences of Modernity*; Fukuyama, *Trust*.

44. I must be quick to point out, though, that this is not the case across the board. Work on newer democracies or those rife with corruption challenge the idea of trust's importance. In reality, though, trust becomes unimportant and a serious threat to vulnerable people and the stability of a country at a point when democracy is already suffering from serious, underlying problems. Trust is not a cure-all. It is one part of a healthy democracy, which likely includes other parts such as justice, equality, and alternation of rule.

45. J. S. Maloy, "Two Concepts of Trust," *The Journal of Politics* 71, no. 2 (2009): 494.

as a guide to what must be studied to determine whether the specific kind of trust necessary for good democratic governance is present, growing, stable, declining, or absent. In the quantitative-heavy literature in American politics, trust is operationalized via survey questions, leading to a peculiar implied definition of what political trust might be.⁴⁶ While it is outside of the scope of this project to consider how democratic trust could best be operationalized, having an appropriate definition to start from makes practical and analytical sense.

Work in the vein of quantitative trust typically pays attention to one (or both) of two forms of trust: political and social. Political trust is typified by its verticality and refers to citizens' trust in the government, broadly speaking. Marc J. Hetherington and Thomas J. Rudolph define it as "a barometer of citizens' feelings toward government" that combines perceptions of "government performance, processes, [and] probity" along with other factors.⁴⁷ Alternatively, political trust can be the extent to which people think "that political actors generally behave in a fair manner" and follow democratic procedures.⁴⁸

46. As discussed in the first chapter, the questions themselves never define trust, leaving it up to the respondent to decipher what it means to trust, asking whether or not the federal government can be trusted to do what is right, make decisions in a fair way, do what is best for the country, etc., and focus primarily on the federal government. Only recently have they asked about state governments, and they ask about interpersonal trust in extremely broad strokes not directly related to politics. Qualitative (and often comparative) work can and do approach the subject with more nuance, as in Mark Peel, "Trusting Disadvantaged Citizens," in *Trust and Governance*, ed. Valerie Braithwaite, and Margaret Levi (New York: Russell Sage Foundation, 1998), 315-42.

47. Hetherington, and Rudolph, *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis*, 37.

48. Sonja Zmerli, and Marc Hooghe, eds. *Political Trust: Why Context Matters* (Colchester: ECPR Press, 2011), 3.

Social trust, on the other hand, is often bound up with social capital, and refers to general trust between citizens, though both social trust and social capital are embattled terms.⁴⁹ When people believe that others whom we do not know are likely to be fair, will do things that are important even if they will get no personal gains in doing so, PEW's Social Trust Index,⁵⁰ rises.⁵¹ As you might guess from how I have stressed that democratic trust exists in both vertical and horizontal relationships, these are both important to democratic trust.

Horizontal trust between ordinary citizens and vertical trust between citizens and their government feel instinctively related in the context of democratic political life, giving rise to studies of the interaction between the two. The exact, measurable relationship between them, however, has fallen every which way. It might be that high social trust supports high political

49. Elinor Ostrom, and T. K. Ahn, *Foundations of Social Capital* (Northampton: Edward Elgar Publishing, 2010).

50. The questions are: 1. Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people? 2. Do you think most people would try to take advantage of you if they got the chance, or would they try to be fair? 3. Would you say that most of the time people try to be helpful, or that they are mostly just looking out for themselves?

51. It should be noted that Putnam and those who have followed his thinking have continually associated trust and social capital with voluntary associations, like church, sports clubs, and the like. But the gist of it is still akin to becoming accustomed and willing to trust those you may not personally know. More recently, there has been a shift toward understanding social capital and social trust as coming from other sources than active membership in social groups, like a shared public culture, individual psychology, and social background. M. Freitag, "Beyond Tocqueville: The Origins of Social Capital in Switzerland," *European Sociological Review* 19, no. 2 (2003): 217-32; Lenard, "Shared Public Culture: A Reliable Source of Trust."

trust⁵² (which then supports high social trust)⁵³ or vice versa.⁵⁴ Part of what makes studying the interaction vexing are confounding variables. When people trust each other and their government, is the source of that trust actually social or political trust or that the people are relatively homogenous or are unencumbered by deep inequality? Is social trust merely shared culture or something different? There are substantial measurement issues here, and those who are doing this work agree. What is generally no longer questioned is whether the two are connected, because at this point it seems clear that they are. And while democratic trust includes conceptions of social and political trust that are different from the style used in these studies, the general ideas behind them are inextricable in democratic trust. Citizens trust each other and therefore can trust those who are in government.

Political trust, however, has taken on more than an operationalized form.⁵⁵ Political trust runs the gamut from rational-choice theories that base trust in reliable self-interest to moralistic characterizations.⁵⁶ Practically, the first would look like trusting fellow citizens to not harm you

52. Though political trust is sometimes mixed with higher levels of individual political engagement and civic action, the idea continues that increased engagement leads to increased feelings of efficacy and trust in the government—after all, you are a part of it. Luke Keele, “Social Capital and the Dynamics of Trust in Government,” *American Journal of Political Science* 51, no. 2 (2007): 241-54; Gabriel Abraham Almond and Sidney Verba, *The Civic Culture* (Princeton: Princeton University Press, 2015); Putnam, Leonardi, and Nanetti, *Making Democracy Work*; Putnam, *Bowling Alone: The Collapse and Revival of American Community*.

53. Eric M. Uslaner, ed. *Social and Political Trust* (Oxford: Oxford University Press, 2017), 47-53..

54. Sønderskov, and Dinesen, “Trusting the State, Trusting Each Other? The Effect of Institutional Trust on Social Trust.”

55. In many cases, what I am characterizing as “political trust” is not explicitly designated as political trust by the author. If the subject of the work is clearly about trust in a political context, it is included in this larger category even if they seem to be referring to a non-specific type of trust.

56. Cook, Hardin, and Levi, *Cooperation Without Trust*. and Sztompka, *Trust: A Sociological Theory*.

(either directly or indirectly) because you believe it is in their interest to get re-elected or avoid legal punishment. On the other side of the spectrum is a robustly moral version of trust. Moral trust involves trusting someone because you believe they are motivated by the desire to fulfill their obligations to you, or that they will fulfill their obligations to you because they recognize the importance of moral norms for their own sake. Moral trust is bound to the existence of a strong shared set of effective moral norms seen as having intrinsic value in a way that encapsulated interest does not.⁵⁷ Such an idealistic standard for trust, should it be necessary for democracy, does not fit well into democratic relationships. Democratic systems give state actors coercive power over citizens in the realms of life and liberty. Thus, the risk of someone taking advantage of a society that relies on moral trust rightfully seems unbearably high. Democratic trust accounts for the risk through the inclusion of moderated mistrust, which aims to avoid the problems of distrust noted in the previous chapter.

Political trust can be a mixture in between both of these extremes. Francis Fukuyama, for example, defines trust in a way that seems to rely primarily on moralistic grounds, but he does not shy away from pointing out the functional and potentially self-interested merits of trust, like reducing transaction costs, aiding cooperation, and contributing to a healthy economy: “Trust is the expectation that arises within a community of regular, honest, and cooperative behavior, based on commonly shared norms, on the part of other members of that community. Those norms can be about deep “value” questions like the nature of God or justice, but they also encompass secular norms like professional standards and codes of behavior. That is, we trust a doctor not to do us deliberate injury because we expect him or her to live by the Hippocratic oath and the standards

57. Uslaner, *The Moral Foundations of Trust*.

of the medical profession.”⁵⁸ Fukuyama’s version of trust goes beyond purely contractual or self-interested forms, and commingles with members of a community acquiring “virtues like loyalty, honesty, and dependability.”⁵⁹ This mixed form of trust incorporates different aspects of trust, like its connection to morality, social norms, professional requirements, self-interest, and culture, rather than honing in on one piece. Similarly, democratic trust takes the richly fragmented literature on trust, political trust, and social trust and channels it into a contextualized form. Democratic trust departs, however, in its specificity toward democratic practice, including mistrust and the feature of one-placeness.

While none of these quite reach the level of specificity of democratic trust, they do give insight into how trust is currently understood. It is obvious that definitions are either exceedingly broad, as is the case (purposefully) for fundamental definitions or are being shaped toward particular relationships either with or without acknowledgment. Additionally, we see how defining trust is a project that starts from two essential, but alone insufficient, pieces and is added onto from there to fit the relevant type of trust relationship. But none yet have directly and completely addressed the relationships that are a part of democratic trust. For those who argue that distrust or skepticism are better suited to democracy than trust, one of the main stalling points is that trust presents too great a risk for democratic citizens. Part of why rational-choice

58. The case of trusting doctors reveals the levels that can be involved in trust. We may trust our doctors, but that trust is potentially a conglomerate of reliances. We might be more willing to trust our doctors because we rely on our insurance companies to not contract with (and thus, recommend) an uncertified doctor. We rely on the relevant medical associations to accredit only those doctors who have attained the level of skill and experience necessary to practice—and that, when a doctor acts negligently or incompetently, then they will be appropriately sanctioned. Even further, if the doctor should act criminally in her job capacity, we trust that we can seek a legal remedy for losses and damages. Fukuyama, *Trust*, 26.

59. Fukuyama, 27.

conceptions of limited trust have arisen is that trust, if conceived of as one- or two-place, can seem unwarranted in the setting of a large democracy—especially one in which the likelihood of a citizen having a personal relationship with their representative or president is low to zero. But part of democracy is equality and action—equality in political voice, voting, and ability to become a political official, and the drive to act meaningfully to solve political problems. In such a system your fellows should warrant some form of civic trust that goes beyond reliance. Distrust also hampers the compromise and cooperation that overcome collective action problems in a pluralistic setting.⁶⁰ Democratic trust attempts to answer these problems.

Democratic Trust

Before discussing the parameters for democratic trust, I want to turn to a couple of efforts that have been made to talk about and define democratic versions of trust. Patti Tamara Lenard has been the most prolific person in this area, and her work is covered a little later because of her inclusion of mistrust, which had a significant impact on the argument made here.⁶¹ Mark Warren identifies three categories of democracy-relevant trust, where trust is defined as "an individual's judgment that another person, whether acting as an individual, a member of a group, or within an institutional role, is both motivated and competent to act in the individual's interests and will do so without overseeing or monitoring": social, first-order institutional (in regulatory and service agencies), and second-order institutional (the arena of political fighting—politics).⁶² His

60. You, "Trust and Corruption."

61. Lenard, "Trust Your Compatriots, but Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy"; Lenard, "Shared Public Culture: A Reliable Source of Trust"; Lenard, *Trust, Democracy, and Multicultural Challenges*; Patti Tamara Lenard, "Trust, Discretion and Arbitrariness in Democratic Politics," *Rivista di Estetica*, 68 (2018): 83-104.

62. Mark Warren, "Trust and Democracy," in *The Oxford Handbook of Social and Political*

explanation, however, revolves around ordering democracy for trust rather than defining the features of a specifically democratic form of trust. Democracy should foster social trust between citizens, separate the “political” pieces of government like the actual branches of government from the implied less political agencies (though it is hard to think of these branches as completely non-political because what is not political about police, water, environmental policies, etc.!), let mistrust and distrust into the political parts of government and keeping it contained there (which, as I have argued, is extraordinarily difficult for democracy because every citizen is a political power holder and every official is also a citizen), and give citizens the power to monitor (something that is shared with democratic trust). There is also the recent work of Matthew Festenstein, who argues that the trust relevant to democracy, though he calls it political trust, follows Hawley’s commitment-based form. He replicates the concerns that I have about Hawley’s definition, which is that it is completely separated from moral judgment.⁶³ If a politician were to say “I have a commitment to closing down all public schools, because only those who can afford private education deserve it,” and the people rely on him to keep that commitment (whether that informs their decision to vote for or against him), then the people trust him, which seems to be a distortion of the moral roots of trust.

What, then, must be added to the core elements of trust to compose democratic trust?

The parameters of democratic trust that I propose are as follows:

1. There must be two parties in the relationship who are people or groups of people—not institutions.
2. One party cedes, or shares, political power to, or with, the other.

Trust, ed. Eric M. Uslaner (Oxford: Oxford University Press, 2018), 75.

63. Matthew Festenstein, “Political Trust, Commitment and Responsiveness,” *Political Studies* 68, no. 2 (2020): 446-62.

3. Political power is ceded and shared in the hope that the entrusted cares for the common good, making democratic trust a moral relationship present in both horizontal and vertical relationships.
4. In ceding and accepting the power both parties assume some risk.
5. Democratic trust is basic insofar as every citizen is assumed to be and treated as democratically trustworthy until one has demonstrated sufficiently untrustworthy behavior.
6. Democratic trust includes a mode of cooperative vigilance to mitigate the risk of democratic trust's basic disposition as described in 5.

These parameters indicate democratic trust's distinctive features: its confinement to the political space, moral nature, and embedded norms of equality and cooperative accountability. But let us begin with what it shares with the idea of interpersonal trust writ large. A couple of standard components of interpersonal trust that democratic trust shares are the involvement of at least two parties, both of whom are risking something in the relationship.⁶⁴ Because democratic trust involves ceding some power to another, it is interpersonal here.⁶⁵ The element of risk follows the unpredictability of life and human nature. Unexpected circumstances arise at an ironically frequent rate and cannot be predicted. And, try as we might, we are unable to create a predictive model that takes into account the life experiences, psychological drives, practical concerns, emotions, etc. of any person to reliably predict one's response to unpredictable real-life situations.

