\chapter{The Propaganda Feedback Loop – Manufacturing Unreality} \textit{“I trust Donald Trump, not the government. That’s it.”} --- \textbf{Christopher Pugh}, 38-year-old Republican from Mississippi, explaining why he believes the lie that the 2020 election was stolen . 1 Democracy’s collapse seldom begins with tanks in the streets; more often, it starts with a polluted information ecosystem. In the United States, a decades-long transformation of the media landscape has produced a self-contained propaganda feedback loop, primarily in the right-wing media ecosystem. Within this loop, false narratives are amplified, dissenting facts are filtered out, and millions of Americans are effectively living in alternate realities. I write about this with the urgency of someone who has watched cognitive warfare destabilize other countries; the warning signs are blaring here at home. The very notion of shared truth – a cornerstone of any functional republic – has been eroded, leaving a citizenry divided by incompatible versions of reality. This chapter examines how the American right-wing propaganda feedback loop operates as a system, how it has severed epistemic bonds among Americans, and how it accelerates democratic breakdown. I analyze the architecture of this media machine – its channels, incentives, and historical evolution – and the consequences: extreme polarization, radicalization, and the normalization of lies as political strategy. Figure \ref{fig:propaganda-loop} sketches the dynamics of this loop, but the human impact is best illustrated in testimonies like Mr. Pugh’s above. When a large segment of the public places more trust in a single demagogue than in any official source of information, we are in dangerous territory. \begin{figure}[h] \centering % (diagram of propaganda feedback loop goes here) \caption{Right-Wing Propaganda Feedback Loop. An illustration of how partisan media, social networks, and political actors reinforce a closed narrative circuit, impervious to external fact-checking.} \label{fig:propaganda-loop} \end{figure} \subsection\*{An Ecosystem Engineered for Misinformation} Decades ago, Americans mostly shared a common news diet via broadly trusted networks and newspapers. That era’s demise, through cable news deregulation and the rise of the internet, enabled partisan media entrepreneurs to capture captive audiences. Fox News, founded in 1996, pioneered the model of a 24-hour conservative echo chamber. Talk radio hosts and later social media algorithms turbocharged the spread of partisan content. The cumulative result is what Yochai Benkler and colleagues call an “architecture of contemporary American political communications” fundamentally distinct on the right. In their comprehensive study, Network Propaganda, Benkler et al. found that the right-wing media ecosystem operates as a propaganda feedback loop, structurally isolated from mainstream media and fact-based correction. Within this loop, falsehoods can thrive unchecked: once a claim gains traction on a partisan outlet, it ricochets across talk radio, partisan websites, and social media, often eventually being repeated by political leaders themselves. This loop has no mechanism for self-correction. Unlike traditional journalism, which has at least nominal editorial standards and ties to reality (if only through reputational concern), the propagandistic outlets face market incentives to double down on sensational falsehoods. Outrage equals engagement, which equals 1profit. A striking example is the persistence of the 2020 election fraud narrative. Despite court after court, including Republican-appointed judges, rejecting claims of a stolen election, the narrative of a “Rigged Election” was relentlessly promoted in the right-wing media. The feedback loop insulated it from refutation. By 2023, polls showed that a majority of Republicans (around 61%) still believed President Biden was not legitimately elected. This is not a mere difference of opinion but a hallucinatory inversion of observable reality, maintained by the propaganda loop. The design of social media algorithms further exacerbates this ecosystem. Platforms like Facebook, YouTube, and Twitter (now X) have algorithms tuned for engagement, which often means promoting emotionally charged, divisive content. While recent research complicates the narrative of algorithmic “rabbit holes” (finding that not all users are automatically pushed to extremes), there is no doubt that these platforms have amplified the reach of propagandists. They also create communities where false stories can go viral before any fact-checking can catch up. For example, on Facebook in the months after the 2020 vote, conspiracy groups proliferated claims of massive voter fraud, coordinating under hashtags and private groups. By the time social media companies took sporadic action (removing QAnon groups, adding factcheck labels), the lies had already deepened the conviction of millions that the election was stolen. Historical Parallels: The current propaganda loop has echoes in the past – Father Coughlin’s 1930s radio broadcasts or the partisan press of the 1790s – but today’s system is more technologically advanced and far-reaching. The revocation of the Fairness Doctrine in 1987 removed a key regulatory guardrail, allowing talk radio and later Fox News to present one-sided narratives without any requirement to offer opposing views. From the 1990s onward, conservative audiences were cultivated to distrust mainstream media (branded “liberal media”) and to treat sources like Fox, OAN, or Breitbart as truth-tellers. This cultivated a media pseudo-environment where, for example, climate change is a hoax, COVID-19 vaccines are more dangerous than the disease, and every political opponent of Donald Trump is by definition corrupt or treasonous. In essence, a large portion of the populace has been cognitively seceded from the rest. \subsection\*{Feedback Loop Mechanics: From Fringe to Mainstream} The loop often begins at the fringes – a conspiracy theory or misleading story surfaces on an online forum or small blog. In a healthy information space, fringe claims remain fringe unless vetted. But in our broken system, such claims are mined as content gold. Take the infamous Pizzagate conspiracy of 2016: born on anonymous message boards, it leapt to social media and then was amplified by influential figures (including one of Donald Trump’s future National Security Advisors). Similarly, the lie that the 2020 election was stolen– what became the “Stop the Steal” movement – was incubated by far-right activists well before Election Day. On election night and afterward, Fox News and others gave airtime to such claims, or at least to the notion that “questions remain” about fraud. President Trump’s own repetition of the fraud claims then gave the ultimate validation, feeding back into coverage by outlets like Newsmax, OAN, and an army of proTrump online influencers. Each node in the network – from anonymous Twitter accounts to cable news hosts to the President – amplifies and legitimizes the others’ messages. This creates a self-reinforcing loop: a lie is broadcast, audience belief in the lie grows, which in turn pressures media and politicians on the right not to contradict that lie (for fear of audience backlash), leading them to repeat or at least tolerate the lie, thereby further convincing the audience. As a research team at Harvard observed, the dynamic “marginalized center-right media and radicalized the right-wing ecosystem” – moderate conservative voices that would call out falsehoods have been expunged or are ignored, leaving the most extreme voices dominant. 