

یاشامونک

# مردم علیه دموکراسی

چرا آزادی در خطر است  
و چگونه نجاتش دهیم؟

ترجمه امیر میرحاج



بنگاه ترجمه و نشر  
کتاب پارسه

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۲۴. با این حال، همان‌طور که در پایان فصل ۲ توضیح داده شد، واقعیت کمی پیچیده‌تر از آن بود که در این خلاصه کوتاه پیشنهاد شده. بخش عمده‌ای از دلایلی که دیگر رهبران اروپایی تمایلی به انعقاد قرارداد بهتر با یونان نداشتند این است که به مخالفت شدید شهروندان خود با بسته نجات سخاوتمندانه‌تر توجه داشتند. به عبارت دیگر، در تحمیل اراده خود به مردم یونان، عمدتاً از خواست مردم خود پیروی می‌کردند.
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۲۹. برای اطلاعات بیشتر در مورد علل اقتصادی پوپولیسم به فصل ۵ مراجعه کنید.
۳۰. برای اطلاعات بیشتر در مورد علل فرهنگی پوپولیسم به فصل ۶ مراجعه کنید.
۳۱. برای اطلاعات بیشتر در مورد علل تکنولوژیکی پوپولیسم به فصل ۴ مراجعه کنید.
۳۲. برای اطلاعات بیشتر در مورد راه‌های مقابله با علل اقتصادی پوپولیسم به فصل ۸ مراجعه کنید.
۳۳. برای اطلاعات بیشتر در مورد ایجاد وطن‌پرستی فراگیر به فصل ۷ مراجعه کنید.
۳۴. برای اطلاعات بیشتر در مورد روش‌های مقابله با ظهور رسانه‌های اجتماعی و تقویت آموزش شهروندی به فصل ۹ مراجعه کنید.
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۳. این مشکل، که ناشی از تأکید بیش از حد بر مکانیسم انتخابات است و نه نتیجه حکومت مردمی که این سازوکار باید از آن اطمینان حاصل کند، تعاریف مینیمالیستی بیشتری نیز دارد. برای مثال، جوزف شومپتر، دموکراسی را به عنوان هر نظام سیاسی که در آن قدرتمندترین مناصب سیاسی با استفاده از رأی رقابتی مردم پر شده است، تعریف کرد.

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۴. با این حساب دموکراسی یک معیار است. مجموعه‌ای از نهادهای الزام‌آور تا جایی دموکراتیک هستند که به ترجمه دیدگاه‌های عمومی به سیاست عمومی کمک می‌کنند. همچنین توجه داشته باشید که اگرچه در این تعریف به صراحت به الزامات انتخابات «آزاد و عادلانه» اشاره نکرده‌ام اما در آن دلالت دارد: هر سیستمی که به طور مؤثر نظرات عمومی را تا حد قابل توجهی به سیاست عمومی تبدیل کند، باید انتخاباتی واقع‌بینانه، آزاد، منطقی و عادلانه داشته باشد.

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۴. ارتباط رودرو با نویسنده

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۴۶. در سال‌های پس از بحران مالی ۲۰۰۸، بانک‌های مرکزی نقش سیاسی بسیار مهم‌تری را برعهده گرفته‌اند. در دهه ۱۹۹۰ و اوایل دهه ۲۰۰۰، فدرال رزرو، بانک انگلستان و بانک مرکزی اروپا به سادگی تورم پایین و رشد چشمگیر چرخه تجاری را پشت سر گذاشته بودند. شکست آن‌ها در پیش‌بینی اینکه مقررات‌زدایی گسترده بی‌ثبات‌کننده بخش مالی خواهد بود، به یکی از فاجعه‌بارترین رکودهای اقتصادی در تاریخ مدرن کمک کرد. اما بسیاری از بانک‌های مرکزی به جای از دست دادن قدرت خود در پی بحران مالی، قدرتمندتر شده و کمتر پاسخگو هستند. در حالی که دولت آمریکا در اثر حزب‌گرایی شدید در کنگره فلج شده و اروپا در تلاش بود تا منافع متفاوت کشورهای شمالی و جنوبی اروپا را با هم تطبیق دهد، بانک‌های مرکزی تریلیون‌ها دلار از دارایی‌های خود را برای تقویت اقتصاد، مقررات بانک‌ها و بازارهایی که در سال‌های قبل اجازه داده بودند آزادانه گردش کنند، صرف کردند. در نتیجه بانک‌های مرکزی از سال ۲۰۰۸ تاکنون نقش فعال و جنجالی‌تری ایفا کرده‌اند.

47. Jack Greenberg, *Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution* (New York: Basic Books, 1995); Michael J. Klarman, *From Jim Crow to Civil Rights: The Supreme Court and the Struggle for Racial Equality* (Oxford: Oxford University Press, 2004); and Risa L. Goluboff, "The Thirteenth Amendment and the Lost Origins of Civil Rights," *Duke Law Journal* 50, no. 6 (2000): 1609–1685.
48. Thomas M. Keck, *The Most Activist Supreme Court in History: The Road to Modern Judicial Conservatism* (Chicago: University of Chicago Press, 2010); Richard A. Posner, "The Rise and Fall of Judicial Self-restraint," *California Law Review* 100,