And then there are the provisos that make democratic trust more specifically democratic.

The first is that the trusting party transfers some *political* power to the trusted. Binding democratic trust directly to political power allows citizens to trust a fellow citizen to vote

64. Karen Jones, "Trust as an Affective Attitude," *Ethics* 107, no. 1 (1996): 4-25; Baier, "Trust and Antitrust." What does the trusted person risk? One example is rupturing a relationship with the person who has trusted them if they act wrongly, even if only by accident or ignorant incompetence, or if there has been a miscommunication.

65. Certainly, there is an argument that could be made saying that perhaps democratic trust is best realized when a person can make an evaluative effort to decide whether or not they trust themselves to operate according to democratic norms, but this is a subject for another project. Additionally, institutions cannot be trusted, only people can.

conscientiously while still not trusting that same fellow citizen with the use of her new, expensive table saw. Restricting the domain of trust prevents these lapses or inability to trust outside of the political sphere, or with something other than political power, from being classified as incidences of distrust that contribute to democratic trust erosion.

The second provision is that the act of entrusting another with political power is done in the hope of promoting or preserving the common good, adding a moral element to democratic trust.⁶⁶ Intention matters here. An individual entrusted with political power cannot act, say, with the intention of enriching himself inappropriately even if the action taken can be understood to be beneficial for the common good in the main.⁶⁷

Democratic trust remains true to the general contours of trust while succinctly answering or setting aside some of the debates surrounding differences in very particular features of trust. These include: How much knowledge is required for the relationship to be one of trust? If a paucity of information exists, is it actually ignorance or blind faith instead of trust? If the trusting party has an abundance of reliable information, is the relationship one of trust or one of measured and rational expectation? What is a party being trusted with? Is trusting that someone will do wrong actually trust? Democratic trust allows for some flexibility in answering them.

The basic parameters of political trust answer questions about information by requiring risk to be a part of the relationship. When risk is completely negated the relationship no longer

66. For more on the connection between trust, risk, and hope, see Sverre Raffnsøe and Harokazu Mayazaki, "Dialogue 5: Joint Statement," in *Anthropology & Philosophy: Dialogues on Trust and Hope*, ed. Esther Oluffa Pedersen Sune Liisberg and Anne Line Dalsgård (New York: Berghahn Books, 2015), 183-223.

67. On a simple note, it is not democratic trust if political power is ceded with the hope that the common good is undermined.

fits the definition. On the other side, there is no minimum amount of information necessary to separate political trust from blind faith. If one party grants another some power and accepts risk of failure, then the relationship is one of trust. This is immaterial for democratic trust. Trust exists when the above provisions are met, regardless of the amount of information that a trusting party has. The question of the quantity of information potential trustors have is a separate question from the content of the information they have. Of course, if someone has acted in a democratically untrustworthy manner in the past, then it can no longer be hoped that they will act in the name of the common good in the future unless the untrustworthy person makes appropriate amends.

Democratic trust is centered on the ceding and sharing of political power. Political power is a flexible category depending on what a democratic society has rendered the domain of the political. Within any nation the boundaries of what constitutes political power may change, and democratic trust does not resist or proscribe such change—it only necessitates that there be an exchange of power. Making democratic trust only about political power separates the non-trust or distrust that I may have of my neighbor who wants to borrow my table saw from my trust in him in his capacity as a co-citizen.

The final provision that mitigates risk—a disposition of vigilance that is cooperative and truth-seeking in nature—is maybe one of the most contentious additions given that I have made an argument about the dangers of distrust. To try to avoid the problems of radicalized distrust and still protect against abuses of trust, I suggest a form of mistrust that merges the attitudes and behaviors of trust in democratic trust. Mistrust, you may say, is simply a synonym for distrust. Patti Tamara Lenard, however, distinguishes mistrust from distrust in her work. The concept of mistrust has been so elided with distrust at this point that changing ordinary language usage is

not the goal here, but it is worth the effort to make a scholarly distinction between mistrust and distrust. Lenard characterizes mistrust and distrust as both lacking trust, but mistrust diverges in three primary ways: Mistrust flexibly responds to information and context, and distrust is unresponsive; mistrust's disposition is one of caution and general questioning, and distrust's is one of cynicism or skepticism; mistrust can be beneficial to a democracy, and distrust less so.⁶⁸ Rather than situate mistrust as a state of non-trust, I have made it a part of democratic trust. Additionally, I identify a bright line between mistrust and the skepticism of distrust that is not quite apparent in Lenard's description.

Mistrust, on my view, is not lacking trust, but a part of democratic trust. Trust relative to democracy, in Lenard's account, centers on a generalized voluntary compliance with democratic regulations and a belief "that legislators intend to operate with the national interest in mind."⁶⁹ But democratic trust as I have defined it allows for democratic trust to be both more basic and more attuned to the need for features that may not traditionally be included in conceptions of trust. Democratic trust is basic in the sense that it contains a belief that all citizens should be trusted until they give you reason to not trust them. The inclusion of mistrust, meanwhile, adds a specific feature to democratic trust that would not be fitting for trust in other contexts. Mistrust here does not signal a lack of trust. It is part of a democratic trust that requires accountability along with discretion.⁷⁰ Unlike distrust, mistrust does not expect someone to betray trust, but rather works within a paradigm of trust.

68. Lenard, "Trust Your Compatriots, but Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy," 318-20.

69. Not unlike the other descriptions of political or democratic trust above. Lenard, 314-15.

70. Maloy, "Two Concepts of Trust"; Lenard, "Trust, Discretion and Arbitrariness in

Democracy needs mistrust because of the aforementioned high stakes of trust in a democracy and because of the unpredictability of human life. It is impossible to know—either in one’s role as a mere citizen or as an office-holder—for example, the effect that a decision will have on a vulnerable minority with whom one may not identify, or in general to predict the cascade of actions set in motion by a political decision.⁷¹ Mistrust provides a disposition of truth-seeking that helps to identify when trust has been breached and how it was breached so that breaches can be appropriately addressed.

Mistrust’s sensitivity to information and context clearly separates it from distrust. Flexibility on these parameters prevent the sclerotic skepticism that leads to paranoia and widespread distrust. Consider, for example, that a rumor is circulating that a certain politician may be privately purchasing stocks of companies that could benefit from pending legislation. Mistrust allows a citizen to critically examine the context of that information. What are the sources? Are those sources potentially corrupt? Do they provide proof? If, upon further investigation, the rumor turns out to be unfounded, then mistrust allows a citizen to say that the politician remains trustworthy. Consider, further, that the politician is one with whom the citizen disagrees on some policy issue. If the citizen reacts in a mistrustful rather than a distrustful manner, then he will not blindly accept the rumor especially when faced with evidence to the contrary.

Mistrust’s flexibility responds to changes of information via questioning. That information, however, is not just *whatever* information comes up. A mistrustful attitude leads

Democratic Politics.”

71. Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 2013).

people to ask questions and inspires a search for truthful answers. Mistrust can, perhaps, be best understood as a state of vigilant truth seeking.

The line between the questioning of mistrust and the skepticism of distrust, however, can be murky. At what point does questioning become pathological skepticism? Lenard's framing of mistrust implies a potential answer. She frames mistrust as a cooperative endeavor to guard your own right and those of others. She does not make an explicit distinction between distrust being competitive and mistrust being cooperative, but there is at least an implication that mistrust is cooperative. While mistrust can be practiced in the name of protecting one's own interests, there must be a realization that there are some people or communities who may not have the opportunity to be heard in the same way. It is, then, a democratic duty to make a stand in their name to protect their rights. This component of cooperation directs mistrust away from being used to expand one's own rights at the cost of the rights of others or as a justification to only investigate one's competitors.

The intention of the seeking and caution of mistrust matter. Someone working from a distrustful attitude will focus that distrust single-mindedly on one's political enemies and has a predetermined expectation of finding guilt. Imagining this in practice, while familiar, is bizarre. What a strange democracy it would be if disappointment were the reaction to finding that someone who holds office and had never acted against trust was, in fact, not corrupt or malicious. The spirit of cooperative mistrust, however, is more curious, hopeful, and concerned with protecting the rights of others.

The trust and mistrust that are vital to democracy are cooperative rather than competitive in disposition. As a democratic institution moves from cooperative to competitive it shifts from

trusting to distrustful.⁷² Mistrust, seen as a part of democratic trust and well-distinguished from distrust, provides a way to hold people accountable without resorting to distrust. A democracy can survive some distrust, but the more often it occurs the more dangerous it becomes as it chips away at the potential for trust.⁷³ In separating mistrust from distrust and making mistrust ordinary, mistrust's inclusion in democratic trust threatens democracy less than distrust does.

Citizens need to trust that others will follow the laws and that the government works for the common good, or at least does not work to intentionally harm the public. In a popular government all citizens hold the power that comes with the responsibilities of democratic citizenship, and all citizens theoretically have the potential to hold the increased power that comes with political office. The density of the network of potential trust relationships in the United States system of government translates to a multitude of entities for citizens to trust in various capacities.⁷⁴ However if the response to the danger of betrayal in all of these relationships is to institutionalize distrust, then that threatens trust. The threat comes from enshrining distrust such that it could spill over into the pool of generalized political trust.

Presenting checks and balances and the separation of powers in competitive rather than cooperative terms poses a number of potential problems for democracy. Competitive distrust

72. The argument for cooperative trust and mistrust is purely within the context of a political body with democratic elements.

73. Lenard, "Trust Your Compatriots, But Count Your Change: The Roles of Trust, Mistrust and Distrust in Democracy."

74. It is dense even without accounting for the bureaucratic expansions that have occurred over time because each branch of government has separate and overlapping roles. One (an ordinary citizen or an official in another branch of government) may trust the executive to enter and exit treaties wisely, but perhaps not to check the legislative branch. This could go on and on for each branch of government with respect to every one of their constitutional capacities and even to the relationship between the federal government and state and local governments.

moves a body politic further away from political virtue.⁷⁵ While competition or a competitive disposition in moderation can be positive for a democracy, my argument refers to one aspect specifically: competitive distrust, as an element of distrust, threatens democracy.

Conclusion

Conceptually, trust is so malleable that it has been stretched and shrunk like a wool sweater to fit the needs of numerous situations. But how we understand trust in different contexts goes beyond *some general conception of trust, but only in relation to matters of friendship, or buyer/seller, family, politics, and so on.* The italicized description is unsatisfying, in part because general definitions of trust are highly contested and can vary widely in their particulars. With varied and contested definitions come ardent disagreement, confusion, and false equivalencies. As an example, if trust between friends seems to require a high level of personal interaction, then it could be logical to conclude that trust is impossible in large democracies where citizens hardly know each other or interact personally with their representatives. Such a conclusion assumes that because the trust suited to friendship is not suited to democratic citizenship, then trust cannot be a part of democratic politics. This misses a crucial point. When considering trust in a friendship (or any other domain), trust is being tailored to a specific circumstance, often simply under the name of “trust,” which has contributed to confusion.

Although trust in democratic relationships may not look like trust in a friendship or a family, we need not say that there is no room for democratic trust. Rather, the variance presents

75. Publius may not have been concerned with cultivating political virtue, but it is essential to understand competition as antithetical to the political virtue of cooperation as seen in Plato's *Protagoras*. See David D. Corey, *The Sophists in Plato's Dialogues* (New York: State University of New York Press, 2015), 50-51.

an opportunity to think through the particular nature of trust that suits democratic life. In the specific case of democratic trust, the exercise of defining parameters prompts researchers and citizens to ask essential questions about what it means for people to live together in a democracy. What is the purpose of a political arrangement in which citizens share the responsibilities of ruling? How should democratic citizens relate to each other? Is there a change in relationship between ordinary citizens and political officials? What, practically speaking, does a democracy need to function? Do current or planned institutions, practices, and norms seem compatible or incompatible with the ideals of democracy?

In answering these questions, it becomes apparent that democracy must find a way to balance the need to maintain and cultivate some kind of trust with the danger of sharing political power. The extremes of morally robust versions of trust and thin mere reliance seem unsuitable for this task. Democratic trust provides a middle way that offsets risk while satisfying democratic principles.

Democratic trust aims to protect against abuses of trust without relying on distrust, which is especially important given the connections made here and in the chapter on distrust between distrust and democratic backsliding. Because democratic trust is essential to a well-functioning democracy, there is an argument for considering how democratic trust might be cultivated and maintained when composing or revising a constitution. Do the institutional structures support democratic trust, or do they model distrust? In an established democracy experiencing trust erosion, citizens might consider the extent to which constitutional revision could be a part of restoring trust.⁷⁶ These are questions that must be considered carefully to create a stable

76. There has been some discussion on how institutional structures could foster trust, see

democracy. This chapter gives us a starting place from which to do the work of analyzing the United States Constitution through the lens of democratic trust in the next chapter.

Pettit, "The Cunning of Trust."