2The feedback loop thrives on emotional resonance and identity. Right-wing propagandists have mastered narratives that play into the grievances and fears of their audience: that “real Americans” are under threat from insidious elites, immigrants, minorities, or “woke” bureaucrats; that any contrary information is a plot by those enemies. By framing factual refutation as just more propaganda from the other side, the loop immunizes itself against correction. As one Los Angeles Times columnist described, “Right-wing media are trying to work the ref… stories with a tiny source of proof get magnified into scandals, then looped back through partisan outlets” (paraphrasing). The result is a hermetic media universe. When Fox News briefly acknowledged Joe Biden’s victory in 2020, a portion of its audience defected to even more conspiratorial outlets until Fox adjusted its tone to win them back. This illustrates the peril: truth in such an environment becomes a market disadvantage. Lies, or at least spin, are the product that sells. \subsection\*{Consequences: Polarization and Radicalization} The propaganda feedback loop has directly fueled extreme partisan polarization in America. As Levitsky and Ziblatt (2018) note, “polarization can destroy democratic norms”, and indeed the norms of mutual toleration and forbearance have been casualties of our media divide. When one side’s base is fed a steady diet painting the other side not as legitimate opponents but as mortal enemies – socialist traitors, satanic pedophiles, enemies of freedom – it becomes politically impossible for elected leaders to compromise or even to agree on basic facts. Congressional cooperation falters when primary voters (sitting in thrall to outrage media) demand scorched-earth confrontation. We have seen the rise of politicians whose primary skill is performing indignation on partisan media rather than legislating. The feedback loop rewards such performative extremism; figures like Marjorie Taylor Greene or Jim Jordan gain prominence through Fox hits and viral clips that reinforce the base’s beliefs, rather than through policy accomplishments. More frighteningly, the propaganda loop has proven capable of radicalizing individuals toward violence. A through-line can be traced from consuming years of rhetoric about existential threats (“the election was stolen,” “the Democrats are destroying the country,” “the Deep State is plotting against us”) to the events of January 6, 2021, when a mob – many of them ardent consumers of these media – stormed the U.S. Capitol. In their minds, fueled by lies, they were heroes taking back the nation. As one rioter famously said on camera, “We’re listening to Trump – your boss” (speaking to a police officer) – reflecting how propaganda had inverted authority, making the President and his media allies the arbiters of truth, above any other institution. Today, heading into 2025, a significant subset of Americans openly countenance political violence. A recent survey found nearly 30% of Republicans agreed that “true American patriots may have to resort to violence to save our country” – a chilling figure that stems from the widespread belief in fantastic threats and conspiracies. Elite Impunity for Propagandists: Notably, the purveyors of propaganda – from cable executives to talk radio hosts to social media CEOs – have largely escaped accountability for the damage done. Regulatory responses have been feeble; the repeal of the Fairness Doctrine has not been revisited. Attempts to hold tech platforms liable (for example, reforming the immunity of Section 230 of the Communications Decency Act) stall in part because the issue itself gets partisan framing in the loop (“Big Tech vs Free Speech”). Meanwhile, the audience, primed to distrust any outside intervention, often doubles down when their media heroes are criticized, interpreting it as further proof of an establishment plot. This complicates remedies: any push to rein in propaganda sources can ironically feed the propaganda narrative of persecution. \subsection\*{Breaking the Loop} 3If this system continues unchecked, it will be nearly impossible to rebuild a coherent democracy. A shared baseline of facts is the bedrock of resolving differences through debate and elections. Without it, every issue becomes zero-sum and conspiratorial; every election result not to one side’s liking becomes illegitimate in their eyes. We risk perpetual informational civil war – a “cold civil war” of the mind, as some analysts term it. Indeed, scholars like Barbara Walter warn that highly factionalized societies with loss of shared truth are at risk of slipping into actual civil conflict (Walter, 2022). We are not exempt from that risk. To interrupt the propaganda feedback loop, systemic interventions are needed. This includes media literacy initiatives on a massive scale, to inoculate citizens against disinformation tactics; pressure on advertisers and platforms to de-prioritize or label demonstrably false content; and perhaps most challenging, leadership from within the conservative movement to build new institutions that can compete by offering truth from a right-of-center perspective, rather than lies. I am not naïve – the economic and political incentives align in favor of the current toxic equilibrium. But democracy’s survival may hinge on whether those incentives can be altered. In later chapters, we will see how this propaganda loop connects to other collapse dynamics – providing cover for elite impunity (Chapter 9), fueling public acquiescence to authoritarian measures (Chapter 13), and even being weaponized by algorithmic systems (Chapter 8) to optimize outrage. The fragmentation of reality is both a cause and a consequence of institutional decay. For now, it is enough to recognize that without a factual common ground, the American project cannot hold. As long as a significant portion of our people remain locked in an artificial reality manufactured by profit-driven propagandists and cynical politicians, the very idea of a united republic is in peril. In the next chapter, we delve deeper into the social and psychological impact of this propaganda-induced schism – what I call the “Epistemic Fracture” of America. How does living in separate realities affect our capacity to function as one nation? As we shall see, the effects include not just polarization, but a dangerous erosion of democratic norms and the rise of a permissive environment for authoritarianism. The propaganda feedback loop discussed here has created the conditions for that erosion; now we turn to the lived consequences in our civic life. \noindent References (Chapter 6) 1 \begin{itemize}[leftmargin=] \item Associated Press. (2024, October). Republicans are more likely to trust Trump than official election results: AP-NORC/USAFacts poll. AP News. (Poll findings on trust in election information) \item Benkler, Y., Faris, R., & Roberts, H. (2018). Network Propaganda: Manipulation, Disinformation, and Radicalization in American Politics. Oxford University Press. (Study of the right-wing media ecosystem’s feedback loop) \item Levitsky, S., & Ziblatt, D. (2018). How Democracies Die. Crown. (Discussion of democratic norms and the dangers of extreme polarization) \item Los Angeles Times Editorial Board. (2023). How the propaganda feedback loop keeps disinformation alive. LA Times. (Description of right-wing media strategies to amplify false narratives) \item Walter, B. F. (2022). How Civil Wars Start: And How to Stop Them\*. Crown. (Analysis of factors, like factionalized information, that increase the risk of civil conflict) \end{itemize} \chapter{Epistemic Fracture – A Nation Split by Reality} 4\textit{“In order to have a democracy, we have to trust the system and the results of our elections.”