- no. 3 (2012): 519–556; Jack M. Balkin and Sanford Levinson, “Understanding the Constitutional Revolution,” *Virginia Law Review* 87, no. 6 (2001): 1045–1109. One of the striking things about this moment is that prominent scholars on each side accuse the other side of engaging in unprecedented forms of judicial activism. See Cass Sunstein, “Tilting the Scales Rightward,” *New York Times*, April 26, 2001. But see also the critique of the idea of judicial activism in Kermit Roosevelt, *The Myth of Judicial Activism: Making Sense of Supreme Court Decisions* (New Haven: Yale University Press, 2006).
49. *Brown v. Board of Education of Topeka*, 349 US 294 (1955).
50. *Furman v. Georgia*, 408 US 238 (1972) ruled that the death penalty was unconstitutional. *Gregg v. Georgia*, 428 US 153 (1976) reversed this decision.
51. *Roe v. Wade*, 410 US 113 (1973).
52. *FCC v. Pacifica Foundation*, 438 US 726 (1978).
53. *Lawrence v. Texas*, 539 US 558 (2003) legalized homosexual sex. *Obergefell v. Hodges*, 576 US (2015) legalized same-sex marriage.
54. *Buckley v. Valeo*, 424 US 1 (1976); and *Citizens United v. FEC*, 558 US (2010).
55. In *King v. Burwell*, 576 US (2015), the Supreme Court upheld key provisions of the Affordable Care Act.
56. In *United States v. Texas* 579 US \_\_ (2016), the Supreme Court left in place an appeals court ruling blocking the Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) program that would have prevented millions of undocumented immigrants from being deported. *United State v. Texas*, 507 US 529 (1993).
57. Jonathan Chait, “Conservative Judicial Activists Run Amok,” *New York Magazine*, March 28, 2012; Adam Cohen, “Psst ... Justice Scalia, You Know, You’re an Activist Judge, Too,” *New York Times*, April 19, 2005, <http://www.nytimes.com/2005/04/19/opinion/psst-justice-scalia-you-know-youre-an-activist-judge-too.html>; Seth Rosenthal, “The Jury Snub,” *Slate*, December 18, 2006, [http://www.slate.com/articles/news\\_and\\_politics/jurisprudence/2006/12/the\\_jury\\_snub.html](http://www.slate.com/articles/news_and_politics/jurisprudence/2006/12/the_jury_snub.html); William P. Marshall, “Conservatism and the Seven Sins of Judicial Activism,” *University of Colorado Law Review* 73 (2002): 1217–1401; and Geoffrey R. Stone, “*Citizens United* and Conservative Judicial Activism,” *University of Illinois Law Review* 2012, no. 2 (2012): 485–500.
۵۸. اندازه‌گیری اینکه آیا همهٔ این‌ها نقش دادگاه در زندگی امریکایی را تشکیل می‌دهد یا نه، دشوار است. به عنوان مثال نمی‌توان تعداد دفعاتی را که دیوان عالی کشور قوانین کنگره، ایالتی یا قوانین وضع شده توسط نهادهای نظارتی را لغو کرده شمرد. از این گذشته، اهمیت بسیار زیادی دارد که یک قانون خاص چقدر مهم بوده است، و این سؤالات لزوماً شامل قضاوت‌های ارزشمندی است که افراد منطقی نمی‌توانند در مورد آن اختلاف‌نظر داشته باشند. برای اطلاعات بیشتر در مورد این سؤال ظریف مراجعه کنید به:
- A. E. Dick Howard, “The Supreme Court Then and Now,” *History Now*, The

Gilder Lehrman Institute of American History, 2017, <https://www.gilderlehrman.org/history-by-era/government-and-civics/essays/supreme-court-then-and-now>; Larry D. Kramer, "Judicial Supremacy and the End of Judicial Restraint," *California Law Review* 100, no. 3 (2012): 621–634; and Christopher Wolfe, *The Rise of Modern Judicial Review: From Constitutional Interpretation to Judge-Made Law* (Lanham, MD: Rowman and Littlefield, 1994).

۵۹. بر اساس مجموعه داده‌های 2014 Polity IV، ۲۲ کشور به اندازه کافی در شاخص DEMOC امتیاز خوبی کسب کردند تا در ۱۹۳۰ به عنوان کشوری دموکراتیک برای اهداف فعلی شناخته شوند: استرالیا، اتریش، بلژیک، کانادا، کاستاریکا، دانمارک، فنلاند، فرانسه، آلمان، یونان، ایرلند، ایتالیا، ژاپن، لوکزامبورگ، هلند، نیوزلند، نروژ، سوئد، سوئیس، آفریقای جنوبی، انگلستان و ایالات متحد. از این کشورها، تنها اتریش، دانمارک، لوکزامبورگ، نیوزلند، نروژ، سوئد، سوئیس و ایالات متحد در آن زمان بررسی قضایی داشتند. امروزه همه کشورها به استثنای هلند به طور رسمی دارای بررسی قضایی هستند. هلند هرچند برای اهداف این آمار فاقد بازبینی قضایی است اما به طور مؤثر از نظر قضایی انعطاف پذیر است. با تشکر ویژه از دانیل کنی برای کمک تحقیقاتی در این زمینه.

60. Tom Ginsburg and Mila Versteeg, "Why Do Countries Adopt Constitutional Review?" *Journal of Law, Economics, and Organization* 30, no. 3 (2014): 587–622, 587. According to an earlier study, 158 out of 191 constitutional systems in the world "explicitly empowered one or more judicial bodies to ... protect its constitutional provisions and principles against infringements, notably by Parliament." Maartje De Visser, *Constitutional Review in Europe: A Comparative Analysis* (Oxford: Hart Publishing, 2014), 53.

۶۱. مجلس اعیان به عنوان آخرین راه‌حل در موارد خاص عمل می‌کرد و در مواردی نحوه تفسیر قوانین خاص را توضیح می‌داد. اما آنچه نتوانست انجام بدهد این بود که اقدام پارلمان را مغایر با قانون اساسی اعلام کند. در مورد موضوع گسترده‌تر بریتانیا نسبت به بازنگری قضایی مراجعه کنید: Jeremy Waldron, "The Core of the Case against Judicial Review," *Yale Law Journal* 115, no. 6 (2006): 1346–1406.

۶۲. زمانی که بریتانیا به اتحادیه اروپا پیوست همچنان به نام جامعه اروپایی شناخته می‌شد.  
63. Karen J. Alter, *Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe* (Oxford: Oxford University Press, 2001); and Mark Elliott, *The Constitutional Foundations of Judicial Review* (Oxford: Hart Publishing, 2001).