Chapter 4

Distrust, Democratic Trust, and *The Federalist*

My argument up to this point has fallen under a familiar umbrella of questioning in democratic thinking: What should democracy look like? Thinking through how trust and distrust should work in a democratic body politic contributes to answering larger questions about how we should design political systems in which the people rule without reproducing known problems of democracy (or politics more generally) or creating new ones. Who is trusted with power? How much? What does it mean to trust? Who should be distrusted? In this chapter, I critically analyze how *The Federalist* explains trust relations and institutionalization of distrust in the Constitution of the United States. Ultimately, I critique *The Federalist's* characterization of trust and distrust for falling short of democratic trust and providing a foundation for problematic distrust.

An analysis of trust structures and characterization in *The Federalist* and the Constitution has not yet been done. We have critiques of how the United States government functions today, both with and without respect to trust (even if trust and distrust are undercurrents in those arguments), but nothing that specifically looks at the characterization of trust in the Constitution.¹ We know from reading *The Federalist* that the Constitution outlines a system of

1. Examples of the former include Sanford Levinson, *Our Undemocratic Constitution* (Oxford: Oxford University Press, 2006); William G. Howell and Terry M. Moe, *Relic: How*

internally adversarial, slow-moving government (except in urgent or extraordinary times) that presumed that people would reliably act out of ambition or self-interest, if not virtue or care for the common good. The delegates to the Constitution Convention of 1787 had good reason to think that way, not only due to history and the political philosophy of the day, but also from the obvious practical shortcomings of the Articles of Confederation.²

Publius³ describes the failure with respect to states not fulfilling their obligations as the product of unfounded idealism: “It was presumed that a sense of their true interests, and a regard for the dictates of good faith, would be found sufficient pledges for the punctual performance of the duty of the members to the federal head.”⁴ By institutionalizing safeguards against abuse of power that would threaten liberty, constitutional creators and reformers try to assure the people that their freedom will be secure even when political actors are corrupt.⁵ Beyond this skepticism, Publius expresses skepticism in the members of the Constitutional Convention, writing that it is “a thing more ardently to be wished than expected” that the choice whether to ratify the proposed Constitution should be influenced solely by considerations “connected with the public good.” The perceived alternative is a constitution instituted “by accident or force,” so at least a constitution

Our Constitution Undermines Effective Government—and Why We Need a More Powerful Presidency (New York: Basic Books, 2016); Stephen M. Griffin, *Broken Trust* (Lawrence: University Press of Kansas, 2015); Hetherington, and Rudolph, *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis*..

2. For a measured account of the problems at the time, see Wood, *The Creation of the American Republic, 1776-1787*, 393-429.

3. Since multiple people authored the papers, I refer to them collectively, see Jason Frank, “Publius and Political Imagination,” *Political Theory*, 37:1 (2009): 69-98, 70-71.

4. *Federalist* 23.150.

5. We can think of this as similar to Eri Bertsou’s explanation of liberal distrust, which motivates people to create and endorse systems designed to proactively deal with how the power imbalances involved in governing can lead to the abuse of political power, Bertsou, “Rethinking Political Distrust,” 216.

purposefully created and debated by citizens or their representatives expresses more trust and may be more likely to align with the public good.⁶ But it is still only a wish that a body of men deserves any sort of a priori trust to care for the common interest when creating a Constitution that should have the common interest as a significant part of its goal.

Publius had no reason to think about trust and distrust as I have articulated them in this dissertation, but the general tension between trust and democracy is a not-infrequent part of the essays. Publius writes that opponents of the powers given to the central government forget that attaining necessary ends⁷ can require less-than-perfect means, and “in every political institution, a power to advance the public happiness involves a discretion which may be misapplied and abused.” He actually goes a bit further, saying that Anti-Federalists have “chosen rather to dwell on the...*possible abuses which must be incident to every power or trust of which a beneficial use can be made.*”⁸ Therefore “in all cases where power is to be conferred, the point first to be decided is whether such a power be necessary to the public good; as the next will be, in case of an affirmative decision, to guard as effectually as possible against a perversion of the power to the

6. *Federalist*, 1.27.

7. It is curious that the argument here is based on necessity. What is at issue is what the government *needs* to do, not what ordinary citizens or the writers of these essays *prefer* or *hope* it could accomplish. I could be making too much out of this word, but I wonder if I paid more attention to it if the same would be true across the essays.

8. Emphasis added. Trust could be used here to indicate “the obligation or responsibility imposed on someone in whom confidence is placed or authority is vested, or who has undertaken to carry out a particular duty or role,” and does not necessarily have the same connotations of care for the trustor as most other definitions of trust—though certainly those understandings of trust were also being used at the time and elsewhere in the essays. *Oxford English Dictionary*, trust 6b. This does not affect the argument, as in this case trustors (citizens, states) trust others with the discharge of certain obligations or responsibilities but is a potential etymological variation that should be noted.

public detriment.”⁹ For Publius’s argument, here specifically defending the increased power of the central government, trust or power is justified by its connection to the public good and must be protected from corruption. He articulates the very tensions between trust and democracy that have been discussed at length here, proposing that trust is necessary for an effective government and that trust should not be given without adequate safeguard against its abuse.

What has largely been left unexamined is whether the kind and character of these safeguards have unintended or undesired effects on democracy’s functioning. I have argued that distrust (especially the type that I have characterized as egocentrically competitive) is generally undesirable for and even ruinous to democracy and that trust, in the form of democratic trust (a moral form that affords all citizens *a priori* democratic trust and includes cooperative vigilance), is both intrinsically valuable to and functionally beneficial for healthy democracy. In this chapter, I take these arguments and use them to analyze the foundations of the democracy established by the United States Constitution, primarily through a reading of *The Federalist*. Do they institutionalize democratically self-defeating forms of distrust? Do they establish a system that fosters and maintains democratic trust? I argue here that although *The Federalist* communicates an attempt to create a system of government worthy of trust—even when not everyone in it would be virtuous or trustworthy—it misses features of democratic trust necessary for the long-term maintenance of a healthy democracy.

The chapter proceeds in the following order. First, I explain in more detail why I am returning to *The Federalist*, namely because it is foundational, provides a different perspective on the crisis of trust, and offers trust-specific insight into the Constitution, which only lays out the

9. *Federalist* 41.252.

bare bones of the system. The next sections turn to analysis of the text, particularly with respect to trust and distrust (both implied and explicit) in readers/citizens, the legislature, the executive, and the system of government. What we see in these sections is the constant strain between parceling out power to the people as ordinary citizens or as officials and using antagonistic forces to rein in abuse of those bits of trust. I conclude with a reminder of my earlier arguments.

Democratic trust fosters confidence in the system by asking citizens to trust each other rather than asking citizens to trust in a system regardless of the trustworthiness of their fellows or officials. Prioritizing trust in a system flips democratic trust on its head by asking citizens to trust that a system that will arrive at caring for (or not harming) the common good despite the untrustworthiness of one's fellows. Further, the system accomplishes limiting the harms of untrustworthy people through incentivizing them via competitive, self-interested means.

Democratic trust's cooperative rather than egoistically competitive mode of vigilance and the primacy of trust in each other avoid the topsy turviness of systems that neglect fostering trust among the people in favor of trust in the system as a whole. A consistent belief that citizens will care for the common good and reasons to trust fellow citizens are missing in *The Federalist*, while elements of egoistic, competitive distrust are brought up again and again. While it may seem pragmatic to have a system that *can* arrive at the common good and will likely minimize active harm even if its members prove untrustworthy, it does so at the risk of beginning a spiral of distrust and eventual trust erosion.

Why *The Federalist*?

The Federalist is the focus here. Why take my arguments against distrust and for democratic trust and apply them to a text written over 200 years ago that is not even the Constitution, but an

auxiliary piece of writing, rather than addressing the current state of affairs or the Constitution directly (especially given how the Constitution has changed from the form that *The Federalist* defends)? The first reason is, as noted in the introduction, arguments in *The Federalist* are deeply related to trust and distrust. Publius partially frames the need for the new constitution as a matter of dealing with rampant distrust, and the arguments are clearly, if not always explicitly, concerned with communicating why the people should trust a new, more centralized arrangement of government to get things done without threatening citizens' hard won freedom from a distant, centralized government.

The second reason to return to *The Federalist* is that it gives us foundational perspective on how and why the people could be expected to trust the government. We currently have no shortage of work investigating trust—albeit differently than I have written about it—with respect to the current state of politics, and returning to the source of government organization is, as far as I can tell, not often a major consideration.¹⁰ Surveys have shown that people in the United States have, overall, decreasingly trusted the government since the late 1960s, leading people to declare that we are experiencing a “crisis of trust.”¹¹ Explanations for the decline have typically focused on performance indicators (e.g., is the economy doing well, does government seem to be performing its function, are the people in power members of my party) and political scandals, or even growing, impossible-to-meet expectations from citizens.¹² The fixation on measurable

10. Many, most even, could be said to be doing work that deals with Constitutional institutions, but they focus on how those institutions operate today, not the theory behind how they would or should work. See the chapter herein on trust.

11. For the data, see Center, “Trust and Distrust in America”; “Trust in Government Index 1958-2016.” For calls that the United States is experiencing a crisis of trust, see Doran Smolkin, “Puzzles About Trust,” *Southern Journal of Philosophy* 46, no. 3 (2008): 431-49.

12. Chanley, Rudolph, and Rahn, “The Origins and Consequences of Public Trust in

linkages between levels of trust and contemporary actions, incidents, or situations misses out on foundational issues.

Instead of measuring trust and attempting to unravel what has caused its apparent decline, this project has focused on articulating what trust and distrust are and how they might work in democracy. An argument for thinking about politics pragmatically, i.e., with the constant reminder that people are imperfect, and power corrupts, underlies modern thinking and writing on politics. The upshot of this has been that we should take a stance of skepticism about human behavior when designing or critically engaging with a constitution, codifying ways to prevent, remedy, or usefully channel corruption to the extent possible. What I have shown is that these kinds of safeguards, while important, should avoid characteristics of distrust that are anti-democratic and should be joined with a careful regard for inculcating and preserving what I have called democratic trust. Trust and distrust are an integral part of reasoning about the arrangement of the Constitution and analyzing it and its defense to question if there are deeper roots to current trust-related problems provides a different perspective on the crisis of trust.

The Federalist gives readers a sense of the character of the Constitution in a way that makes the analysis that I do here possible—the essays give us insight into the nature of the safeguards that are implemented in the Constitution.¹³ Where the Constitution simply lays out

Government”; Jack Citrin and Samantha Luks, “Political Trust Revisited: Déjà Vu All Over Again?,” in *What Is It About Government That Americans Dislike?*, ed. John R. Hibbing and Elizabeth Theiss-Morse (Cambridge: Cambridge University Press, 2001), 9-27; Citrin, and Stoker, “Political Trust in a Cynical Age”; Dalton, “The Social Transformation of Trust in Government.”

13. You might still ask, but why prioritize *The Federalist* over the notes of the convention debates or other historical sources. The answer is simple: *The Federalist* were written to the public, and even if their availability was sporadic at the time [see Pauline Maier, *Ratification: The People Debate the Constitution, 1787-1788* (New York: Simon and Schuster, 2011), 84.] and they

the rules, *The Federalist* contextualizes and argues for why the rules were written as they were.

What is one sentence in Article 1, Section 4 about national congressional control over elections for the national legislature is discussed in *three* of Publius's essays.¹⁴ Publius's descriptions of how the Constitution remedies problems inherent to popular government provide readers then and now with details about the relationships envisioned in the proposed government and evaluations of citizen character that are not explicitly evident in the text of the Constitution.

But why go back *The Federalist*, given that the Constitution and the practice of government and politics have changed substantially since? The Constitution and *The Federalist* go beyond setting forth and defending a system of government. They contribute to defining what it means to be a citizen of the United States—not in the sense of where one is born or whether one can vote, but on a more essential level. In reading them, one can form an understanding of how we will live together, how and why we assign legal authority to others, and what we expect from each other as people who can all (but may or may not) hold formal political power.¹⁵ As Publius puts it, government is but “the greatest of all reflections on human nature.”¹⁶ The type of government conveys a judgment of the character of citizens: *this is what is necessary to keep us free and safe, because we as a people do not possess sufficient virtue to do so otherwise*. Certainly the Constitution gave more power to citizens who held political office and reflexively in citizens to police the use of that power, but the checks on that new power are competitive in nature instead of cooperative. Publius tries to convince readers that the presumption of self-interested,

are the most comprehensive individual work that we have.

14. *Federalist* 59-61.

15. Ellen Holmes Pearson, *Remaking Custom: Law and Identity in the Early American Republic* (Charlottesville: University of Virginia Press, 2011), 31-73.

16. *Federalist* 51.319.

ambitious citizens and politicians and, therefore, an antagonistic relationship between them, is a way to design a government that works to the benefit of the public good since the only matters that everyone could agree on enough to actually pass legislation would be those in line with justice and the common interest. Publius may be right. But that presumption damages critical trust relationships.

We learn what kind of people we are, or perhaps aspire to be, by the kind of government we create or approve. The form of government itself can inform a citizen's understanding and expectation of himself and other citizens. Considering how trust is reinforced or eroded by observing trust or betrayal, one might conclude that citizens can generally trust the government because of its structure and processes but need not—and maybe even should not—trust each other.