} — \textbf{Danielle Almeida}, 45, expressing alarm that many Americans no longer accept basic civic outcomes. Democracy is more than laws and institutions; it is a shared story about reality. When citizens cease to agree on what is real and what is fiction, the very possibility of self-government diminishes. In the previous chapter, we traced how a propaganda feedback loop has manufactured alternate realities for political ends. In this chapter, I step back to survey the consequences: an American public so epistemically divided that we effectively inhabit parallel universes of perception. This epistemic fracture is not just a cultural or intellectual phenomenon—it is a systemic weakness that hostile actors (foreign and domestic) exploit, and it maps closely onto our political polarization. I write in the first person here because I have felt this fracture viscerally: as a former civil servant, I recall briefing community groups on security threats only to have half the room disputing whether the threats were “real” or a hoax concocted by the other political tribe. We are losing the capacity to undertake collective action because we cannot even agree on basic facts or on a common narrative of what’s happening to our country. This chapter analyzes how the collapse of a shared reality has progressed and why it’s so dangerous. We will examine the concept of “epistemic tribes” – segments of society with completely divergent knowledge and belief structures. We will look at measures of trust and misperception: surveys showing plummeting trust in institutions and wildly differing beliefs about events (from elections to pandemics). We will connect this to the weakening of democratic norms: when each tribe views the other as deeply misguided or even delusional, the guardrails of mutual tolerance and forbearance erode. Historical parallels, from the religious wars of 17th-century Europe to the run-up of civil strife in more recent times, illustrate that a society that cannot agree on reality is a society at risk of political violence. Barbara F. Walter’s notion of anocracy – the in-between state that is neither fully democratic nor overtly autocratic – aptly describes where the U.S. is heading: a brittle hybrid where democratic forms persist but the substance (shared belief in the system’s legitimacy) is rotting away. \subsection\*{“Two Americas” – Diverging Perceptions and Beliefs} Pollsters and political scientists have for years discussed the emergence of “Two Americas” – not just in values or policy preferences, but in perceptions of basic facts. By 2024, surveys showed stark divides on questions as fundamental as: Who legitimately won the last presidential election? Is climate change happening? Was the January 6th Capitol attack an act of patriotism or insurrection? The answers correlate strongly with party identity. For example, an AP-NORC poll found that about two-thirds of Republicans trust Donald Trump’s account of the 2024 election results over official vote counts, whereas nearly 90% of Democrats trust the official results. We are watching a collective cognitive schism: partisans not only disagree on opinions – they disagree on the underlying facts to an extent perhaps unprecedented in modern U.S. history. This did not happen overnight. Several long-running trends underlie the epistemic fracture: • Partisan Segregation of Information: As described in Chapter 6, the media and social ecosystems have sorted us into echo chambers. Conservatives consume vastly different news sources than liberals. A Pew Research study in 2022 found that 8 in 10 Republicans who trust Fox News or similar sources for political news believed the 2020 election was stolen, versus only a tiny fraction of Republicans who trusted even slightly more mainstream sources. The American public has sorted itself into “epistemic camps”, each with its own trusted authorities and narrative about the world. 5• • • Erosion of Trust in Traditional Institutions: Trust in government, mainstream media, science, and academia has been falling for decades, but among Republican voters it has plunged to extreme lows. By 2025, only around 30% of Republicans said they have significant trust in the fairness of the national vote count. Confidence in public health agencies after COVID became sharply polarized; climate scientists are trusted by a strong majority of Democrats but a minority of Republicans. This trust gap is both cause and effect of epistemic fracture: low trust makes people susceptible to alternative “facts,” and those false facts then reinforce distrust in official sources that contradict them. Identity and “Own Reality”: Political identity has become a core social identity for many Americans. When beliefs become entwined with identity (“I am a proud member of group X, and we in group X believe Y”), changing one’s mind on a fact can feel like a betrayal of one’s tribe. The result is what psychologists call motivated reasoning – people will reject evidence and logic if accepting them threatens their group loyalty. This dynamic means that even incontrovertible evidence often fails to pierce the bubble. For instance, multiple audits in states like Georgia and Arizona confirmed no widespread fraud, yet the narrative of fraud persisted because it had become a marker of Republican identity to assert that something was fishy. In a very real sense, allegiance to a shared falsehood became a test of belonging. This is a grave inversion for a democracy, where ideally identity would form around shared civic truths, not shared lies. 2 Social Media Fragmentation: On platforms, algorithms create custom feeds. Each user’s information world is tailored, often reinforcing their pre-existing beliefs (the “filter bubble” effect noted by Eli Pariser ). Moreover, the structure of online communities means that extremist subcultures (from QAnon to militia groups) can form insulated communities of belief. A person who falls down a conspiracy rabbit hole online can emerge believing, with absolute conviction, narratives that are objectively false and even fantastical. And they will have found a community of thousands reinforcing that those delusions are in fact secret truths. The result is that some Americans today sincerely hold worldviews that are nearly incoherent to the rest of the public. For example, a nontrivial number believe a cabal of satanic pedophiles secretly runs the government (QAnon’s core claim), or that the COVID vaccine contains microchips for mind control. Those might sound like fringe beliefs, but candidates who had endorsed or flirted with QAnon won congressional primaries and even seats in the last few years. What was fringe has bled into the mainstream. Empirical snapshot: Consider the reactions to the COVID-19 pandemic. In one reality, the virus was a deadly threat requiring collective action (masks, vaccines, temporary restrictions) guided by scientific expertise. In the alternate reality, COVID was exaggerated or a hoax, vaccines were portrayed as dangerous tools of control, and every pandemic measure was cast as tyrannical. The split was partisan and reinforced by separate media ecosystems. The result: even as the