۶۴. دادگاه‌های بریتانیا در حال حاضر تمام قوانین اروپایی مربوط به حقوق بشر را حمایت می‌کنند و در صورت نیاز می‌توانند از پذیرش آن‌ها امتناع کنند. مشاهده کنید: A. Kavanagh, *Constitutional Review under the UK Human Rights Act* (Cambridge: Cambridge University Press, 2009); A. Z. Drzemczewski, *European Human Rights Convention in Domestic Law: A Comparative Study* (New York: Oxford University Press, 1985); and B. A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (Cambridge: Cambridge University Press, 2009); "Human Rights Act 1998," [www.legislation.gov.uk](http://www.legislation.gov.uk), <http://www.legislation.gov.uk/ukpga/1998/>

- 42/crossheading/introduction, accessed April 2, 2017.
65. "Constitutional Reform Act 2005," Legislation.gov.uk, <http://www.legislation.gov.uk/ukpga/2005/4/contents>, accessed April 2, 2017.
66. "Canadian Charter of Rights and Freedoms," Parliament of Canada, [http://www.lap.parl.gc.ca/About/Parliament/Education/ourcountryourparliament/html\\_booklet/canadian-charter-rights-and-freedoms-e.html](http://www.lap.parl.gc.ca/About/Parliament/Education/ourcountryourparliament/html_booklet/canadian-charter-rights-and-freedoms-e.html), accessed April 2, 2017. See also J. B. Kelly, *Governing with the Charter: Legislative and Judicial Activism and Framers' Intent* (Vancouver: University of British Columbia Press, 2014); D. R. Songer and S. W. Johnson, "Judicial Decision Making in the Supreme Court of Canada: Updating the Personal Attribute Model," *Canadian Journal of Political Science / Revue canadienne de science politique* 40, no. 4 (2007): 911-934.
67. "Judging," Conseil D'Etat, <http://english.conseil-etat.fr/Judging>, accessed April 2, 2017. See also F. Fabbrini, "Kelsen in Paris: France's Constitutional Reform and the Introduction of A Posteriori Constitutional Review of Legislation," *German Law Journal* 9, no. 10 (2008): 1297-1312.
68. "The Constitution of the Kingdom of the Netherlands," Rechtspraak.nl (2002), <https://www.rechtspraak.nl/SiteCollectionDocuments/Constitution-NL.pdf>; M. Adams and G. van der Schyff, "Constitutional Review by the Judiciary in the Netherlands," *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 66 (2006): 399-413.
69. Waldron, "Core of the Case." See also J. Waldron, "Judicial Review and the Conditions of Democracy," *Journal of Political Philosophy* 6, no. 4 (1998): 335-355.
70. Waldron, "Judicial Review," 339.
71. Hans Kelsen, "La garantie juridictionnelle de la constitution (La justice constitutionnelle)," *Revue de Droit Publique et de la Science Politique en France et a L'Etranger* 35 (1928): 197-259; Hans Kelsen, *General Theory of Law and State*, trans. Anders Wedberg (Cambridge, MA: Harvard University Press, 1945); Ronald Dworkin, *Law's Empire* (Cambridge, MA: Harvard University Press, 1988); Ronald Dworkin, *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1978). See also Daniel F. Kelemen, "Judicialisation, Democracy and European Integration," *Representation* 49, no. 3 (2013): 295-308; and Aharon Barak, *The Judge in a Democracy* (Princeton: Princeton University Press, 2006).
۷۲. به طور قطع، گفتن اینکه بررسی قضایی تصمیماتی را خارج از مناقشهٔ سیاسی می‌گیرد به این معنا نیست که خود حقوق‌دانان از ملاحظات سیاسی عاری هستند. برعکس، سیاسی بودن تصمیمات قضایی، به‌ویژه در ایالات متحده، یکی از قوی‌ترین استدلال‌ها علیه آن است. همان‌طور که عزرا کلاین استدلال کرده است «افرادی که در دادگاه عالی به عنوان قاضی خدمت می‌کنند توسط احزاب سیاسی مورد بررسی قرار گرفته‌اند، عمدتاً در احزاب سیاسی کار کرده‌اند، اغلب به افرادی که در احزاب سیاسی به آن‌ها کمک کرده‌اند وفادار بوده و هزینهٔ زیادی صرف کرده‌اند. زمان خود را در واشینگتن گذرانده‌اند، جایی که آن‌ها در گروه‌های اجتماعی که مناسب می‌دانند طبقه‌بندی می‌شوند. به عبارت دیگر، آن‌ها بیشتر و نه کمتر از بیشتر آمریکایی‌ها

سیاسی هستند. البته که دیوان عالی سیاسی است» مراجعه کنید به:

*Washington Post*, June 21, 2012. See also the extensive academic literature on the topic, including Jeffrey A. Segal and Albert D. Cover, "Ideological Values and the Votes of U.S. Supreme Court Justices," *American Political Science Review* 83, no. 2 (2014): 557–565; and William Mishler and Reginald S. Sheehan, "The Supreme Court as a Countermajoritarian Institution? The Impact of Public Opinion on Supreme Court Decisions," *American Political Science Review* 87, no. 1 (2013): 87–101.

۷۳. هم رقم مربوط به تجارت فرامرزی و هم رقم سرمایه‌گذاری مستقیم خارجی از شوچيرو اوراتا گرفته شده است.

"Globalization and the Growth in Free Trade Agreements," *Asia-Pacific Review* 9, no. 1 (2002): 20–32.

74. Douglas Irwin, "Historical Aspects of U.S. Trade Policy," NBER Reporter: Research Summary, National Bureau of Economic Research, Summer 2006, <http://www.nber.org/reporter/summer06/irwin.html>. On cars and electronics, see Robert Feenstra, "How Costly Is Protectionism?" *Journal of Economic Perspectives* 6, no. 3 (1992): 159–178; and Ashoka Moda, "Institutions and Dynamic Comparative Advantage: The Electronics Industry in South Korea and Taiwan," *Cambridge Journal of Economics* 14 (1990): 291–314, 296.
75. Dani Rodrik, "Can Integration into the World Economy Substitute for a Development Strategy?" in *World Bank ABCDE-Europe Conference Proceedings*, 2000; Kenneth C. Shadlen, "Exchanging Development for Market Access? Deep Integration and Industrial Policy under Multilateral and Regional-Bilateral Trade Agreements," *Review of International Political Economy* 12, no. 5 (2005): 750–775; and Bijit Bora, Peter J. Lloyd, and Mari Pangestu, "Industrial Policy and the WTO," *World Economy* 23, no. 4 (2000): 543–559.
76. North American Free Trade Agreement, NAFTA, 2014, <https://www.nafta-sec-alena.org/Home/Texts-of-the-Agreement/North-American-Free-Trade-Agreement?mvid=2>.
77. Cory Adkins and David Singh Grewal, "Democracy and Legitimacy in Investor-State Relations," *Yale Law Journal Forum* 65 (2016); as well as James Surowiecki, "Trade-Agreement Troubles," *New Yorker*, June 22, 2015, <http://www.newyorker.com/magazine/201522/06/trade-agreement-troubles>.
78. Kenneth A. Armstrong and Simon Bulmer, *The Governance of the Single European Market* (Manchester: Manchester University Press, 1998); Gerda Falkner, *Complying with Europe: EU Harmonisation and Soft Law in the Member States* (Cambridge: Cambridge University Press, 2005); and Frans Vanistendael, "The ECJ at the Crossroads: Balancing Tax Sovereignty against the Imperatives of the Single Market," *European Taxation* 46, no. 9 (2006): 413–420.
79. Dermot Cahill, Vincent Power, and Niamh Connery, *European Law* (New York:

Oxford University Press, 2011), 65–66.

80. Burkard Eberlein and Edgar Grande, "Beyond Delegation: Transnational Regulatory Regimes and the EU Regulatory State," *Journal of European Public Policy* 12, no. 1 (2005): 89–112; and Olivier Borraz, "Governing Standards: The Rise of Standardization Processes in France and in the EU," *Governance* 20, no. 1 (2007): 57–84.

۸۱. این ویژگی آن‌طور که به نظر می‌رسد منحصر به اتحادیه اروپا نیست. در واقع، مقررات جدید در زمینه خرید، سرمایه‌گذاری و خدمات دولتی که بخشی از توافقنامه‌های تجارت آزاد است، اغلب حاکمیت دولت‌های زیرمجموعه، از جمله ایالات جداگانه در ایالات متحد را محدود می‌کند. در بسیاری از موارد، دولت‌های زیرمجموعه مجبور می‌شوند اقدامات موجود مربوط به سیاست‌های توسعه اقتصادی را اصلاح کنند. از جمله قوانین جلوگیری از حرکت مشاغل در دریا، سیاست‌های خرید محلی و مقررات زیست‌محیطی مربوط به بازیافت و انرژی‌های تجدیدپذیر.

۸۲. ظهور معاهدات و سازمان‌های بین‌المللی نه تنها قدرت را از دولت ملی دور کرده است بلکه در داخل دولت‌های ملی، قدرت را از قوه مقننه به نهادهایی منتقل کرده است مانند دادگاه‌ها و بوروکراسی‌هایی که کمتر در معرض پاسخگویی دموکراتیک قرار دارند.

این تحول با نهادهایی آغاز می‌شود که در وهله اول در حال مذاکره درباره معاهدات تجاری و موافقت‌نامه‌های بین‌المللی هستند. با پیچیدگی چنین توافقاتی و افزایش تعداد امضاکنندگان آن‌ها، دستیابی به توافق و درعین حال شنیدن صدای واقعی پارلمان در این روند دشوارتر شده است. در نتیجه، اختیارات مذاکرات به تدریج از قوه مقننه به قوه مجریه تغییر یافت و نقش قانونگذاران در محدود کردن موافقت‌کینه‌توزانه خود با معاهداتی بود که تا زمان رأی‌گیری درباره آن‌ها عمدتاً قطعی می‌شدند.

در بسیاری از کشورها، این تحول در عمل رخ داده است بدون آنکه صراحتاً تصدیق شود. در ایالات متحد، در واقع در قانون مدون شده است. بر اساس قانون اساسی، معاهدات بین‌المللی می‌تواند توسط رئیس‌جمهور مورد مذاکره قرار گیرد، اما برای مؤثر بودن نیاز به موافقت دو سوم سناتورها دارد، الزامی سنگین که جاه‌طلبی‌های بسیاری از رؤسای جمهور را ناکام گذاشته است (به عنوان مثال، در پی جنگ جهانی اول، وودرو ویلسون نتوانست آرای مورد نیاز خود را برای پیوستن آمریکا به سازمان موردنظر خود، لیگ ملت‌ها، سلف سازمان ملل، به دست آورد). با تصویب توافقنامه‌های تجارت آزاد، قانون تجارت ۱۹۷۴ به این ترتیب اقتداری سریع ایجاد کرد، که به مجلس و سنا اجازه می‌دهد موافقت‌نامه‌های تجارت آزاد مذاکره شده توسط رئیس‌جمهور را با اکثریت ساده تصویب کنند.

اگرچه چنین ترتیباتی از نظر فنی قدرت یک رئیس‌جمهور یا نخست‌وزیر منتخب دموکراتیک را افزایش می‌دهد، اما در واقع قدرت زیادی را در اختیار سازمان‌های بوروکراتیک مسئول مذاکره در مورد توافقنامه‌های تجاری قرار می‌دهد. این امر به‌ویژه در مواردی صادق است مانند آمریکا که چنین نهادهایی دارای یک هدف واحد هستند: از آنجا که مذاکره در مورد معاملات تجاری آزاد وظیفه اصلی دفتر نماینده تجارت ایالات متحد است، تعجب‌آور نیست که کارکنان آن سعی می‌کنند بیشتر و بیشتر چنین بحث‌هایی را شروع کنند. مراجعه کنید به:

Trade Act of 1974, Pub. L. 93–618. 88 Stat. 1978–2. January 3, 1975; Government Publishing Office Communications Act of 1934, Pub. L. 73–416. 48 Stat. 1064,