I cannot say what the motivations were of the people who wrote the Constitution, and more people contributed to its writing than Madison, Hamilton, and Jay. We have notes on the debates, contemporary writings published in papers and pamphlets, and private correspondence, and still there are multiple interpretations of why the Constitution was drafted at all and why it looks the way that it does. It may be that the Articles of Confederation were disastrous and it was clear that there needed to be a more centralized, empowered, national government, or that the Articles were fine, but a disaster for protecting the property rights of the moneyed elite, who then organized to revise the Articles to protect their property and status from the masses, or a culmination of what people of the era had learned about organizing government through history, practice, and liberal, republican, or other theories.¹⁷ What I am not saying here is that in their

17. Alan Gibson, *Interpreting the Founding: Guide to the Enduring Debates Over the*

heart of hearts those who designed, defended, or ratified the Constitution did so because they distrusted their fellows to be interested in the common good or public virtue (although, at least on Gordon Wood's account and in *The Federalist*, it does seem to be the case that there was reason to distrust the people and the states on this matter), or even that the system was meant to be a system of distrust.

What I am arguing is that *The Federalist's* description of the Constitution paints a problematic picture of trust and democracy if what I have argued about distrust and democratic trust are true. I make this argument fully recognizing that the main goal of *The Federalist* was to convince distrustful people that the safeguards put in place would work—not whether or not the safeguard could be the start of snowballing, anti-democratic cynicism.

One could object that *The Federalist* couches arguments for the Constitution in skepticism about people in government because those are the objections that they faced at the time from Anti-Federalists. How else could Publius counter arguments that people could not be trusted with power when those powers were vague, or great, and the person using the power was separate from the constituents he represents? Anti-Federalists argued that even those “who enter reluctantly into office become habituated, grow fond of it, and are loath to resign it.—They feel themselves flattered and elevated, and are apt to forget their constituents, until the time returns that they again feel the want of them.—They uniformly exercise all the power granted to them, and ninety-nine in a hundred are for grasping at more.”¹⁸ It would make sense for supporters of

Origins and Foundations of the American Republic (Lawrence: University Press of Kansas, 2010).

18. This and other citations from Ralph Ketcham, ed., *The Anti-Federalist Papers and the Constitutional Convention Debates*, (New York: Signet, 2003) take the form *Anti-Federalist* [section].[page]. *Anti-Federalist* John Dewitt Essay III.331.

the Constitution to meet their opponents on those terms, which would explain why Publius assumes that the people who hold office may well be self-interested, power-hungry individuals, but then detail how the system of separated powers with checks and balances uses that base assumption to the advantage of a secure, stable, efficient (when necessary) government. As we will see, however, Publius goes beyond this. Even if the arguments were framed in this way for the purpose of rebutting Anti-Federalists, they were and remain an integral part of interpreting the Constitution, and for whatever reason, the oft-quoted lines are those that remind us that people cannot be trusted to be virtuous or interested in the common good.¹⁹

An etymological connection exists between trust and the name chosen for Publius's essays, along with the federal republic that it defends. The word federalism originates from the Latin *foedus*, meaning treaty or alliance.²⁰ *Foedus* is inextricable from *fides*, a word meaning faith or trust that refers to a deity of good will.²¹ The Constitution acts as a contract between people who will live together in a nation under a set of laws, and between individual states to exist

19. To be clear, the assertion here is not that the Constitution is an anti-democratic document (though it may be) or that it was not far more trusting in many ways than the government that the colonies had experienced under the British rule or even the Articles. The history of this can be seen in Wood, *The Creation of the American Republic, 1776-1787*. Instead, my argument indicates the existence of a weakness with respect to long-term cultivation and maintenance of trust. Nor is this a causal, process-tracing argument that claims that any crisis of trust can be directly tied to the competitive mistrust I identify here.

20. Notably, when referring to the necessity of the supremacy of the federal government Publius forcefully writes that without it "It would otherwise be a mere treaty, dependent on the good faith of the parties, and not a government, which is only another word for POLITICAL POWER AND SUPREMACY." *Federalist* 33.200. Publius rejects a dependence on good faith as being meaningful government because it does not result in political power and supremacy. A good faith treaty between parties is not a government to Publius, but that does not mean that good faith is unimportant—only that it cannot be the only thing on which the contract depends.

21. Coleman Phillipson, *The International Law and Custom of Ancient Greece and Rome* (London: Macmillan, 1911), 391-93.

alongside—and in many ways subordinate to—a centralized, national government. Before even delving into the complex institutional apparatuses, multiple layers of essential trust relationships begin to emerge simply from the fact of creating and establishing a new political order, creating an enlarged system network of trust. Trust, when theorized in systems, acts less like a spider web, where one piece might be swatted away and leave a large portion of the web intact. Instead, trust becomes like a complicated system of ladders or swirling patterns of dominoes—destroying one piece has greater ripple effects.²²

Readers/Citizens

When it comes to trust in citizens, *The Federalist* works on two levels. The first is trust in the readers, who are likely citizens, and the second is trust in citizens' political capabilities, responsibility, and virtue. Ordinary citizens are trusted to consider the proposal for the Constitution, voting for members of the House of Representatives, and being elected to office.

Evaluating the New Constitution

Rather than leave ratification to the state legislatures, ratification is left to the people by way of state conventions. Even so, Publius is skeptical that the people at large will give the proposal “that sedate and candid consideration which the magnitude and importance of the subject demand.” This skepticism could merely be a dig directed toward Anti-Federalists, given how complimentary he is of the people in the rest of that paper, noting that, in the previous Congress of 1774, “the great majority of the people reasoned and decided judiciously” despite many who

22. Kroeger, “The Development, Escalation and Collapse of System Trust: From the Financial Crisis to Society At Large,” 434.

“were deceived and deluded.”²³ Underneath the hope for a stable nation with a new constitution there is a doubt that citizens and politicians can do what civic life demands of them. It would be unfair to say that some general skepticism was not warranted. After all, the new Constitution was being created in response to perceived failures and anxieties about the stability of the states under the Articles of Confederation, and *The Federalist* reminds readers of these with examples of constitutions, citizens, and legislators acting unfaithfully.²⁴ Readers and citizens are granted some trust, but it is limited.

In the first essay, Publius invokes a spirit of moderation with respect to the deficits of citizen judgment in what reads almost like an ancient rhetorical ploy to softly, cunningly undercut criticism. Those who appear ill-intentioned in their opposition to the Constitution are described as making “honest errors” due to “preconceived jealousies and fears.”²⁵ And in the final essay, he writes “I have addressed myself purely to your judgment, and have successfully avoided those asperities which are too apt to disgrace political disputants of all parties,” presumably because Publius trusts the people to decide well.²⁶ He even has faith that citizens, even those who are not wealthy, are sensible and honest men who will prefer the Constitution to the current state of affairs, under which “[t]he perpetual changes which have been rung upon the wealthy, the well-born, and the great have been such as to inspire the disgust of all sensible men. And the unwarrantable concealments and misrepresentations which have been in various ways practiced

23. *Federalist* 2.34.

24. There are some who contend that the Confederation was more successful than Publius relates, like Merrill Jensen, *The New Nation: A History of the United States During the Confederation, 1781–1789* (New York: Alfred A. Knopf, 1950).

25. *Federalist* 1.28.

26. *Federalist* 85.521.

to keep the truth from the public eye have been of a nature to demand the reprobation of all honest men.”²⁷ He trusts, at least, that even when the people see injustice strike those of higher status or more means, they will still recognize the wrongdoing.

Given how qualified these expressions of trust are, they might be mere flattery rather than earnest trust. The Federalist had a job to do. Publius needed to convince people to ratify the new Constitution. Anyone would be hard pressed to argue that that goal would be better served by insulting the general public. But Madison, in particular, renders his argument to the people on the size of the union “in full confidence that the good sense which has so often marked your decisions will allow them their due weight and effect” and he frames his argument for a national government on the basis of “cords of affection...the kindred blood which flows in the veins of American citizens, the mingled blood which they have shed in defense of their sacred rights, consecrate their Union and excite horror at the idea of their becoming aliens, rivals, enemies.”²⁸ This trust, again, something that could be relegated to a sentimental, rhetorical plea, but even in his later writings, Madison seems disposed to earnestly believe in both of these.

Suffrage and Office

In the convention debates, James Madison and the majority voted 7-1 to uphold the widest suffrage for choosing members of the House of Representatives that they could apparently muster at the time—extending suffrage to all who were qualified to vote for the largest branch of the state government in their individual state—against an attempt to restrict the vote to

27. *Federalist* 85.521-522.

28. *Federalist* 14.98-99.

landowners.²⁹ Gouverneur Morris's case for the restriction was that the poor would be likely to sell their votes, especially in the future when larger businesses would employ many, going so far as to compare the poor to children who do not vote "because they want prudence, because they have no will of their own. The ignorant and the dependent can be as little trusted with the public interest."³⁰ The other members replied to Morris's concerns with markedly increased faith in the people, but also a recognition of the problems that attend countries where the landed have more say than those with less or no land to their name. Benjamin Franklin even ascribes "virtue and public spirit" to the common people, which such suffrage restrictions might dampen.³¹

Though marred by the lack of guaranteed national suffrage for all citizens, including women, and the politicking that surrounded conversations about slavery that ended with economic compromises that denied personhood to people who had been enslaved, ordinary citizens are given some trust to make important political decisions. That trust, however, is limited. The widened suffrage was limited to the election of people to one house of one branch of the national government, and if the people did a poor job and elected a would-be tyrant, the power of that one would-be tyrant would have to face the rest of the House, the Senate, the Executive, and the Court. The system still institutionalizes distrust, which was either not considered to be a threat to long-term stability, or perhaps something that was not even on the minds of people who were urgently trying to write a new constitution as quickly as possible.

29. James Madison, Qualifications for Suffrage August 7, 10, in Ralph Ketcham, *The Anti-Federalist Papers and the Constitutional Convention Debates* (New York: Penguin, 2003), 135-39.

30. *Anti-Federalist* Qualifications for Suffrage August 7, 10. 136.

31. *Anti-Federalist* Qualifications for Suffrage August 7, 10. 138.

In the face of worries about mob-like conduct and the tendency for democratic people to be swept up by silver-tongued politicians, citizens are given this trust because of features of institutional design. Not only are their direct votes limited to choosing members of the House of Representatives, but the sheer number of people and interests in the combined nation prevents the development of widespread, illiberal popular movements. The choice to constitute a body politic as a representative democracy indicates at least a hope that the representatives chosen will be wise and committed to “the true interest of their country” with “patriotism and love of justice,” but Publius recognizes that the proposed system would still allow “men of factious tempers, of local prejudices, or of sinister designs” to “by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people.”³² The problem of faction is inescapable. Factious tendencies are natural to man, and from them emanates, according to Publius:

A zeal for different opinions concerning religion, concerning government, and many other points, as well as speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, *inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good.* (Federalist 10.73. Emphasis added.)

But why must it be considered so? Understandably there could be rhetorical reasons connected to the historical context of the founding, but difference need not be a source of faction in a society characterized by mutual respect and cooperation. Diversity, though often seen as a clear basis for faction or distrust, does not have to be framed in this way.³³ Perhaps framing diversity as a

32. *Federalist* 10.76-77.

33. A trend that extends at least as far back as Plato, but has seen recent attention connected to Robert D. Putnam, “E Pluribus Unum: Diversity and Community in the Twenty-first Century; the 2006 Johan Skytte Prize Lecture,” *Scandinavian Political Studies* 30, no. 2

strength for producing imaginative solutions for political problems through cooperation could make a difference in how a country understands diversity. The goal of the enlarged republic is not to prevent men of factious tempers from arising. The goal is to stifle them amongst antagonistic relationship with other factions.

The presence of so many factions in a government arranged like the Constitution may still bother and convulse society, causing wider suspicion and distrust. When so many individual interests bump up against each other with frequency and by design, citizens learn to see politics as a zero-sum game where all players should be assumed to be egoistic or faction-centered. Though enemies might be able to come to an agreement when an urgent matter needs tending, as the lines between factions solidify and grow it becomes harder to bridge that distrust. The enlarged public sphere might dampen the effects of a corrupted faction and numerically lessen the probability that one faction will always be in the minority, but this relies on there being too many differing particular interests for any one large majority faction to ever pervade the entire country. If trust is at a low point, it is entirely possible that rampant distrust among factions results in the success of a demagogue as factions war with each other.

So long as a faction remains a minority, it will be regularly defeated, though that does not mean it does no harm. “It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution.”³⁴ Clogged government administration and convulsions of society, however, are not without risks. Here they

(2007): 137-74, though his findings are questioned by Maria Abascal and Delia Baldassarri, “Love Thy Neighbor? Ethnoracial Diversity and Trust Reexamined,” *American Journal of Sociology* 121, no. 3 (2015): 722-82.

34. *Federalist* 10.75.

are presented as the only alternative (aside from stamping out diversity) to factional tyranny. But a hamstrung government loses its vigor and may be seen as largely incapable of producing legislation needed to support the common good. Convulsions of the society, too, may invite mistrust to harden into distrust.