U.S. COVID death toll surpassed 1 million, basic public health measures became politicized badges of loyalty, and misinformation about the disease led to countless preventable deaths. This tragedy underscores how divergent realities can be lethal. When I participated in pandemic response efforts, I encountered local officials who told me they were fighting not just the virus but “the infodemic” – a flood of local rumors that sometimes led community members to refuse life-saving treatments or attack health workers. An epistemic fracture can turn a public health crisis into a civil conflict of its own. \subsection\*{Democratic Norms Under Strain} 6What happens to democracy when citizens cannot agree on who legitimately holds power or what is lawful? Steven Levitsky and Daniel Ziblatt emphasize that democracies rely on “soft guardrails” – unwritten norms of mutual toleration and forbearance. Those norms assume a baseline agreement about the rules of the game and the legitimacy of opponents. Epistemic fracture shatters that baseline. If I believe the other side’s leaders are literally traitors engaged in a massive conspiracy, how can I tolerate them holding office? If a significant portion of the opposition’s voters truly believe in, say, a secret child trafficking ring run by government elites, how can they accept losing an election to those elites? The answer is: they likely won’t. Democratic norms collapse when partisans see victory by the other side as existentially unacceptable or fundamentally illegitimate. We already see evidence of this. The refusal of many Republicans in Congress to acknowledge Biden’s 2020 win as legitimate was one indicator. The subsequent spate of legislation in GOP-led states ostensibly aimed at “election integrity” (often making voting harder in ways that align with fraud myths) shows a policy manifestation of belief in false reality. Meanwhile, on the left, there is growing distrust that elections in red states will be fairly administered, given voter suppression efforts and the January 6 aftermath. Each side has islands of unreality about the other – though I hasten to add they are not symmetrical in content or consequence (one side’s false beliefs – e.g., denying election results – directly undermines democracy more than the other’s – e.g., believing foreign influence swung 2016, which did not lead Democrats to reject the certified outcome). Normalization of Extreme Responses: When a population is divided on reality, extreme actions by one faction can gain a sense of justification. We saw this with January 6: if you truly believe democracy was stolen, storming the Capitol might feel like a justified “defensive” move to restore the rightful order. Similarly, if some on the left became convinced that, say, a reelected Trump in 2024 was going to establish an overt dictatorship (as opposed to the subtle autocracy we are analyzing), they too might contemplate extralegal resistance. The epistemic fracture lays the groundwork for a collapse in the rule of law – because if each tribe believes the other is illegitimate or evil, then violating laws or norms to oppose the other can be reframed as heroic. We are approaching what I term an “anocracy of belief.” Barbara Walter uses “anocracy” to describe a government that is neither fully democratic nor fully authoritarian. By analogy, the U.S. is becoming neither a society with a single factual consensus nor one with an official enforced dogma, but a patchwork of fervently held sub-realities – a brittle, internally conflicted epistemic regime. This is an inherently unstable configuration. Historically, such deep cognitive splits often precede periods of instability or violence. For instance, before the Yugoslav wars of the 1990s, propagandists in different republics created entirely separate narratives of history and current events for Serbs, Croats, and Bosnians. Once those took hold, mutual understanding eroded and conflict followed. While the U.S. has stronger institutions, we would be hubristic to assume we are immune to such dynamics. \subsection\*{Civic Disengagement and Cynicism} Another outcome of the shattered shared reality is a rise in cynicism and disengagement among those who f ind the public sphere too toxic or confusing to navigate. Many Americans, seeing dueling claims and constant controversy, have tuned out. Approximately 40% of eligible voters did not vote in the 2024 election– a slight improvement from some mid-2010s elections, but still a large chunk. Among the non-voters, a common sentiment is that “both sides lie” or “you can’t trust anyone.” This nihilistic perception is ironically often a product of the epistemic fracture as well. When bombarded by contradictory narratives, some throw 7up their hands and assume nothing can be known or no one is honest. Authoritarian actors love this outcome: if citizens come to believe that objective truth is unknowable, they are more likely to simply align with whatever tribal narrative is convenient or to withdraw entirely, ceding the field to the most zealous partisans. Hannah Arendt warned that the ideal subject of totalitarian rule is not the convinced Nazi or Communist, but the person for whom the distinction between fact and fiction no longer exists. While the U.S. is not under totalitarian rule, the concern is that a significant part of our population is nearing that condition of epistemic despair or malleability. In 2025’s America, I see both dangerous certainty (the zealots utterly convinced of false realities) and dangerous uncertainty (the disillusioned who believe nothing and no one). Both weaken democracy: the former group undermines it actively, the latter by failing to defend it or engage. \subsection\*{Repairing the Fracture – Is a Shared Reality Recoverable?} Any solution must start with leadership that prioritizes truth and trust-building. During the Cold War, a concept called “bridge figures” emerged – people or institutions trusted by both sides of a divide, who could carry messages across. America needs bridge figures now: perhaps local community leaders, religious f igures, or certain journalists who still maintain credibility in multiple camps. Efforts at depolarization dialogues show that when people actually converse across divides in good faith, some misconceptions can be corrected. But such efforts are swimming upstream against powerful media currents that constantly reinforce division. A systemic fix might involve re-regulating portions of the media space (a treacherous proposition given First Amendment protections and the risk of government overreach). However, ideas such as requiring transparency in online political advertising, banning the most egregious deepfake propaganda, or reviving something akin to the Fairness Doctrine for major broadcasters have been floated. Any regulation would need to be carefully balanced with free speech rights. Perhaps more promising are structural changes to our political system that reduce the winner-take-all stakes that fuel the fervor – for instance, adopting ranked-choice voting or multi-member districts could incentivize moderation and cross-group coalition, indirectly mitigating the zero-sum mindset exploited by propagandists. Ultimately, citizen resilience must be strengthened. In the same way we speak of “herd immunity” in a pandemic, we need herd immunity to disinformation – a populous that is sufficiently media-literate and critically thinking such that lies find less purchase. This is generational work, involving education reforms to teach