- June 19, 1934; Government Publishing Office, <https://www.gpo.gov/fdsys/pkg/USCODE-2009-title47/html/USCODE-2009-title47-chap5.htm>. In addition, note that fast-track authority rescinded Congress's power to amend or filibuster free-trade agreements. Fast-track authority was in effect from 1975–1994, then renewed from 2002 to 2007, and then renewed again in 2015. Carolyn Smith, "Fast-Track Negotiating Authority for Trade Agreements and Trade Promotion Authority: Chronology of Major Votes," Congressional Research Services, December 18, 2001, [https://digital.library.unt.edu/ark:/67531/metacrs2031/m11//high\\_res\\_d/RS21004\\_2001Dec18.pdf](https://digital.library.unt.edu/ark:/67531/metacrs2031/m11//high_res_d/RS21004_2001Dec18.pdf); "Fast Track' Trade Legislation," *Wall Street Journal*, April 28, 2015, <http://blogs.wsj.com/briefly/2015/04/28/fast-track-trade-legislation-at-a-glance/>; Paul Lewis, "Barack Obama Given 'Fast-Track' Authority over Trade Deal Negotiations," *Guardian*, June 24, 2015, <https://www.theguardian.com/us-news/2015/jun/24/barack-obama-fast-track-trade-deal-tpp-senate>. Stephen Wertheim, "The League That Wasn't: American Designs for a Legalist-Sanctionist League of Nations and the Intellectual Origins of International Organization, 1914–1920," *Journal of the Society for Historians of American Foreign Relations: Diplomatic History*, 35, no. 5 (2011): 797–836, 802, 832; Martyn Housden, *The League of Nations and the Organization of Peace* (New York: Routledge, 2014), xvii.
83. Treaties in Force, US Department of State, <https://www.state.gov/documents/organization/267489.pdf>, accessed April 2, 2017.
84. Martin Gilens and Benjamin Page, "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens," *Perspectives on Politics* 12, no. 3 (2014): 564–581.
۸۵. همان، ۵۷۵. برای مشاهده تحقیقاتی با یافته‌های مشابه مراجعه کنید به:
- Frank R. Baumgartner, Jeffrey M. Berry, Marie Hojnacki, David C. Kimball, and Beth L. Leech, *Lobbying and Policy Change: Who Wins, Who Loses, and Why* (Chicago: University of Chicago Press, 2009).
86. Gilens and Page, "Testing Theories," 576. To be sure, the basic fear that, despite appearances, a small elite determines the most important decisions in a democracy is of much longer standing. See, for example, C. Wright Mills, *The Power Elite* (New York: Oxford University Press, 1956).
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۸۹. همان، ۵۱۴.



۹۰. همان، ۵۱۴. برای نمودارهای بیشتر به همان، ۵۲۸ مراجعه کنید.

91. Suzanne Goldenberg, "Want to Be Senator? Governor Tried to Auction Obama's Old Seat, Says FBI," *Guardian*, December 9, 2008. <https://www.theguardian.com/world/2008/dec/10/illinois-governor-rod-bлагоjevich-bribes>.
92. Peter Leeson and Russell Sobel, "Weathering Corruption," *Journal of Law and Economics* 51, no. 4 (2008): 667–681.
93. Daniel Tokaji and Renata Strause, *The New Soft Money* (Columbus: Ohio State University Michael E. Moritz College of Law, 2014), 32. On Burundi, see "The World Bank in Burundi," The World Bank, <http://www.worldbank.org/en/country/burundi>, accessed 2016.
94. Bipartisan Campaign Reform Act, Pub. L. 107–155. 116 Stat. 81 thru Stat. 116, Nov. 6 2002, Government Publishing Office, <https://www.gpo.gov/fdsys/pkg/PLAW-107publ155/html/PLAW-107publ155.htm>. Note, however, that critics argued that the effect of the McCain-Feingold reform would be very limited: major donors, they predicted, would simply redirect their money into different kinds of legal entities.
95. *Citizens United v. FEC*, 558 US (2010). Technically, *Citizens United* only established this principle for nonprofit corporations, but it was quickly applied to for-profit organizations as well as entities like labor unions in subsequent decisions like *Speechnow.org v. FEC*, 599 F.3d 686 (D.C. Cir. 2010). See Lyle Denniston, "Widening Impact of Citizens United," *Scotusblog*, March 26, 2010, <http://www.scotusblog.com/2010/03/widening-impact-of-citizens-united/>.
96. Heather K. Gerken, "The Real Problem with Citizens United: Campaign Finance, Dark Money, and Shadow Parties," *Marquette Law Review* 97, no. 4 (2014): 903–923; and Jane Mayer, *Dark Money: The Hidden History of the Billionaires behind the Rise of the Radical Right* (New York: Doubleday, 2016). More broadly, there are good reasons to fear that any increase in the number of veto points in a political system makes it easier for lobbyists to wield influence. On this point, see Ian Shapiro, *Politics against Domination* (Cambridge, MA: Harvard University Press, 2016).
97. Zephyr Teachout, *Corruption in America: From Benjamin Franklin's Snuff Box to Citizens United* (Cambridge, MA: Harvard University Press, 2014), quotation on 1.
98. Zephyr Teachout, "The Forgotten Law of Lobbying," *Election Law Journal* 13, no. 1 (2014): 4–26, 22. However, critics have argued that Teachout may be exaggerating the extent to which lobbying was viewed negatively in the nineteenth century, and that corruption is not the most helpful lens for effecting meaningful reform. See the exchange between Lee Drutman and Zephyr Teachout at Lee Drutman, "Bring Back Corruption!" review of Teachout, *Corruption in America*, *Democracy*, no. 35, 2015, <http://democracyjournal.org/magazine/35/bring-back-corruption/?page=all>; and Zephyr Teachout, "Quid Pro Con," response to