Publius also finds the spread of one faction's temperament and desires throughout the majority unlikely because of distrust, as "where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust."³⁵ There are at least two ways of interpreting this line, one an optimistic view of distrust and another less so. The first is that citizens should be able to sniff out bad actors, and bad actors should be too worried that their plots or unjust proposals will be found out and the bad actor publicly shamed. The second reading is less optimistic. If it is assumed that most factions distrust each other, believing that each is only out for their own good then of course there will not be good communication between members of different factions. Each will be worried that a cunning, silver-tongued politician from another faction would conceal his motivations and plans if they might offend the sensibility of the people that they will be steadfastly deaf to the appeals of others. If citizens are disposed to see every person with whom they disagree as factious and concealing corrupt motivations, then trust becomes impossible. Without trust, democracy fails.

Why are the people trusted with these powers? Is it because they are virtuous enough to be relied upon to use their powers in support of the common interest? Not exactly. Publius at least grants that it is equally incorrect to say that people are terrible as it is to say that people are often good, and "[t]he institution of delegated power implies that there is a portion of virtue and

35. *Federalist* 10.78.

honor among mankind, which may be a reasonable foundation of confidence.”³⁶ Trust in the people is always attended by something that moderates or undercuts it. Citizens are trusted with widened suffrage to make political decisions but limited to a small area—and if they make a mistake, other parts of the system will mediate it. Offices are opened to citizens without land or substantial wealth, but Publius supposes that they will be elected only in the rare instances of merit (a little self-important there given that Hamilton wrote the essays that refer to this).³⁷ In the aggregate within this particular mediated system of government, the people can be trusted to at least not make decisions that are so unjust, unreasonable, and impactful that there is not a way for the system to make up for it.

What Should Not Be Trusted to the People

We see how trust in the people relies on the form of government in arguments for not entrusting the people with the power of enforcing the constitutional barriers between the branches of government. The reasons for not entrusting citizens with the power to adjudicate breaches of constitutional barriers range from what appeals to citizens on this matter implies about the system to the lack of good judgment. “Every appeal to the people would carry an implication of some defect in the government” and “frequent appeals would, in great measure, deprive the government of that veneration which time bestows on everything.”³⁸ The people need to feel that the government is secure and able to function as it is, without the need for legislators to appeal to them for more power or to make constitutional changes—although there ought to be a way for

36. *Federalist* 76.457.

37. *Federalist* 35-36, especially 36.213.

38. *Federalist* 49.311.

the people to make changes in extraordinary circumstances.³⁹ Plans like Thomas Jefferson's for Virginia, which included the power of creating a popular constitutional convention when two thirds of two branches of government concurred, were, therefore, not advisable.⁴⁰ Jefferson's plan was inadvisable not only because the appeals would imply a defect in government, but because it was paired with an arrangement of power that did not satisfactorily account for the difference between the wills of all citizens and those of freeholders—something that the Constitution navigates via different forms of election for each branch.⁴¹

Additionally, the people are liable to side with the legislature, granting them too much power in fights between branches as the executive branch is regarded with jealousy and would likely be unpopular.⁴² Even if the legislature were to breach the boundaries of their power flagrantly, Publius expects that the response of the people would be based off of their passions, “connected with the spirit of preexisting parties, or of parties springing out of the question itself,”

39. *Federalist* 49.311.

40. This reflected how Madison's thoughts on the people's ability to make sound political judgments fluctuated depending on the constitution. Given, for example, Pennsylvania's constitutional failings, there was no way for the people to actually enforce the barriers of Pennsylvania's constitution even given a Council of Censors meant specifically for that task. The Council ended up being made of leaders who had either been a part of the corruption or were part of the partisan forces involved, the body (in Madison's estimation) did a poor job of actually enforcing the constitutional limits of the executive and legislative branches and instead changed them, and the decisions of the Council seemed to have no effect on the practice of politics. *Federalist* 50. For more about the historical happenings in Pennsylvania, see Wood, *The Creation of the American Republic, 1776–1787*, 438–46.

41. Madison objected to Jefferson's proposal to open suffrage to all free men for all parts of the government, preferring it only for the more popular branch of the legislature, while landowners only should vote for an upper chamber. This provides power to both groups. James Madison, “Observations on Jefferson's Draft of a Constitution for Virginia, [Ca. 15 October] 1788,” in *The Papers of James Madison, March 7, 1788–March 1, 1789*, ed. Robert A. Rutland and Charles F. Hobson (Charlottesville: University Press of Virginia, 1977), 281–95.

42. *Federalist* 49.313.

instead of reason.⁴³ Attempting to soften those passions by making appeals to the people less frequently would still yield determination that were “violently heated and distracted by the rage of party.”⁴⁴ If, however, the form of government reasonably moderated the passions of the people, then perhaps reason would win out, but Publius lacks confidence that the Constitution’s shape ameliorates this popular problem that extends also to the relationship between the branches. Each one is placed as an enemy to the other, each vying to expand their power.

Citizens at large, it seems, are not trusted to meet the demands of civic virtue, including the evaluation of public measures—probably why they are generally relegated to a direct vote for only one branch of government. Human beings suffer the unfortunate reality “that public measures are rarely investigated with that spirit of moderation which is essential to a just estimate of their real tendency to advance or obstruct the public good.”⁴⁵ We get the sense that distrust is already entrenched as Publius accuses those who oppose the new Constitution of scanning the proposed document “not only with a predisposition to censure, but with a predetermination to condemn.”⁴⁶ At least he also accuses the same of those who blindly and zealously support the proposed Constitution.

Readers are not left with the sense that citizens can necessarily trust each other with the basic duties of democratic citizenship, though there are some who have “a temper favorable to a just estimate of the means of promoting [the happiness of their country].”⁴⁷ The picture that is being painted of citizens and human nature is mixed. We have everything from virtuous people

43. *Federalist* 49.314.

44. *Federalist* 50.317.

45. *Federalist* 37.221.

46. *Federalist* 37.221.

47. *Federalist* 37.222.

with good intentions to people aflame with unrestrained, factional passion. When every cog in this grand machine of government is a human citizen evidently inescapably affected by a factious spirit, and those citizens who are given power are entrusted it by citizens who may be unlikely to adequately attend to their duties of screening for worthiness or giving the government its due attention to vote in an informed way, we have a problem. This is true despite the scattered notes of approbation of popular virtue that are in *The Federalist*, many of which I cite throughout this chapter. A system is not enough, though that is the main subject of the penultimate section of this chapter. By the time the full weight of responsibility falls on citizens to correct individual and institutional failings distrust may be so hardened that nothing can be done to sustain or rebuild the democracy.

The Legislature

As a whole, the two parts of the legislature are entrusted with the power to make laws as necessary to fulfill the responsibilities of government, but they are also entrusted with powers to check each other, the executive, the judiciary, and the people. What keeps them from becoming tyrannical steamrollers over every other branch of government and the people? Writing about the House of Representatives, Publius's recourse is to an excellently formed constitution, "and, above all, the vigilant and manly spirit which actuates the people of America—a spirit which nourishes freedom, and in return is nourished by it."⁴⁸ Even more, citizens have affective ties going back to the Revolutionary War: "Duty, gratitude, interest, ambition itself, are the cords by which they will be bound by fidelity and sympathy with the great mass of the people" which is the best they can

48. *Federalist*. 57. 350.

do in the face of the possibility of terrible, wickedness.⁴⁹ This is a show of trust in the people's ability to select good rulers in this system, and for representatives to act as well as can be hoped.⁵⁰ My preoccupation here is with the House of Representatives because the Senate largely acts as a check, though the Senate is granted some powers that the House does not, like trying impeachments and advising and consenting to treaties and appointments made by the President.

Why is the legislature trusted with the power to make laws? A significant part of the response to this question is simply that if government has the duties that it ought to have, like serving the common defense, maintaining public peace, regulating commerce, etc., some body or bodies need to have the power to legislate. The pragmatic reason, however, is not a sufficient argument for why the people of the United States ought to trust a far-away legislature with conducting government business in the interest of the common good. Rather than combining functional necessity with the belief that legislators will act in the common interest (supported by a civic education for competence and virtue), Publius's argument substitutes institutional design for belief in virtuous representatives.

The House of Representatives can be trusted because of the frequency and kind of members' election, their local ties, the number of members it contains, and the opposition that they can face internally, from the Senate, and from other branches of government. Elections act as the primary means of finding worthy citizens to entrust with public office and of holding officials responsible for their actions while in office. Through the Constitution's provision to

49. *Federalist*. 57. 351.

50. Though, puzzlingly, Madison does use states where constitutional barriers have been breached by representatives and there have been betrayals of trust, like Pennsylvania, as examples meant to suggest that people do a fine job of choosing representatives. *Federalist* 57.352-353.

widen suffrage for the selection of members of the House of Representatives, balanced by the Senate's selection by state legislators, the Constitution aims, as every political constitution should, to "obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society, and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust."⁵¹ Publius notes that "the most effectual" means of preserving virtue is the frequency of elections. There is hope that citizens will actually attend to their civic obligations of vetting candidates, voting conscientiously, and giving government enough attention so that they might remove an unfit official at the next election.⁵² In a case of lapsed judgment or a rogue representative, the Constitution has prepared for the unfortunate truth that "enlightened statesmen will not always be at the helm."⁵³

Elections are fundamental to Publius's assertion that the Constitution has in it "every security which can be devised or desired for their fidelity to their constituents."⁵⁴ Representatives will presumably be faithful to their constituents for three reasons: 1) Representatives will have to win over the people (i.e., you, dear readers, who are so smart that no corrupt person could win your approval). Because the largest possible number of people vote for members of the House of Representatives, the need to win over the people adds something beyond the matter of course that a representative's election would typically be if state legislatures chose them.⁵⁵ 2) Representatives will be grateful to the people for electing them to office and therefore act

51. *Federalist* 57.348.

52. *Federalist* 57.348.

53. But why not except for in unusual cases? The implications here cast doubt over citizens' ability to properly vet and select candidates for office, and of society to produce enough enlightened statesmen that might run for office. *Federalist* 10.75.

54. *Federalist* 57.349.

55. *Federalist*. 53. 332.

benevolently toward them. 3) Out of pride and vanity, a representative wants to do well for his people and country so that he will be recognized for his service.⁵⁶ These would be meaningless without biennial elections where the people judge whether their representative has faithfully discharged their position, which makes the representative immediately dependent upon and sharing “an intimate sympathy with” the people.⁵⁷ Plus, representatives are citizens, too, so the laws that they make affect them and their families. If nothing else, representatives will be unlikely to pass laws that would do harm to them when they returned to being ordinary citizens, or their families and progeny who do not enjoy their office. And the people are too smart and public spirited to choose all tyrants for a moderately-sized legislature and continue to reelect them biannually.⁵⁸

The legislature, as a whole, is built to deal with disagreements. Through “the jarring of parties” and deliberation, majority excesses will be checked, and good laws sometimes obstructed.⁵⁹ We can see how this works in the explanation for why Congress will be unlikely to invade the rights of states. Publius acknowledges that proposed laws will likely be supported by legislators based primarily out of a concern for the happiness of individual legislators’ localities. Even in the Congress at the time “A perusal of their journals, as well as the candid acknowledgments of such as have had a seat in that assembly, will inform us that the members have but too frequently displayed the character rather of partisans of their respective States than of impartial guardians of a common interest.”⁶⁰ Additionally, each locally concerned

56. *Federalist* 57. 349.

57. *Federalist* 53. 324, 327.

58. *Federalist* 55.341.

59. *Federalist* 70.425.

60. *Federalist* 46.293.

representative is “opposed to the people themselves; or rather one set of representatives would be contending against thirteen sets of representatives, with the whole body of their common constituents on the side of the latter.”⁶¹ And while the Constitution is designed to harness these dynamics to protect the rights of states, another problem arises: inability to act cooperatively for the common good.⁶²

Prolonged inaction until the necessary majority can be convinced that a piece of legislation serves the common good signals that numerous policies have been offered that could do harm. When Congress is unproductive while constantly churning, it suggests that either legislation is being proposed that defies the common interest, or that there are deep divides between the understanding of what is in the common interest. Interestingly, once a bill is passed, it is law and opposition ceases.⁶³ But until that time the legislature remains a place for strident, difficult debates between locally-interested, self-interested, ambitious, potentially corrupt legislators. All of the representatives also likely have the defect of human nature that Publius identifies in *Federalist* no. 70: people oppose actions done by their enemies, decisions made without their input, and when they have been consulted and disapprove of the final direction taken by others a person is prone to take that disapproval to the rafters and refuse to let it go. We

61. *Federalist* 46.295.

62. Something that Madison denies in the following lines “I mean not by these reflections to insinuate that the new federal government will not embrace a more enlarged plan of policy than the existing government may have pursued; much less that its views will be as confined as those of the State legislatures; but only that it will partake sufficiently of the spirit of both to be disinclined to invade the rights of the individual States, or the prerogatives of their governments.” At least here he supplies little in the way of reasoning about *why* and *how* locally interested representatives will be able to unite for the common good. [He describes potential reasons why elsewhere, but not *as reasons* why they would do so.]