critical reasoning and an ethic of truth-seeking. I must acknowledge a sobering possibility: The fracture may have to hit a kind of rock bottom – some undeniable national catastrophe that forces a reckoning – before it can heal. In American history, periods of relative unity have often followed great trials (the Great Depression and WWII created a national consensus of sorts for a time, for example). That is a grim hope – that only darkness will shock us back into enlightenment. But absent a deliberate effort to address the epistemic schism, the inertia of current trends is toward further mutual detachment of the Two Americas. As a systems thinker, I see the epistemic fracture as a dangerous feedback loop in itself: misinformation $ \to$ polarization $\to$ institutional paralysis $\to$ more problems unaddressed $\to$ more cynicism and fertile ground for misinformation. Breaking this cycle is imperative. In Chapter 13, we will explore how 8public compliance and passivity – partly a product of confusion and cynicism – further accelerates democratic decay. Before that, Chapter 8 turns to another dimension of our collapsing reality consensus: the rise of algorithmic governance and AI, which both contribute to and exploit our epistemic fragility. The fragmentation of truth we’ve examined here is not happening in isolation – it is abetted by technologies and autocratic actors as we will see. For now, let me conclude this chapter with a personal reflection. I grew up in an America where, despite political differences, my family, neighbors, and I largely agreed on what was real: the elections were fair even if our candidate lost, vaccines worked, a violent mob attacking police officers was bad, racism existed, communism wasn’t running the federal government, and so on. That shared reality bound us together in unwritten ways. Watching that bond dissolve in the past decade has been the most disorienting experience of my life in public service. We can survive many challenges, but I doubt we can survive as a free nation if we do not find a way to live in the same reality again. \noindent References (Chapter 7) \begin{itemize}[leftmargin=] \item Associated Press-NORC Center. (2024). Poll: Trust in Election Information by Party. (Data showing partisan gaps in trust of election results) \item Levitsky, S., & Ziblatt, D. (2018). How Democracies Die. Crown. (Discussion of polarization’s impact on democratic norms) \item Pariser, E. (2011). The Filter Bubble: How the New Personalized Web Is Changing What We Read and How We Think. Penguin. (Concept of algorithmic filter bubbles fragmenting reality) \item Pew Research Center. (2022). Political Polarization and Media Habits. (Study on partisan segregation of news sources) \item Walter, B. F. (2022). How Civil Wars Start: And How to Stop Them\*. Crown. (Defines anocracy and warns about factionalized societies at risk of conflict) \end{itemize} \chapter{Algorithmic Governance – Code, Control, and Collapse} \textit{“Every time our system erases truth, history, or memory, it pays for it in energy and complexity.”} — \textbf{Ronald J. Botelho}, reflecting on the thermodynamics of a society that suppresses information (Chapter 14). In the digital age, governance is increasingly mediated by algorithms. From the social media feeds that shape public opinion to the automated decision systems in welfare, policing, and finance, code has become a kind of unelected ruler – an invisible hand guiding choices, allocating resources, and, at times, entrenching injustice. This chapter explores the rise of what can be termed algorithmic governance: the delegation of governance functions to algorithmic systems, and the political power accrued by those who design and control these systems. We examine how algorithmic governance intersects with the breakdown of democratic accountability, focusing on two arenas: (1) the role of social media algorithms in steering the civic discourse (and thereby dovetailing with the propaganda and epistemic crises from previous chapters), and (2) the use of algorithms by government and corporations in ways that undermine transparency, fairness, and the rule of law. Throughout, I maintain a first-person perspective because this is not an abstract issue to me – I have seen algorithms misused in counterterrorism, I have glimpsed how datadriven policies can morph into unaccountable bureaucratic edicts. The urgency here is intellectual and moral: if we do not get a grip on how algorithmic systems are reshaping governance, we risk sliding into a form of automated autocracy, a regime of “algocracy” where human judgment and democratic values are subjugated to black-box computations. 9\subsection\*{The Algorithmic Leviathan: When Big Tech Runs the Show} In 2019, Shoshana Zuboff famously warned of the emerging “age of surveillance capitalism,” in which tech companies harvest and monetize our personal data on an unprecedented scale. She argued that this commodification of human experience is inherently political, concentrating knowledge – and thus power in the hands of a few corporate actors (Google, Facebook, etc.). As I write in 2025, we have seen Zuboff’s warnings materialize in concrete ways that implicate governance. Consider Facebook (Meta): its news feed algorithm, optimized for engagement, effectively decides which political news stories or misinformation millions of people see. In doing so, it has arguably become as influential as any media regulator or minister of information in history. Yet it operates with zero democratic oversight. When whistleblower Frances Haugen revealed internal documents in 2021, they showed Facebook’s own researchers knew the platform’s algorithms were amplifying hate speech and harming teen mental health . Facebook’s response was minimal until public pressure mounted. This underscores a key problem: \textbf{algorithmic opacity}. These systems are proprietary black boxes. Their owners might tweak them if profit or PR demands, but the public has no right to inspect or demand changes, even though the public sphere is the casualty. 2 An example from recent months: A tweak in YouTube’s recommendation algorithm – presumably to boost viewer retention – led to a spike in incendiary political content being suggested to users after they watched neutral news. A person watching a video on inflation could be auto-queued into a conspiratorial rant about global elites. This is not deliberate propaganda by a government; it’s collateral damage from a corporate algorithm that finds anger to be a good engagement hook. But the effect on governance is severe. It pours fuel on the fires of polarization and misinformation described in earlier chapters. In a very real sense, decisions made in tech company boardrooms (or by their engineering teams) about how algorithms work have governance outcomes: they shape who is elected, which policies get support or outrage, and even whether citizens believe in democracy at all. One could argue that Mark Zuckerberg or YouTube’s CEO wield more influence over the health of American democracy than the Chair of the Federal Election Commission a startling inversion. The Supreme Court has thus far largely given tech platforms free rein, treating algorithmic curation as protected by broad interpretations of free speech and by Section 230 of the Communications Decency Act (which immunizes platforms from liability for user content). Legal scholar Tim Wu observed that this effectively “privatized speech control” in America. Indeed, in the absence of public rules, the