- Drutman, *Democracy*, no. 36, 2015, <http://democracyjournal.org/magazine/36/quid-pro-con/>.
99. William Luneburg and Thomas Susman, *The Lobbying Manual: A Complete Guide to Federal Law Governing Lawyers and Lobbyists* (Chicago: ABA Section of Administrative Law and Regulatory Practice, 2005).
100. "Lobbying as a Felony," *Sacramento Daily Union*, November 6, 1879, <https://cdnc.ucr.edu/cgi-bin/cdnc?a=d&d=SDU18791106.2.8>.
101. Lee Drutman, *Business of America Is Lobbying* (New York: Oxford University Press, 2015), 57. See also the insightful passages at 49–56, 71, 79, and 218.
102. Lee Drutman, "How Corporate Lobbyists Conquered American Democracy," *Atlantic*, April 20, 2015, <https://www.theatlantic.com/business/archive/2015/04/how-corporate-lobbyists-conquered-american-Democracy/390822/>.
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105. Drutman, "How Corporate Lobbyists Conquered American Democracy." De Figueiredo likewise comes to the conclusion that business groups are responsible for the lion's share of lobbying expenditures: more than 84 percent of total interest group lobbying expenditures at the US federal level and 86 percent of total lobbying expenditures at the state level. See J. M. de Figueiredo, "The Timing, Intensity, and Composition of Interest Group Lobbying: An Analysis of Structural Policy Windows in the States," NBER Working Paper 10588, National Bureau of Economic Research, June 2004.
106. Ian Traynor, "30,000 Lobbyists and Counting: Is Brussels under Corporate Sway?" *Guardian*, May 8, 2014.
107. Jesse Byrnes, "Hillary 'Thought It'd Be Fun' to Attend Trump's Wedding," *Hill*, August 10, 2015, <http://thehill.com/blogs/ballot-box/presidential-races/250773-hillary-thought-itd-be-fun-to-attend-trumps-wedding>.
108. Michael Kruse, "Hillary and Donald's Wild Palm Beach Weekend," *Politico*, July 28, 2015, <http://www.politico.com/magazine/story/2015/07/hillary-and-donald-trump-were-once-friends-wedding-120610>.
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111. Yasmin Dawood, "Campaign Finance and American Democracy," *Annual Review of Political Science* 18 (2015): 329–348, 336.
112. Solomon E. Asch, "Opinions and Social Pressure," *Scientific American* 193, no. 5 (1955): 31; Solomon E. Asch, "Effects of Group Pressure upon the Modification and Distortion of Judgments," in *Groups, Leadership, and Men: Research in Human Relations*, ed. H. Guetzkow, 177–190 (Pittsburgh: Carnegie Press, 1951); همان. ۱۰۳

- Susan T. Ennett and Karl E. Bauman, "The Contribution of Influence and Selection to Adolescent Peer Group Homogeneity: The Case of Adolescent Cigarette Smoking," *Journal of Personality and Social Psychology* 67, no. 4 (1994): 653–663; and Cass R. Sunstein, David Schkade, Lisa M. Ellman, and Andres Sawicki, *Are Judges Political? An Empirical Analysis of the Federal Judiciary* (Washington, DC: Brookings Institution Press, 2007); Herbert Hyman, *Political Socialization* (New York: Free Press, 1959).
113. Ezra Klein, "The Most Depressing Graphic for Members of Congress," *Washington Post*, January 14, 2013, [https://www.washingtonpost.com/news/wonk/wp/2013/14/01/the-most-depressing-graphic-for-members-of-congress/?utm\\_term=.420bbfa0a5f6](https://www.washingtonpost.com/news/wonk/wp/2013/14/01/the-most-depressing-graphic-for-members-of-congress/?utm_term=.420bbfa0a5f6); and Tim Roemer, "Why Do Congressmen Spend Only Half Their Time Serving Us?" *Newsweek*, July 29, 2015; <http://www.newsweek.com/why-do-congressmen-spend-only-half-their-time-serving-us-357995>.
  114. Brendan Doherty, *The Rise of the President's Permanent Campaign* (Lawrence: University Press of Kansas, 2012), 16–17.
  115. Credit Suisse, "Global Wealth Databook" (2013), 101, <https://publications.credit-suisse.com/tasks/render/file/?fileID=1949208D-E59A-F2D9-6D0361266E44A2F8>.
  116. Russ Choma, "Millionaires' Club: For First Time, Most Lawmakers Are Worth \$1 Million-Plus," *Opensecrets.org*, January 9, 2014.
  117. Michael Morella, "The Top Ten Colleges for Members of Congress," *US News and World Report*, August 10, 2010, <https://www.usnews.com/news/slideshows/the-top-10-colleges-for-members-of-congress>. Similarly, a full fifth of the senators in the 114th Congress went to one of four universities: Harvard, Yale, Stanford, or Dartmouth, for their undergraduate degrees. See Aaron Blake, "Where the Senate Went to College—In One Map," *Washington Post*, January 30, 2015, [https://www.washingtonpost.com/news/the-fix/wp/2015/01/30/where-the-senate-went-to-college-in-one-map/?utm\\_term=.c88fa8c67482](https://www.washingtonpost.com/news/the-fix/wp/2015/01/30/where-the-senate-went-to-college-in-one-map/?utm_term=.c88fa8c67482). For full biographical information on current and past members of Congress and senators, see Biographical Directory of the United States Congress, <http://bioguide.congress.gov/biosearch/biosearch.asp>. The academic literature on this subject is surprisingly thin. But for an earlier study, see N. Polsby, "The Social Composition of Congress," in *The US Congress and the German Bundestag: Comparisons of Democratic Processes*, ed. Uwe Thyson, Roger H. Davidson, and Robert Gerald Livingston (Boulder, CO: Westview Press, 1990).
  118. Arthur B. Gunlicks, ed., *Campaign and Party Finance in North America and Western Europe* (Boulder, CO: Westview Press, 1993). For a comparison with Canada, see Daniel P. Tokaji, "The Obliteration of Equality in American Campaign Finance Law: A Trans-Border Comparison," Ohio State Public Law Working Paper no. 140, <http://dx.doi.org/10.2139/ssrn.1746868>.