63. Strange. Maybe just opposition in the legislature?

can call that the tendency to opposition. This tendency to oppose would be terrible in a plural executive but can be put to good use in the legislature to block harmful laws.⁶⁴

The legislature ought to be distrusted because of “The propensity of the legislative department to intrude upon the rights, and to absorb the powers, of the other departments has been already more than once suggested,” needing more than parchment barriers, and “the necessity of furnishing each [department] with constitutional arms for its own defense has been inferred and proved.”⁶⁵ Publius duly argues that the Constitution establishes adequate guardrails to prevent the legislature from succeeding in satisfying its aggressive covetousness, not that members of the legislature will recognize that constitutional barriers are important to secure the nation. Citizens are not trusting the body of men who make up the legislature, they are trusting that an adversarial system will prevent harm.

The Executive

The president is entrusted with the power to command the national military, veto legislation, grant pardons, make treaties, appoint officials, convene or adjourn Congress in extraordinary cases, and “take Care that the Laws be faithfully executed.”⁶⁶ Presidential powers were criticized as being too vague to appropriately limit a unitary executive, and Publius had to counter the arguments that the Constitution would not replicate a quasi-monarch with an aristocratic court.⁶⁷ Cato finds the Constitution far too trusting of people’s virtuousness in the proposed system of government and likely future of the United States as a commercial country blighted by

64. *Federalist* 70.424-425.

65. *Federalist* 73.441.

66. U.S. Constitution, art. 2, sec. 3.

67. *Anti-Federalist* Cato V. 336-340.

the attendant problems of inequality, luxury, and therefore the diminishment of virtue. Publius's response throughout the essays essentially argues that "we have certainly not designed the presidency to only work well in the hands of supremely virtuous citizens; let me show you how it would stand up to even the least virtuous person."⁶⁸

There were no limits on presidential reappointment in the proposed Constitution, out of what seems to be a combination of trust in the people, the system, and the office. Publius argues that term limits would have ill effects on the nation. With term limits, presidents have no reward to work for, would be unable and unmotivated to "undertake extensive and arduous enterprises for the public benefit," could not develop expertise, may result in an inexperienced person taking office in a crisis, and introduces unnecessary instability in the government.

If a president knows that he cannot be rewarded with reelection no matter how excellently he fulfills his duty, then he lacks "one of the strongest incentives of human conduct." Publius does not entertain the thought that the president may feel rewarded simply by obtaining the office, and subsequently act well out of gratitude to those who entrusted him with power (as the legislature, which requires frequent elections to maintain representatives' fidelity) or a sense of duty or care for the common interest. Further, requiring term limits ignores "that the best security for the fidelity of mankind is to make their interest coincide with their duty."⁶⁹ In this case, however, the interest made to coincide with duty is a citizen's desire for the continued hold of power and the acquisition of honors, which is less an inducement for the people to trust

68. While the argument for being able to trust less virtuous people with the office of a unitary executive is throughout the papers that refer specifically to the executive and other branches insofar as they check the executive, it is especially apparent in essays number 71 and 72.

69. *Federalist* 72.436.

someone than to be suspicious of their desire to hold long executive office in a democratic government. Even those who are avaricious and ambitious will be tempered by the hope of keeping their position. If there were a set limit, Publius assumes that malcontents would exploit their time in office as much as possible, content to leave knowing that they could not have stayed anyway—or try to usurp power.⁷⁰

In these arguments, Publius apparently forgets other protections that the Constitution provides. First, the Electoral College or the House of Representatives would have had to elect someone who would be motivated to do good only for the reward of continuation of office, or who is excessively avaricious. The legislature, especially with the guidance of the older and longer-sitting members of the Senate, could sustain long-term projects for the public benefit even if a later president did not support it through legislation and overriding vetoes. A president who has behaved badly can be tried for impeachment and removed from office.⁷¹ It is unclear, at least on these points, why Publius resorts to arguments that rely on characterizing citizens (here as potential officeholders) as being motivated by the reward of power or ambition and avarice. Citizens are not trusting their fellows to hold the office of chief magistrate, they are trusting that the system might induce a president to act reasonably, or visibly, well. At least with respect to trust in the people, or at least the Electoral College, Publius notes that “If the Constitution were

70. *Federalist* 72.436.

71. On impeachment, we get the interesting line that “Men in public trust will much oftener act in such a manner as to render them unworthy of being any longer trusted, than in such a manner to make them obnoxious to legal punishment” and adding more people to the executive makes it harder to find out if someone has acted in a way to make him unworthy of trust. What is curious is why would that not also be a concern for the legislature? True, their large number and the need for collective agreement are important, but it is not unreasonable to suppose that this is also a problem in that body and others. *Federalist* 70. 426.

to mandate a set number of reelections to office for the President, then it would remove agency from the people who would continue placing “their confidence where they think it may be safely placed, and where, by constancy on their part, they may obviate the fatal inconveniences of fluctuating councils and a variable policy.”⁷²

Why, however, should the president have the power to veto legislation? The answer follows the same pattern as why other branches should be granted any powers. On the one hand, veto allows the executive to defend itself against a legislature that would try to strip the office of its power. On the other hand, the veto is qualified both insofar as the legislature can overturn it with a two-thirds vote, and as the people are likely to see a veto as an offense to their favorite branch and may hold a decision to veto a popular piece of legislation against him in the next election. Boiled down, the main motivations are a self-interested preservation of the power of his office and “the probability of the sanction of his constituents.”⁷³

The veto power is explicitly noted as one that a president might use when motivated by a concern for the public good. The president’s veto lets him temper problematic factions and other impulses in legislature that would be “unfriendly to the public good.”⁷⁴ This is not because the president is more likely to be wise or virtuous than the wisdom of the combined Congress, but rather because the legislature will not be perfect; “the love of power may sometimes betray it into a disposition to encroach upon the rights of other members of the government; that a spirit of faction may sometimes pervert its deliberations; that impressions of the moment may sometimes

72. *Federalist* 72.438.

73. *Federalist* 73.443.

74. *Federalist* 73.441.

hurry it into measures which itself, on maturer reflection, would condemn.”⁷⁵ An added benefit of the qualified veto is that it may prevent legislators from putting time and energy into legislation so offensive that the president would veto it and they would be unable to summon the two-thirds vote to overturn the veto.⁷⁶ Such public legislative failure would be embarrassing.

The unitary nature of the executive makes it less internally adversarial than the legislature, but the president is expected to act as a check on other branches and the passions of the people sometimes presumably out of self-interest that *might* result in supporting the public good because we assume that the holder of that office will want to reoccupy it. But, again, the citizens are not trusting the citizen who holds the office, they are trusting that the system will at least incentivize the executive to appear to care for the common good, and the executive is a part of the complicated adversarial system of government designed to use the clashing of self-interest and ambition to promote the public good and minimize harm.

The Insufficiency of Trusting the System

I have presented a heap of textual evidence, and want to bring it together here for some concluding analysis. There are three main problems with how the system of government is explained in *The Federalist* with respect to democratic trust and distrust:

1. Citizens are asked to trust the system, not each other.
2. Citizens are not given much reason to trust that their fellows care for the common good, but rather that they might end up doing things in the public interest despite less virtuous motivation.
3. The mode of vigilance is not cooperative.

The first two are treated together.

75. *Federalist* 73.441.

76. *Federalist* 73.444.

Trusting the System

The structure of government set forth in the Constitution and the way that *The Federalist* defends it as a method designed to substitute checks, balances, and ambition for trust and civic virtue, though Publius notes that the people have at least the amount of virtue and sense necessary to participate in the specific form of government proposed. Citizens see and understand that individual politicians or entire branches should not be trusted to always do “the right thing,” thereby necessitating the system.

Because politicians are also fellow citizens, people can come to distrust not only their government or individual politicians, but also their fellow citizens. The idea here follows how I characterized the most basic web of trust relationships necessary to sustain a democracy: between citizens, between citizens and officials, and between officials. In this system, trust between officials is largely disregarded. Similarly, there seems little reason for ordinary citizens to trust each other. They have been given such moderated power that, so long as the system works, it is unnecessary for you to trust that your neighbor’s (by your estimation) ill-informed or malicious vote will lead to harm. The people need also not really trust officials, though the system is designed to make it easier for them to trust at least their representatives in the House.

The trust is in the system. And the people can eventually realize that the system is put into place not just because politicians cannot be trusted, but because *people*—in particular their fellow citizens—cannot be trusted.⁷⁷ Combined with a period of ineffective government that is often at odds with itself, or occasional or frequent power grabs by individuals or branches (even if

77. One could argue that the involuntary not-quite-trust one has in government designed in this way could be a stepping stone to creating stronger connections of trust, provided there is little or no betrayal, similar to Marek Kohn, *Trust: Self-Interest and the Common Good* (Oxford: Oxford University Press, 2008), 9.

unsuccessful), and a thin or non-existent climate of trust that fellow citizens care for the common good, *The Federalist* describes a foundation for government that will face significant trust problem, as I argued in the preceding chapters.

The argument for trusting in the system such that democratic trust in your fellows is unnecessary can be convincing. Publius gives the example of what would need to happen for the Senate to become a tyrannical aristocracy as Anti-Federalists feared. The Senate would need to be corruptly united in interest, then senators would need to corrupt the state legislatures to assure that they would not be recalled or replaced. Corrupting the state legislatures would require the state legislators to believe that their corruption would not be found out by their constituents and held against them. Not only that, state legislators would also have to believe that the Senate would not try to take away from the power that they enjoy. Then the House of Representatives (and the executive) would need to be corrupted to allow the Senate to do as it pleases, each of which would also be concerned with defending its own power and the response of constituents. Finally, the people would need to allow it.⁷⁸ There are barriers, upon barriers, upon barriers in the way of corruption positively harming the nation. These barriers, however, do not support the climate of democratic trust necessary to sustain healthy democracy because they substitute for, rather than complement, a widely virtuous and competent citizenry in the hopes that the few who are virtuous (or at least not malicious) and competent will often be in power.

78. *Federalist* 63.386. This makes periodic elections by citizens that seemed to be the first line of defense against the usurpation of the democratic republic into a final resort, giving way to other institutional mechanisms that pit branches of separated powers against each other. Publius shifts the responsibility so that the transgression of one branch of government past its constitutional limits should first be addressed by the other branches, “and in the last resort a remedy must be obtained from the people, who can, by the election of more faithful representatives, annul the acts of the usurpers.” *Federalist* 44.282.

We have these barriers because of the dangers of power. Publius affirms that “power is of an encroaching nature” and must be “effectually restrained from passing the limits assigned to it.”⁷⁹ Let us pause for a moment to remember that the ordinary citizens are not excluded from power here; they hold formal and informal political power in this government. Therefore “parchment barriers,” among others, are meant to “provide some practical security...against the invasion of the others.”⁸⁰ The legislative branch is framed as the most dangerous to the other branches, as their constitutional powers can “mask, under complicated and indirect measures, the encroachments which it makes” on the other branches.⁸¹ Thus, the legislature must be broken up into separate houses. Power is so dispersed and blended that “a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good.”⁸² And these parchment barriers are not even sufficient!⁸³ Each branch needs arms against the others!

Justice and the public good are the ends of government and civil society according to Publius. Great! Unfortunately, entrenched parties and sects can prevent any coalition from forming, and these ends are trusted to be brought about only by putting branches of government in competition with each other so that no one would exceed their power—not because citizens are competent or virtuous enough to do it without this structure.

Some of these barriers even look like trust, or undercut trust in individuals or groups to give trust to a system. The public nature of appointments and approval lets the people see how to

79. *Federalist* 48.305.

80. *Federalist* 48.305.

81. *Federalist* 48.307.

82. *Federalist* 51.322.

83. See the final paragraph of the section on the legislature.

apportion the blame that goes to the President and Senate—which at least trusts that the people can responsibly pay attention to and assess important political happenings.⁸⁴ The people may be trusted to do a good job of selecting members for the House of Representative, but the system is preemptively designed to deal with it when they do not. Publius writes:

I am unable to conceive that the people of America, in their present temper, or under any circumstances which can speedily happen, will choose, and every second year repeat the choice of sixty-five or a hundred men who would be disposed to form and pursue a scheme of tyranny or treachery...I am equally unable to conceive that there are at this time, or can be in any short time, in the United States, any sixty-five or a hundred man capable of recommending themselves to the choice of the people at large, who would either desire or dare, within the short space of two years, to betray the solemn trust committed to them. (*Federalist* 55.341)

Sure, the people are trusted with selection. But that is partially because one poorly chosen member can hardly do much harm in a body as large as the House, especially given the checks of the Senate and the president.⁸⁵ The people are trusted to pay enough attention to vote someone out after two years if the representative has betrayed them, but in case they do not there are

84. *Federalist* 77.460.

85. Take the argument for the differences between the House and the Senate as making room for the Senate to check the people: “To a people as little blinded by prejudice or corrupted by flattery as those whom I address, I shall not scruple to add that such an institution [the Senate] may be sometimes necessary as a defense to the people against their own temporary errors and delusions.” On the one hand, the people are trusted to perform the limited role they are given and lauded as unblinded by prejudice or corrupted by flattery. On the other hand, this smaller, indirectly chosen body of the legislature will make sure that they do not make delusional decisions. *Federalist* 63.382.