defaults set by private companies govern our discourse. Is it any wonder, then, that bad actors – from troll farms to extremist propagandists – exploit these algorithmic systems to inject chaos? The system has been optimized for engagement, not enlightenment or stability. From a systems perspective, we have allowed a new de facto branch of power to arise – call it the Algorithmic Branch – composed of platform algorithms and AI systems, which checks no one, and is checked by no one. If Madison’s framework of checks and balances never envisioned that an advertising company in Menlo Park might one day need to be checked for the sake of the republic’s survival, that is our generational challenge to address. \subsection\*{Automation of Inequality – Algorithms in Public Services} Algorithmic governance is not only about social media. Increasingly, governments themselves use algorithms to make or inform decisions, often with laudable goals of efficiency or objectivity, but with troubling side effects. Algorithms decide which neighborhoods get extra police patrols (predictive policing 10software), who gets flagged by TSA for extra screening, which welfare applicants are deemed likely fraudulent, and even who gets parole or what sentence a defendant receives (through risk assessment scores). When these systems are proprietary or unaccountable, they create a gap in responsibility. As scholar Niclas Boehmer notes, a lack of transparency in ADM (Algorithmic Decision-Making) undermines legitimacy and accountability. If an algorithm denies you a benefit or puts you on a no-fly list, you may never know why – the reasoning is buried in code, possibly protected as a trade secret. This opacity can erode trust in the system, as people rightly feel they can’t challenge or even understand decisions that affect their lives. Consider the example of the Dutch welfare fraud algorithm (SyRI) that Boehmer and others have highlighted. It used data like “non-Western appearance” as a factor to flag individuals for fraud investigation. The result? Innocent families (often immigrants) were falsely accused, some lost benefits, and at least one family was driven to such despair that it ended tragically in suicide. This algorithm was eventually ruled unlawful by a court after public outcry, but only after significant harm. It exemplifies how bias can be baked into algorithms (intentionally or not) and scale harm massively before detection. In the U.S., we have had smaller-scale versions: an algorithm used in a county to determine child welfare intervention was found to correlate strongly with race, leading to disproportionate removals of Black children from homes. Automated systems can perpetuate and even amplify historical biases under the guise of impartiality. Another domain: the criminal justice system. In recent years, many jurisdictions adopted “risk assessment” algorithms to guide bail and sentencing decisions, aiming to reduce human bias and guesswork. However, studies (like by ProPublica on the COMPAS system) found that these algorithms can be more likely to falsely label minority defendants as high-risk. Essentially, they encoded existing prejudices (from policing and socioeconomic data) into numeric scores that appeared objective. Judges often deferred to these scores, giving a veneer of scientific legitimacy to what were, in effect, repackaged biases. When challenged, the companies behind the algorithms often refused to fully disclose how they worked, citing intellectual property. Thus, a defendant could be denied pretrial release based on an algorithmic “black box” with no opportunity to confront or understand the evidence – a potential violation of due process. Frank Pasquale calls this living in a “black box society,” where decisions affecting your life are made opaquely by algorithms beyond your scrutiny. The broader pattern is what Virginia Eubanks terms the “automation of inequality”: affluent, resourceful people find ways to ensure humanized, flexible treatment (they can demand to speak to a manager instead of an automated phone tree, hire lawyers to challenge algorithmic decisions, etc.), while the poor are funneled through rigid automated systems that offer no recourse. Over time, this can hollow out public trust among the most vulnerable. If you believe the system is just a computer rigged against you, why engage with it in good faith? Algorithmic governance, when done without safeguards, thus breeds cynicism and withdrawal, feeding into the “contagion of compliance” (Chapter 13) in a pernicious way: people comply not out of trust but out of resignation, or they drop out of the system entirely. \subsection\*{Elite Impunity Meets Automation} An underappreciated aspect of algorithmic governance is how it enables elite impunity – a theme from Chapter 9. Those in power can leverage algorithms to entrench their position while diffusing responsibility. If caught in wrongdoing, they can claim “the algorithm did it” or simply adjust the algorithm quietly without admitting fault. For instance, during the Trump administration’s first term, immigration enforcement was 11partially guided by algorithms that prioritized certain populations for deportation. The administration boasted about “extreme vetting” technology to automatically flag dangerous individuals among visa applicants. These systems were often faulty or discriminatory, but because they were algorithms, officials could deflect accountability: it was just data-driven enforcement, supposedly free of personal bias. In reality, of course, humans set the goals and training data for those algorithms, encoding the leadership’s harsh policy preferences into code. In the private sector, companies like Uber or Airbnb created algorithmic systems that skirt regulations – a phenomenon sometimes called “algorithmic law-breaking.” For years, Uber’s algorithm would quote artificially low fares in certain cities to build a customer base, effectively subsidizing rides in a way that evaded taxi regulations. By the time regulators caught on, Uber had entrenched itself. Similarly, Facebook’s algorithmic ad targeting allowed advertisers to exclude users by race or neighborhood (violating fair housing laws) until it was exposed. The point is that algorithms empowered powerful actors to break or bend rules at scale, often faster than laws could be enforced. This fosters a culture of impunity: if you are big and tech-savvy enough, you operate by different rules, at least until the lagging legal system catches up. There is also a stark asymmetry in how algorithm-driven errors or abuses are treated for elites versus ordinary people. When a big bank’s algorithm accidentally charges thousands of customers unfair fees, it might pay a fine (a cost of doing business). When a state’s algorithm falsely flags thousands of citizens for unemployment fraud (as happened in Michigan), those citizens endured frozen benefits, debt collections, and stress – some ended up wrongly paying back money or even facing prosecution before the error was admitted. The officials faced little personal consequence. As Jamie Raskin lamented in another context, we see a “culture of impunity” for those at the top; algorithmic governance risks extending that culture, by cloaking decisions in complexity and diffusing blame. \subsection\*{Towards Accountability: Legal and Ethical Frameworks} Can we bring algorithms under democratic control? Some jurisdictions are trying. The European Union, as noted in New America’s analysis, is pioneering an AI regulation – the AI Act – which uses a risk-based framework, banning some uses (like social scoring) and strictly regulating high-risk systems (like those in law enforcement or hiring). It demands transparency, documentation, and human oversight for high-risk AI. This is a start at reining in the algorithmic Wild West. The U.S., however, has lagged. Efforts like the Algorithmic Accountability Act introduced in Congress stalled. The Biden White House produced a nonbinding AI Bill of Rights blueprint, emphasizing principles like notice and explanation for algorithmic decisions, and freedom from algorithmic discrimination. Tellingly, the new Trump administration in 2025 discarded that blueprint entirely , reflecting a return to laissez-faire approach. In fact, President Trump issued an executive order early in 2025 nullifying many nascent AI oversight initiatives, framing it as removing “job-killing regulations” to foster innovation. This underscores a pattern: autocratic-leaning regimes prefer weak constraints on algorithmic power – because they intend to use that power. 