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۱۲۲. آخرین باری که روزنامهٔ سان از یک کاندیدای بازنده حمایت کرد به فوریه ۱۹۷۴ برمی‌گردد، زمانی که هارولد ویلسون توانست با ۱۴ کرسی بیشتر ادوارد هیز را برخلاف از دست دادن آرای عمومی با اختلافی اندک شکست دهد. درحالی‌که نامزد مورد حمایت سان، ترزا می، در سال ۲۰۱۷ نتوانست اکثریت آرای عمومی را کسب کند اما توانست با تشکیل ائتلاف با حزب دموکراتیک اتحادیه بر مسند قدرت باقی بماند.
۱۲۳. این احتمالاً توضیحی بسیار گسترده است، و معمولاً نادیده گرفته می‌شود، برای اینکه چگونه ائتلاف ناخوشایند بین کارگران کارخانه و معلمان مدارس، و بین معادن زغال سنگ و هنرمندان، که سوسیال دموکرات‌ها همیشه برای کسب اکثریت بر آن تکیه می‌کردند، می‌تواند برای مدت طولانی در کنار هم باشد.
124. W. B. Gallie, "Essentially Contested Concepts," *Proceedings of the Aristotelian Society* 56 (1955–56): 167–198.
125. Steven Levitsky and Lucan Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (New York: Cambridge University Press, 2010), 12.
۱۲۶. برخی تحقیقات و مدارکی که برای توضیح لیبرالیسم غیردموکراتیک به کار برده‌ام شامل موارد زیر است:
- Colin Crouch, *Post-democracy* (Cambridge: Polity, 2004); and Colin Crouch, *Coping with Post-democracy*, Fabian Pamphlets (London: Fabian Society, 2000); Christopher Bickerton and Carlo Invernizzi Accetti, "Populism and Technocracy: Opposites or Complements?" *Critical Review of International Social and Political Philosophy* 20, no. 2 (2017): 186–206; Christopher Bickerton, "Europe's Neo-Madisonians: Rethinking the Legitimacy of Limited Power in a Multi-level Polity," *Political Studies* 59, no. 3 (2011): 659–673.
127. Daniel W. Drezner, *The Ideas Industry: How Pessimists, Partisans, and Plutocrats*

- Are Transforming the Marketplace of Ideas* (New York: Oxford University Press, 2017).
128. "Mehrheit der Deutschen gegen neue Griechen-Milliarden," *Spiegel Online*, February 2, 2012.
129. Fareed Zakaria, *The Future of Freedom* (New York: Norton, 2007); and Parag Khanna, *Technocracy in America* (Parag Khanna, self-published, 2017).
130. Richard Tuck, "The Left Case for Brexit," *Dissent*, June 6, 2016, [https://www.dissentmagazine.org/online\\_articles/left-case-brexit](https://www.dissentmagazine.org/online_articles/left-case-brexit); and Tuck, "Brexit: A Prize in Reach for the Left," *Policy Exchange*, July 17, 2017, <https://policyexchange.org.uk/pxevents/brexit-a-prize-in-reach-for-the-left/>.

### ۳. تجزیة دموکراسی

1. David Runciman, *The Confidence Trap: A History of Democracy in Crisis from World War I to the Present* (Princeton: Princeton University Press, 2015), 210.
2. Jeffrey M. Jones, "Americans' Trust in Political Leaders, Public, at New Low," Gallup, September 21, 2016, <http://www.gallup.com/poll/195716/americans-trust-political-leaders-public-new-lows.aspx>.

### ۳. همان

4. "Confidence in Institutions," Gallup poll, 2017, <http://www.gallup.com/poll/15971/confidence-institutions.aspx>. Note that it has moderately increased since then, to 12 percent in 2017. However, this may well reflect a bump at the beginning of a new presidency, and could decline rapidly in the years to come.
5. Roberto Foa and Yascha Mounk, "Are Americans Losing Faith in Democracy?" *Vox*, December 18, 2015, <https://www.vox.com/polyarchy/2015/12/18/9360663/is-democracy-in-trouble>.

ع. به عنوان مثال، در سال ۱۹۷۲، بسیاری از شهروندان آلمانی معتقد بودند نمایندگان پارلمان در درجه اول از منافع مردم دفاع می‌کنند تا اینکه تصور کنند منافع دیگران را در اولویت قرار می‌دهند. تا سال ۲۰۱۴، این روند برعکس شد و تعداد افرادی که انگیزه‌های خوب را به سیاستمداران نسبت دادند به میزان قابل توجهی کاهش یافت. آلمانی‌ها کمتر از گذشته به سیاستمداران اعتماد دارند. آن‌ها همچنین دید بسیار تیره‌تری از توانایی‌های خود دارند. در سال ۱۹۷۲، نزدیک به دو سوم پاسخ‌دهندگان در آلمان غربی بر این باور بودند که برای عضویت در پارلمان مهارت زیادی لازم است، و کمتر از یک چهارم معتقد بودند که این گونه نیست. تا سال ۲۰۱۴، احساسات برعکس شد: بیش از نیمی از پاسخ‌دهندگان اکنون معتقدند برای سیاستمدار شدن مهارت خاصی لازم نیست، و کمتر از یک چهارم آن‌ها معتقدند که سیاستمداران استعداد خاصی دارند. مراجعه کنید به:

Thomas Petersen, "Anfang vom Ende der Politikverdrossenheit?" *Frankfurter Allgemeine Zeitung* 66, no. 19 (March 5, 2014).

۷. در سراسر دموکراسی‌های قدیمی در اروپای غربی، مشارکت رأی‌دهندگان در دهه‌های اخیر به میزان قابل توجهی کاهش یافته است. و عضویت در احزاب سیاسی با سرعت بیشتری کاهش یافته است. به عنوان مثال، در فرانسه در سال ۱۹۷۸ بیش از ۱,۷ میلیون عضو حزب وجود

داشت. تا سال ۲۰۰۹، تعداد آن‌ها بسیار کمتر از یک میلیون بود.

Ingrid Van Biezen, Peter Mair, and Thomas Poguntke, "Going, Going, ... Gone? The Decline of Party Membership in Contemporary Europe," *European Journal of Political Research* 51, no. 1 (2012): 24–56, 44.

8. Roberto Stefan Foa and Yascha Mounk, "The Danger of Deconsolidation: The Democratic Disconnect," *Journal of Democracy* 27, no. 3 (2016): 10–12.

9. Jon Henley, "Chirac's Popularity Hits New Low as Public Loses Faith in Politicians," *Guardian*, June 7, 2005, <https://www.theguardian.com/world/2005/jun/08/france.jonhenley>.

10. "Support for Sarkozy Hits Record Low," *France 24*, April 19, 2011.

11. "Into the Abyss," *Economist*, November 5, 2016.

12. Jeremy Berke, "Emmanuel Macron's Approval Rating Is Taking a Massive Nosedive," *Business Insider*, August 22, 2017, <http://www.businessinsider.com/emmanuel-macron-poll-approval-rating-trump-2017-8>.