The people “often intend the PUBLIC GOOD,” but sometimes err, and Hamilton flatters the people by at least saying that “the wonder is that [the people] so seldom err as they do, beset as they continually are by the wiles of parasites and sycophants, by the snares of the ambitious, the avaricious, the desperate, by the artifices of men who possess their confidence more than they deserve it, and of those who sees to possess rather than to deserve it.” In which case a (hopefully) wise president will curb these issues. *Federalist* 71.431.

provisions for legislators to expel members. The balance between trust and distrust go along with Publius's recognition that "As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence." And the form of government here presupposes that citizens have some of these, because otherwise they would require despotism.⁸⁶ But the elements of government must be crafted just so.

Cooperative or Competitive?

It is possible to understand the Constitution's arrangement as cooperative insofar as ordinary citizens and the branches of government each work together in a way that produces good, effective government. The people choose the members of the House, which will communicate (in some ways) what the people want or need. The people's state representatives choose how members of the Electoral College will be chosen, and they elect national Senators who refine and instruct what members of the House propose, and check the president's appointments, treaties, and behavior in the case of impeachment.⁸⁷ The Electoral College, made up of elected non-officeholders, chooses the president, except in the case when no majority can be reached, which leaves the matter in the hands of the House. It is a system, perhaps, of cooperative failsafes.

But in describing and arguing for these failsafes, even with the positive notes of hope and assessments of virtue in the people, *The Federalist* leans more toward competitive distrust. Checks and balances, both within and between branches of government supply "by opposite and rival

86. *Federalist* 55.343.

87. *Federalist* 62, 63.

interests, the defect of better motives.”⁸⁸ “Rival interests” is clearly a competitive rather than cooperative framing. Far from a last resort, this spirit has become the status quo of mitigating risky trust in institutions of government through internal and external norms, procedures, and order. As elsewhere in *The Federalist*, checks and balances are characterized as competitive instead of cooperative.⁸⁹ With each separation and check, the hope is that competition of “the private interest of every individual may be a sentinel over the public rights.”⁹⁰ The design of the government and the extended republic means that “a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good.”⁹¹ The arena of competition is made sufficiently large to prevent factions small and large from acting tyrannically, but that is accomplished through competition between self-interested citizens or groups of citizens.

The House, for example, must be not so large that mob-like passions can overtake the assembly and not so small that there are too few people to relay the relevant interests of localities, biennial elections to give time for people to learn what they need to learn about the United States as a whole and not so long that they forget their duty to their constituents. The manner of election for each legislative branch establishes the ground for conflict with the House of Representative representing the people and the Senate, the states. If the people want something

88. *Federalist* 51.319.

89. While this may seem like a small semantic concern, it is not. These essays play a pivotal role in describing and defending the Constitution, which is a sparse legal document. They help citizens understand the way the government is intended to work. It does not feel completely outside of the realm of possibility that the same institutional setup, framed in terms of cooperation aimed at the common good could play a role in producing a different political culture.

90. *Federalist* 51.319.

91. *Federalist*. 51. 322.

that the states do not, or vice versa, clashing will prevent the passage of “improper legislation.”⁹² Citizens can trust that improper legislation will not be passed, but not because of a dedication to the public good.

Further considerations of human nature similarly do little to inspire trust or frame the government as cooperatively attentive to the public interest. “A man must be far gone in Utopian speculations who can seriously doubt” that if the states were disunited or partially united that they would not be frequently warring. “To presume a want of motives for such contests as an argument against their existence would be to forget that men are ambitious, vindictive, and rapacious.”⁹³ But what about union changes this Hobbesian assessment of mankind? Citizens of one state may not fight to acquire the territory of another state, but the war shifts to a legislative one: fighting over the dispensation of federal monies or for laws that benefit one state, party, or locality over another, all motivated by the same ambition, vindictiveness, and rapacity. The outcome may be more palatable. But if the necessary trust cannot be sustained, and I have argued that it cannot, then long-term health, stability, and effectiveness are the cost.

Conclusion

One of the chief stated motivations for the new Constitution is the need to overcome what the states were doing that had “undermined the foundations of property and credit, have planted mutual distrust in the breasts of all classes of citizens, and have occasioned an almost universal prostration of morals.”⁹⁴ In considering the failings of the states under the Articles of

92. *Federalist* 62.376.

93. *Federalist* 6.48.

94. *Federalist* 85.521.

Confederation, Publius writes that one of the primary problems facing the states is a “prevailing and increasing distrust of public engagements.” He attributes this distrust especially to the instability, injustice, and factious spirit that “has tainted our public administration,” largely on account of the weakness of the Articles of Confederation.⁹⁵ As a corrective, the Constitution established a large federal republic safeguarded by a competitive ethos of checks and balances that would hopefully be complemented by a vigilant citizenry.⁹⁶

The government must be such that it is fit “to be trusted with all the powers which a free people *ought to delegate to any government.*”⁹⁷ To allow for such a powerful and risky trust, institutional constraints were created. The republic would consist of such an extensive region over numerous citizens to combat the ills of factions and the tyranny of the majority. Powers were separated into branches that balanced and checked each other. A federal republic arrangement would protect both state individualism and national interests. The number of representatives and the frequency of their elections, having a singular executive, the impeachment process, and the use of the electoral college all are institutional creations designed, at least in part, to foster trust in the government that allows politicians to do the work of running a nation.

95. *Federalist* 10.72. There are some who contend that the Confederation was more successful than Publius relates, like Jensen, *The New Nation: A History of the United States During the Confederation, 1781-1789*.

96. Martin Diamond, “Democracy and *The Federalist*: A Reconsideration of the Framers’ Intent,” *American Political Science Review* 53, no. 1 (1959): 52-68. This contradiction, securing trust in the whole by relying on checks that require distrust between the parts, is somewhat related to the sometimes conflicting views Publius expresses about men being virtuous or not, as pointed out in J. Jackson Barlow, Leonard W. Levy, and Ken Masugi, eds. *The American Founding* (New York: Greenwood Press, 1988), xv-xvi.

97. *Federalist*, 23.152.

In designing a structure that could be trusted there is an implication, and sometimes an explicit statement, that the people cannot be trusted. “A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions,” was perhaps a necessary component of persuading those with pie-in-the-sky beliefs that such extensive auxiliary precautions were unnecessary to see their error.⁹⁸ And yet it conveys a judgment of the character of citizens, especially given the limits of their power.

Without democratic trust in the three main relationships that I sketched out previously, I have argued that democracy will suffer because, in the end, institutions do not govern. People within institutions govern and participate in political processes. The focus on institutional protections neglects the personal aspects of government, citizenship, and trust. Institutions can never be completely protected from subversion. Moreover, they substitute “patterns of *precarious* and potentially contested cooperation” for social conventions and present a problem of circularity since “trust in an institutional mechanism is justified only by trust in the voluntary compliance of those actors to whom rules apply, as well as the trust in those actors who are mandated with the supervision and enforcement of these rules.”⁹⁹

We still need to be able to trust each other as citizens, regardless of the institutions in place, and Publius does not inspire much generalized confidence amongst citizens. In fact, *The Federalist* systematically identifies and explains the mechanisms that must be put in place because men cannot be trusted to be virtuous as a large group of citizens, or even to produce virtuous

98. *Federalist*, 51.319.

99. Claus Offe, “How Can We Trust Our Fellow Citizens?,” in *Democracy and Trust*, ed. Mark Warren (Cambridge: Cambridge University Press, 1999), 67.

mores together in a society.¹⁰⁰ It seems to be almost a part of the American psyche to distrust politicians, institutions, and even in each other's ability to participate in political life, especially when there are disagreements.¹⁰¹

In having problematic distrust permeate the framing of the institutional safeguards against breaches of trust and neglecting the need to foster trust amongst citizens, *The Federalist* gives a particular color to the shape of the Constitution. The practical political problem here cannot be understated. Without trust, even the most modest forms of cooperation may be impossible.¹⁰²

The institutional safeguards are insufficient in part because institutions and their norms are inhabited and enforced by individual actors. To have confidence in institutions, one must be able to trust the people who work in them and police them.¹⁰³ If citizens do not trust each other, then they cannot trust that institutions are being run transparently enough to allow for accountability or are adhering to expected norms. This insufficiency must be recognized in order

100. The more people you have assembled, the more likely it is that reason will succumb to passion, due to a larger percentage of uninformed/"people of weak capacities," leaving an opening for artful statesmen rather than sound, reasonable deliberation by the assembly. *Federalist* 59.358.

101. The problem of factions! Factions everywhere! Indeed, it must also be noted that *The Federalist* papers were written also to respond to the concerns of Anti-Federalists, which were largely characterized by what may even look like more distrustful, as seen in Kenyon, "Men of Little Faith: The Anti-Federalists on the Nature of Representative Government."

102. Publius points this out when he writes that "where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary." *Federalist* 10.78. If citizens suspect that other citizens have unjust or dishonorable purposes then they cannot even communicate! How, then, could they be expected to cooperate?

103. Offe, "How Can We Trust Our Fellow Citizens?"

to understand that a brilliant and complex institutional system alone cannot sustain a quasi-democratic polity. It requires complementary relationships of trust.

In framing the three relationships of trust that make up confidence in government (between government officials and citizens, between government officials, and between citizens) as competitive, *The Federalist* imparts a flavor to the Constitution that potentially hinders the long-term maintenance of confidence in government. The government may find itself in gridlock as a factious spirit taints the ability of politicians to work together and compromise, leading to gross inaction. That gross inaction represents a breach of trust between the people and their government: why have a government at all if it cannot further and protect the common good? The breakdown of trust in these relationships is degenerative, and as breakdowns occur in one relationship, they threaten to erode the trust in another. Without trust, a democratic body politic finds itself in ruins.

Chapter 5

Democratic Trust and the United States

Our time thinking about distrust, trust, and democracy together is coming to an end. In this concluding chapter, I briefly summarize my overall argument, respond to some lingering objections, and think through the possibility of building democratic trust in an environment shot through with distrust.

I have argued that the United States has a simple trust problem. Democracy demands trust. Distrust erodes and disrupts opportunities to build democratic trust. *The Federalist* explains a system that weaves distrust into the fibers of government order, along with some expressions of trust in citizens, to secure trust in government.

To help make this argument, I first laid out the natural tendency of distrust to spread and intensify in a vicious spiral and made distinctions between different characteristics of distrust to show that while milder features like skepticism are attractive to democratic citizens, more extreme features like egocentric competitiveness are harmful. The danger of even mild distrust is that it can spiral into problematically sclerotic distrust, eroding trust and closing off opportunities to build trust across divides. How, then, can citizens protect against abuses of trust without threatening trust?

To answer the question of balancing trust with the risks of both misplaced trust and widespread distrust, I first addressed the issue of trust's conceptual fuzziness by defining a context-specific form of trust tailored to democracy. A domain-delimited understanding of trust gives scholars a place to contest exactly what aspects and characteristics of trust are necessary and inherent to democratic life, rather than wading through a sea of generalized or imprecise conceptions that lead to talking past one another. Creating the parameters of democratic trust involved looking at what was both compatible with the principles of democratic governance and practical considerations related to the smooth and effective operation of government. The key parameters of democratic trust that I have argued for are that the people participating in sharing and ceding power to one another do so in the hope that each cares for the common good, assume each other to be at least somewhat dedicated to and motivated by this care until proven otherwise, and that in holding each other responsible for political actions citizens act out of a cooperative rather than competitive disposition.

The extension of my views of distrust and trust to an analysis of *The Federalist* showed mixed results that will require more interpretive and secondary research. On the one hand, the passages that are oft-quoted (perhaps out of a human tendency toward negativity bias) emphasize the shortcomings of citizens, express distrust in people's ability to do the sorts of things that democratic trust asks of them, and clearly explain how the *reasons* for the dense network of checks and balances are distrust in officials to act within the confines of their parchment barriers and to prevent incompetent or popularly inflamed passions from taking the reins of government. These safeguards are further secured through alignment with self-interest and personal ambition in the hope of prompting desired behavior out of bad actors or less virtuous individuals. I argued that these assumptions and public arguments that underlie the Constitution's form set the

foundation of government on one of problematic distrust. But the issue is not so clear-cut. Publius also expresses trust in citizens in various places, and the form of government is not the despotism that, in his view, fits a completely unvirtuous citizenry. The essays and Constitution are not devoid of trust. Some semantic tweaks could easily reshape the very same structure of government to be consistent with democratic trust.

The upshot of my argument is that when creating or revising a democratic constitution, citizens should not ignore the cultivation and maintenance of democratic trust, and therefore carefully tune their safeguards to limit egocentric, competitive distrust.

But What About...?

And now to respond to some remaining objections.