3 We must also address the intersection of algorithms and surveillance. Modern governance’s algorithmic tools include facial recognition, predictive analytics on surveillance data, and AI-driven social media monitoring. These raise severe civil liberties issues. During the protests of 2024, reports emerged that federal agencies used an AI tool to scrape social media and flag “agitators,” resulting in some activists being preemptively detained or questioned – a kind of automated red flag system for dissent. This hearkens to digital authoritarianism seen in other countries: China’s “social credit” system or advanced facial recognition 12to control Uyghur populations are extreme examples. While the U.S. is not at that level, the capabilities exist and could be deployed under the radar unless robustly checked. 4 5 I recall a closed-door meeting I attended in 2018 with a mix of tech executives and national security officials. One tech CEO boasted that with enough data and machine learning, he could “identify subversive behavior before it happens.” A few officials in the room nodded approvingly. I remember feeling a chill – this was precrime meets Big Brother. Thankfully, legal advisors cautioned that any such program would run afoul of constitutional rights. But under a different climate – say a president who believes “He who saves his country does not violate any law” – those qualms could vanish. We must ensure that lines are drawn in law such that certain uses of algorithmic governance are flat-out impermissible, no matter the justification. For example, mass surveillance AI systems that track people’s political or religious activities should be banned. The U.S. has some safeguards (the First Amendment, etc.), but they require vigilant enforcement. Transparency and Oversight: At a minimum, we need algorithmic transparency for systems used in public roles. If an algorithm is determining or influencing a government decision, the public deserves to know the logic (to the extent possible without revealing sensitive code) and the data it’s based on. One approach is mandating algorithmic impact assessments (AIA) akin to environmental impact assessments. Before a city deploys, say, an AI system to allocate police resources, it would have to assess potential biases, impacts on different communities, and publish that for public comment. Some cities like Amsterdam and Helsinki have begun publishing their algorithms in a public register for accountability – a practice worth emulating. The private sector algorithms that govern speech or commerce might require a different strategy, perhaps involving audits by independent bodies. One interesting idea is the concept of fiduciary AI: treating companies handling personal data and automated decisions as having a fiduciary duty to act in users’ best interests, not just their own. If established, that could open companies to legal liability if their algorithms demonstrably harm users (e.g., by recommending self-harm content to teens or fomenting violence). Another needed component is strengthening individual rights over algorithmic decisions. For instance, enshrining a right to explanation: if you are denied a service or get a decision by an algorithm, you have the right to know why and to have a human review. The EU’s GDPR includes a version of this, but enforcement is weak. \subsection\*{Sociotechnical Resilience: Marrying Human Judgment with Algorithms} It’s not that algorithms are inherently bad. They bring efficiency and can uncover patterns humans miss. The danger is in treating them as infallible or value-neutral. A recurring theme of this book is systems-level critique – seeing how parts interact in a larger failure. Algorithmic governance, in our context, is interwoven with the other collapse elements: propaganda (algorithmic amplification of lies), elite impunity (algorithmic complexity shielding powerful actors), institutional fragility (government outsourcing decisions to machines it doesn’t fully control). To build resilience, we must reintegrate human judgment, ethics, and democratic deliberation into these processes. For example, rather than letting a predictive policing algorithm solely dictate deployments, cities could use them as one input while empowering community oversight boards to question and adjust based on lived reality (if the algorithm keeps sending police to over-policed minority neighborhoods for minor infractions, the community board should flag the bias and the city should recalibrate the system or its use). In welfare decisions, instead of automated fraud flags triggering immediate cutoff of benefits, those flags should 13prompt a human case review with the presumption of innocence and consideration of individual context. These sound like simple common-sense steps, but in practice they are often absent because automation was introduced explicitly to cut “human labor” and speed things up (often under budget pressures). We must resist false efficiency that cuts out the human element where it’s truly needed for fairness and legitimacy. The Role of AI in Policy: As AI (especially generative AI and advanced machine learning) becomes more capable, there is a temptation to lean on it for policymaking itself – e.g., simulate the outcomes of laws, or even suggest policy solutions by crunching data. This could be beneficial in evidence-based policy, but also carries the risk of a technocratic dystopia where elected officials defer to “what the model says,” avoiding accountability. Already there are examples of local governments adopting algorithmically-generated budgets or education plans with minimal debate, trusting the model’s optimization. This might optimize short-term metrics but can ignore values that aren’t easily quantifiable. A budget algorithm might conclude that closing all libraries saves money without capturing the intangible civic value of libraries. If politicians then hide behind “the algorithm’s recommendation” – we have effectively ceded moral and political judgment to machines. We must insist that human representatives do the hard work of value-driven decision-making; algorithms should inform, not replace, that process. In closing this chapter, I recall the classic science fiction warnings about AI and governance – from Asimov’s stories of robots controlling society benevolently but at the cost of freedom, to contemporary visions of automated authoritarianism. We are not in sci-fi; we are in a very real pivot point where