۱۳. ارتباط رودرو با نویسنده

14. Lynn Vavreck, "The Long Decline of Trust in Government, and Why That Can Be Patriotic," *New York Times*, July 3, 2015, <https://www.nytimes.com/2015/07/04/upshot/the-long-decline-of-trust-in-government-and-why-that-can-be-patriotic.html>.

15. David Easton, "A Re-assessment of the Concept of Political Support," *British Journal of Political Science* 5, no. 4 (1975): 435–457.

16. Larry Diamond, "Facing Up to the Democratic Recession," *Journal of Democracy* 26, no. 1 (2015): 141–155. See also Freedom House, *Freedom in the World 2016: The Annual Survey of Political Rights and Civil Liberties* (Rowman & Littlefield, 2016); and Freedom House, *Freedom in the World 2017: Populists and Autocrats: The Dual Threat to Global Democracy* (Rowman & Littlefield, 2017).

۱۷. در واقع ممکن است برای یک عوام فریب کافی باشد که ادعا کند با کنار گذاشتن جنبه‌های کلیدی دموکراسی کاری مهم انجام می‌دهند مانند پیروزی نمایان در برابر یک دشمن خارجی یا اندکی دستمزد بیشتر.

۱۸. این بدان معنا نیست که اکثر نسل هزاره به طور فعال با دموکراسی مخالفانند. همان‌طور که برخی از منتقدان اشاره کرده‌اند، میانگین نمره به شدت تغییر نکرده است. اریک ووتن: «نمودار وایرال شده در مورد کاهش حمایت نسل هزاره از دموکراسی، بسیار گمراه‌کننده است» و واشینگتن پست، ۵ دسامبر ۲۰۱۶. اقلیت قابل توجهی هنوز زندگی در یک دموکراسی را حیاتی می‌دانند. و اکثریت بقیه آن را کاملاً خوب می‌دانند، چیزی که مطلوب است، حتی اگر اهمیت خاصی نداشته باشد. اما تضاد با نسل‌های قدیمی هنوز قابل توجه است. اگر افرادی که زندگی دموکراتیک را به طور منطقی مهم می‌دانند (در مقیاس ۸ تا ۱۰) لحاظ کنیم، از هر ده آمریکایی مسن، ۹ نفر زندگی در دموکراسی را مهم می‌دانند اما کمتر از شش نفر از هر ده جوان آمریکایی چنین نظری دارند. افزایش سریع تعداد افرادی که نسبت به دموکراسی بی‌طرف هستند (مقیاس ۴ تا ۷) حتی چشمگیرتر است. در حالی که فقط یک نفر از هر ده آمریکایی مسن‌تر این توصیف را دارد، تقریباً چهار نفر از هر ده جوان آمریکایی در مورد دموکراسی بی‌طرف‌اند.

۱۹. نیجریه نمونه مناسبی است. جایی که ۲۲ درصد از نسل هزاره دموکراسی را بسیار مهم می‌دانند، در حالی که فقط ۱۵ درصد از افراد بالای ۶۵ سال چنین نظری دارند. در همین حدود از نسل هزاره و افراد بالای ۶۵ سال اهمیت دموکراسی را پایین دانسته‌اند.
20. Amanda Taub, "How Stable Are Democracies? 'Warning Signs Are Flashing Red,'" *New York Times*, November 29, 2016.
۲۱. این یافته‌ها آنچنان نگران‌کننده هستند که یافتن راهی برای نادیده گرفتن آن‌ها و سوسه‌انگیز است. آیا جوانان همیشه نسبت به افراد مسن نسبت به نظام سیاسی خود انتقاد بیشتری دارند؟ نه واقعاً. در حالی که ما هنوز اطلاعاتی درباره بررسی اینکه جوانان امروزی نسبت به پدر بزرگ و مادر بزرگ‌هایشان در سن مشابه، کمتر به دموکراسی اهمیت می‌دهند، در اختیار نداریم. آنچه داده منفی در مورد دموکراسی نشان می‌دهند بدون ابهام است: هم در اروپا و هم در ایالات متحده؛ جوانان ۱۶ تا ۲۴ ساله امروز نسبت به افراد هم‌سن‌وسال خود در دو دهه قبل بسیار بیشتر از دموکراسی انتقاد می‌کنند.
- آیا این اطمینان‌بخش نیست که اکثریت جوانان هنوز فکر می‌کنند دموکراسی یک سیستم حکومتی خوب است؟ به هیچ وجه. این درست است که ۲۳ درصد از نسل هزاره آمریکایی که آشکارا ادعا می‌کنند دموکراسی روش بد یا بسیار بدی برای اداره کشورشان است، در اقلیت هستند. اما در دیدگاه بین‌المللی، این در واقع یک عدد فوق‌العاده بالاست. بالاترین میانگین ثبت شده برای هر کشور کمی بیشتر است: در روسیه، حدود ۲۶ درصد از پاسخ‌دهندگان دیدگاه مشابه تیره‌وتاری در مورد دموکراسی دارند. در مقابل، در سراسر جهان، فقط حدود یک نفر از هر ده پاسخ‌دهنده چنین دیدگاه منفی نسبت به دموکراسی دارد، و این شامل بسیاری از کشورهایی است که دیکتاتوری پایدار دارند یا در گذشته کودتاهای نظامی مکرر را مشاهده کرده‌اند.
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تحت رهبری لیندون جانسون ۱۶ رأی برای اطالة بررسی داشتند در حالی که مجالس سنای دوره‌های ۱۱۱ تا ۱۱۴ در زمان اوباما ۵۰۶ رأی اطالة بررسی داشتند. مراجعه کنید به: Molly Reynolds, Curtlyn Kramer, Nick Zeppos, Emma Taem, Tanner Lockhead, Michael Malbin, Brendan Glavin, Thomas E. Mann, Norman J. Ornstein, Raffaella Wakeman, Andrew Rugg, and the Campaign Finance Institute, "Vital Statistics on Congress," Report, Brookings Institution, September 7, 2017, <https://www.brookings.edu/multi-chapter-report/vital-statistics-on-congress/>.

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