A considerable chunk of my argument was tied up in a detailed exploration of the concepts of distrust and trust, as I argued that understanding each's relationship to democracy relies on a fine-grained attention to what we mean when we talk about either trust or distrust. I have left out a similar examination of democracy, because whether a democracy takes the form of a grand assembly of all citizens, or representatives chosen through election or sortition arranged in any number of ways, or is built as a deliberative democracy, democratic trust speaks to elements of democracy that remain consistent: all require trust to function well and involve the sharing of political power in the interest of serving some common good (though what the members of any individual democracy may declare as the common good can vary).²⁹⁴

1. I am very open to challenges on this point. The first I can think of is agonistic takes on democracy, but it seems to me that the goal there is still consistent with trying to achieve—or at least not harm—the public interest, and you still need trust for it to work even among those who passionately disagree. I think this is something I may have to deal with in some form or other.

Why on earth should citizens have democratic trust in each other? We have evidence and experience of corruption, of the system not working, breakdowns of essential democratic norms, and other challenges that undermine trust in the system and our fellow citizens.²⁹⁵ When I began thinking about this idea, polarization in the United States was deepening and trust was still steeply declining after a small increase that followed 9/11, and that trend has not reversed in the seven years since.²⁹⁶ If nothing else, surely the benefits of distrust outweigh the risks of misplacing trust or engendering widespread distrust!

I have argued here that widespread distrust is unsustainable for a democratic body politic. Distrust gets in the way of ordinary citizens and people in government being able to work together on the project of securing and providing for the common good. In what some might call an argument of *reductio ad absurdum*, I described what government and political life looks like with deep and widespread distrust: citizens distrust those who disagree with them to the extent that it becomes nearly impossible to see each other as fellow citizens engaged in the project of caring for the public interest, let alone offer opportunities to build trust, and that disposition of hardened distrust extends to elected representatives who face the same dilemma—except amplified because their reliance on election means that being perceived as trusting or even

2. Griffin, *Broken Trust*; Michael J. Thompson, and Gregory R. Smulewicz-Zucker, eds. *Anti-Science and the Assault on Democracy* (Amherst: Prometheus Books, 2018); Hetherington and Rudolph, “Political Trust and Polarization”; Hetherington and Rudolph, *Why Washington Won’t Work: Polarization, Political Trust, and the Governing Crisis*; Rima Wilkes, “We Trust in Government, Just Not in Yours: Race, Partisanship, and Political Trust, 1958-2012,” *Social Science Research* 49 (2015): 356-71; Rima Wilkes, “Re-Thinking the Decline in Trust: A Comparison of Black and White Americans,” *Social Science Research* 40, no. 6 (2011): 1596-610; Nunnally, *Trust in Black America*; Krishnamurthy, “(White) Tyranny and the Democratic Value of Distrust.”

3. “Trust in Government Index 1958-2016.”

working with the untrustworthy “enemy” becomes a liability come Election Day. The gears of democracy become clogged, and except in instances of extraordinarily urgent matters that may transcend rampant disagreement, government encounters far too many barriers to effective operation or becomes a tyranny of whoever wins power. Citizens, seeing this ineffectiveness, have little reason to trust that the government can do what it needs to do. In short: extreme, widespread distrust spells democratic failure. And the picture is not so absurd, as hints of it can readily be seen in the United States.

Disagreement, however, complicates democratic trust. One of the parameters of democratic trust is that political power is ceded in the hope that the entrusted cares for the common good and will act accordingly. But what is in the interest of the common good, as we know all too well, is not a stable, widely agreed upon matter and can clash with the protection of individual interests. What happens to democratic trust if one segment of the country believes that it is in the interest of the common good to go to war, and others oppose? Deep divides over questions of what government should do are a significant challenge for democratic trust.

In ideal conditions where the people already have a strong shared public culture of democratic trust, civic education that ensures all citizens have basic competency in the workings of government, and clear, efficacious, formal routes for citizens to remedy instances when trust has been breached, disagreements should not invalidate democratic trust. A strong climate of trust is resilient against disagreements. When the disagreements can withstand cooperatively minded criticism, then the outcome need not be the erosion of democratic trust. An acceptance that sometimes there will be disagreements about political action from the most minute and inconsequential to core and far-reaching matters is not incompatible with democratic trust.

Supported by the right structures, significant divides can be tolerated and bridged in good faith and with cooperative oversight.

Given less than ideal conditions, where distrust has already taken root and oversight has lost a cooperative disposition, the challenge of disagreement is far greater. Democratic trust, as I have laid it out here, may not stand on its own. Complementary structures like civic education, a shared public culture, and routes for citizens to remedy corruption and betrayal of political officials can support the cultivation and maintenance of democratic trust. The particulars of these complements will require further work in the future, but the goal of civic education should be establishing basic competency in the workings of the government, along with critical reasoning skills. The shared public political culture, likewise, should not be a comprehensive moral doctrine, but rather a basic shared understanding of political order and care for fellows.²⁹⁷

While the picture of widespread distrust is grave, and it is an unmistakably formidable task to create trust after distrust has taken root, there is no cause for lost hope. Patti Tamara Lenard has already begun the work of theorizing how to manage or repair distrust, though there is much work left to be done. She argues that "The primary source of trust in democratic political communities is an inclusive public culture composed of the shared values and norms that come over time to define it" which is complicated because what a public culture entails is iffy, but the people need to determine it. Not everyone needs to ascribe to it in equal measure, but "a public culture is characterized by citizens who hold values and norms in common, but to varying

4. This will be hard to write because I tend to go back and forth on moral doctrine and freedom. It's something that I struggle with for a variety of reasons. It's hard to be so unsure. I think that it sometimes reads as if I'm simply wishy-washy, but I don't think that it is a bad quality to consistently question and find it hard to strongly come down on one side or the other on matters that are so complicated.

degrees (and some will reject them entirely).”²⁹⁸ On Lenard’s view, to rebuild the version of trust that she argues is essential to democracy in severely divided societies it is important to help everyone understand the norms that they share and establish norms of reciprocation through deliberation that is monitored, sanctioned, and involves participants in rule making. And this is a great start, but further study is necessary.

Building democratic trust in a climate of distrust will require reckoning with the origin points of distrust in the membership of the body politic. In the United States, slavery, the systemic racism that followed it and continues to today, and the destruction of native people are major points that need to receive active attention. Democratic trust cannot happen without repairing—and I struggle to use repairing here because addressing these problems should recognize that the relationship between the oppressors and the oppressed was never whole—these wrongs. What good is it to try to establish trust between people who have been oppressed and those who have actively or passively contributed to that oppression when the oppressors fail to recognize the harm they have done and act meaningfully to redress their wrongdoing?

Now

It requires little imagination to think about why trust generally and democratic trust, in particular, seem unsuitable in the current environment. What reason do citizens have to believe that they can safely assume that others are democratically trustworthy, i.e., care for the common good and engage in cooperative vigilance?

5. Lenard, *Trust, Democracy, and Multicultural Challenges*, 157.

Popular and government responses to the virus SARS-CoV-2 can serve as an unfortunate, timely example both of evident failures that can preclude the formation of bonds of democratic trust and the problems that attend distrust. In mid-March and multiple times thereafter, the president, along with members of the executive task force dedicated to the COVID-19 response, publicly stated that there would be an increase in testing capability within the United States.²⁹⁹ Public health experts had agreed that increasing testing would substantially improve the ability to contain the virus, but containment was no longer possible by the time the initiative was announced. An earlier decision to implement fast, easy-to-access, widespread testing, tracing, and isolation in mid-January when experts realized that the country needed to prepare for the virus would have demonstrated competency and care. In any case, President Donald Trump did not follow through on his promises, and resorted (along with Senate majority leader, Republican Mitch McConnell—who later apologized for his mistaken memory) to lying to place blame on the previous, Democratic administration of Barack Obama for problems with federal response and coronavirus testing.³⁰⁰

6. “Remarks By President Trump, Vice President Pence, and Members of the Coronavirus Task Force in Press Conference.” (2020): <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/>.

7. Shefali Luthra, “Was the Novel Coronavirus Really Sneaky in Its Spread to the U.s.? Experts Say No.” (2020): <https://www.politifact.com/factchecks/2020/mar/19/donald-trump/was-novel-coronavirus-really-sneaky-its-spread-us-/>; Fink, Sheri, and Mike Baker, “A Lab Pushed for Early Tests, But Federal Officials Said No,” *The New York Times*, 2020; Jon Greenberg, “Trump Blames Past Administrations for a Flawed Covid-19 Test. The Test Couldn’t Have Existed Earlier.” (2020): <https://www.politifact.com/factchecks/2020/mar/31/donald-trump/trump-blames-past-administrations-flawed-covid-19-/>; Jon Greenberg, “Trump Says He Always Felt Coronavirus Was a Pandemic. He Didn’t Talk That Way.” (2020): <https://www.politifact.com/factchecks/2020/mar/18/donald-trump/trump-says-he-always-felt-coronavirus-was-pandemic/>; Miriam Valverde, “Donald Trump’s Wrong Claim That ‘Anybody’

Given the incompetence, lies, and broken promises of President Trump’s executive administration in a crisis that directly involves the public interest—the very lives of citizens—trusting people who are in power to care for the common good seems like a terrible idea. In this instance and others across history, individuals have demonstrated untrustworthy behavior in office. But the example of Trump’s response to the pandemic has occurred far outside of a paradigm of democratic trust. In a paradigm of democratic trust, President Trump would have demonstrated sufficiently untrustworthy behavior. Having unnecessarily endangered the lives of citizens through, at the very least, incompetence, lying to the public, and baselessly scapegoating political opponents to preserve his own reputation clearly goes against the interest of caring for the common good and would not pass the notice of cooperative vigilance.

Further, now that minimizing and containing the spread of the virus requires longer adherence to more difficult individual sacrifices in the name of the common good, like limiting your time out in spaces where you could come into contact with those outside of your household, maintaining at least six feet of distance between yourself and those who are not members of your household, and wearing a mask when out in places where maintaining physical distance may not

Can Get Tested for Coronavirus.” (2020):
<https://www.politifact.com/factchecks/2020/mar/11/donald-trump/donald-trumps-wrong-claim-anybody-can-get-tested-c/>; Tim Mak, *et al.*, “A Month After Emergency Declaration, Trump’s Promises Largely Unfulfilled.” *Morning Edition* (2020):
<https://www.npr.org/2020/04/13/832797592/a-month-after-emergency-declaration-trumps-promises-largely-unfulfilled>; Victoria Knight, “Evidence Counters McConnell Claim That Obama Team Left No Pandemic ‘Game Plan’ for Trump.” (2020):
<https://www.politifact.com/factchecks/2020/may/14/mitch-mcconnell/evidence-counters-mcconnell-claim-obama-team-left-/>.

always be possible,³⁰¹ do citizens have any reason to trust each other? It is hard to tell.³⁰² Would more people be likely to follow these guidelines if there were consistent, consonant messaging from political leaders and public health experts—or if the general environment were one of increased trust? We do not know.³⁰³ Our current paradigm is not one of democratic trust. Low trust is so diffuse that what is most important is one's preferred faction winning political power at any cost. Even as President Trump now (in late July) attempts to support mask-wearing and physical distancing policies that he has eschewed in both words and deeds in the past, too much damage has been done to repair lost democratic trust.

What we do know is that measured trust in the government, experts, institutions, and in each other has been plummeting for decades. President Donald Trump's actions and disposition have

8. Derek K. Chu, *et al.*, "Physical Distancing, Face Masks, and Eye Protection to Prevent Person-to-person Transmission of Sars-Cov-2 and Covid-19: A Systematic Review and Meta-Analysis," *Lancet* 395, no. 10242 (2020): 1973-87.

9. It is difficult to know why and whether citizens take the actions recommended by public health experts for several reasons. There is confusion because some political officials are publicly discounting the benefits of physical distancing and masking, and continue to have their states operating as usual—preventing people whose businesses open from being able to collect unemployment benefits needed to pay essential bills. People, for instance, who may otherwise have stayed home and followed guidelines may instead be working shifts at an indoor restaurant, where patrons may not be wearing masks while seated at the table. If your state or locality is not in lockdown, there is little national support for helping people to survive economically and you may have received conflicting information. A person also may not have the resources needed to take these precautions. Stefanie DeLuca, Nick Papageorge, and Emma Kalish, "The Unequal Cost of Social Distancing." *From Our Experts* <https://coronavirus.jhu.edu/from-our-experts/the-unequal-cost-of-social-distancing>. (a cited and more in-depth version of the piece is linked at the end of the article, but it was difficult to figure out the citation for that document).

10. What I do know is that if you were to get groceries at an open air farmer's market in Dallas, Texas, where a mask order is in effect and many locally elected officials have somewhat consistently followed and publicized the recommendations of scientists, one is met with large groups of people socializing who are not members of a single household, little effort to physically distance, and masks worn improperly or not at all.

been characterized as generally distrustful.³⁰⁴ Arguably, the current state of affairs is, in part, a manifestation of the fruits of distrust.

I have suggested that constitutional reform could be a part of attempting to avoid some problems associated with distrust. Democratic trust and avoidance of problematic features of distrust are not a cure-all of democratic ills, but the core of my argument speaks to the hope that we can do better without expecting perfection and without sacrificing protections.

11. Haberman, Maggie, and Noah Weiland, “Distrust, Blame and Denial Mar Trump’s Virus Response.” *The New York Times*, 2020; Daniel W. Drezner, *The Toddler in Chief* (Chicago: University of Chicago Press, 2020).

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