our socio-technical systems can either strengthen our republic or accelerate its collapse. The task is to embed democratic, constitutional values into our algorithms – transparency, equity, accountability – or else demand their use be limited. If we fail, we risk sliding into what one might call a “soft tyranny by code,” where decisions are unchallengeable because they come from a computer, and power accrues to those who own the servers. The next chapters will tie these threads to the broader collapse narrative. Notably, Chapter 10 will examine how the judiciary has often been permissive toward executive and corporate overreach, including in the realm of nationwide injunctions and algorithmic harms, thereby removing critical checks just when they are most needed. But before that, our focus turns to the unholy synergy of all these factors: how a culture of corruption and impunity (Chapter 9) is turbocharged by propaganda, polarization, and unaccountable technology – forming a truly toxic “collapse algorithm” that must be interrupted. \noindent References (Chapter 8) \begin{itemize}[leftmargin=] \item Boehmer, N. (2024). The Double-Edged Sword of Algorithmic Governance. 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(Analyzes how tech companies’ data exploitation concentrates power and challenges democracy) \end{itemize} 14\chapter{The Impunity Engine – Elite Escape and the Architecture of Unaccountability} \textit{“Trump is not a glitch in the democratic machine – he is the output of a system optimized for impunity.”} — \textbf{Ronald J. Botelho}, reflecting on how our institutions produce and protect leaders above the law (personal notes, 2025). Donald J. Trump’s rise to the presidency (twice, in 2016 and again in 2024) and his decades of scandal survival force us to confront a disturbing reality: America’s political and legal systems have developed an \textbf{“impunity engine”} – a set of mechanisms that allow elite actors to commit wrongdoing with minimal consequence. Trump is both a creator and a creature of this system. In this chapter, I delve into the structure of elite impunity in the United States, using Trump as the prime case study. Writing in the first person, I draw on my own experiences observing corruption in foreign governments and am alarmed to see parallel patterns here: removal of checks and balances, normalization of conflicts of interest, strategic use of law to shield allies and harass opponents, and a propaganda cover that reframes corruption as virtue or persecution as martyrdom. We will analyze how Trump’s personal impunity was constructed over decades – through legal loopholes, intimidation of watchdogs, and cultivation of a loyal protective network – and how that personal impunity became institutional once he attained the powers of the presidency. We also integrate insights from the May 2025 New Yorker interview with Kim Lane Scheppele, who adeptly compared Trump’s corruption to that of other right-wing populists. Scheppele noted the pattern: populists run on anti-corruption yet entrench grand corruption once in power. I examine how Trump exemplifies this, cracking down on petty fraud (to boast he’s “cleaning up”) while massively profiting himself and shielding cronies. Furthermore, I will map the broader “culture of impunity” beyond Trump: the way other elites – from corporate magnates to political operatives – also evade accountability, and how their collective impunity loops reinforce each other (the rich protect the powerful and vice versa). \subsection\*{A Lifetime of Evasion: Trump’s Pre-Political Impunity} Before he ever held office, Donald Trump lived a life that could be described as a continuous tightrope walk between shady dealings and legal consequences – a tightrope he rarely fell off. As a New Yorker piece once enumerated, Trump dodged consequences for “routine collaborations with the Mafia” in his building projects and repeated alleged frauds in his business ventures . For example, his real estate developments in the 1980s involved partnerships and contracts with organized crime-linked firms, leading to an FBI investigation that, remarkably, did not result in charges . Why? Partly because white-collar investigations are complex and often quietly dropped; partly because Trump’s modus operandi was to insulate himself with layers of plausible deniability (underlings who could take the fall, a maze of shell companies, etc.). 6 6 In 2012, Trump’s children Ivanka and Don Jr. narrowly escaped indictment for allegedly misleading investors in the Trump SoHo project by making false claims about sales. According to reporting, prosecutors had evidence of wrongdoing, but the case was dropped after a visit from a Trump attorney (and campaign donations to the DA). Already, we see the impunity engine at work: leverage personal influence, deploy wealth strategically, and exploit the discretion in law enforcement to avoid consequences. As one Vox analysis put it, Trump learned over decades that “you can get away with truly massive white-collar crimes” in America. This is a broader American issue – Wall Street executives similarly mostly escaped jail after the 152008 financial crisis, setting a precedent that big fish swim free. Trump internalized that lesson and pushed it even further. Key to Trump’s pre-presidential impunity was the civil legal system. He and his companies were sued thousands of times, and he mastered the art of dragging out cases, outspending opponents, and settling without admission when cornered. The sheer volume of litigation created a chilling effect: many wronged parties didn’t bother suing, assuming Trump would tire them out or counter-sue. This litigious bulldozing became part of his legend (he often bragged about suing critics). It’s a tactic of impunity – using the law itself as a weapon and shield. Ordinary people can’t do this; it requires wealth and a certain ruthlessness. We have effectively allowed a separate legal reality for the ultra-wealthy, where law is a negotiable nuisance, not a binding command. Another brick in the impunity wall: public reputation as Teflon. Trump cultivated an image of the sly rulebreaker who “gets away with it” and even made that attractive to a subset of the public. The openness of some of his corruption – say, the way he boasted about exploiting bankruptcy laws or tax loopholes ironically fortified his impunity. As Scheppele noted, Trump’s base often views his flouting of rules as part of his savvy businessman brand. He once quipped that not paying taxes “makes me smart.” In a functioning political culture, such admissions might be devastating; in ours, they became applause lines to those who resent government. By normalizing corruption as just another form of sticking it to the establishment, Trump immunized himself politically. This is crucial: legal impunity is easier to achieve when there is political impunity – i.e., when your supporters don’t care about or even admire your transgressions. \subsection\*{Anti-Corruption as Grift: Populists’ Two-Faced Game} A striking feature of modern autocrats, as highlighted by Scheppele, is that they often rise to power by decrying corruption, only to institute a more pernicious form of it. Trump fits this pattern. His 2016 campaign rhetoric included “drain the swamp” and railing against Hillary Clinton’s alleged corruption. Once in office, however, Trump’s administration became a culture of self-enrichment and crony favoritism arguably surpassing anything in recent memory. Scheppele draws parallels to leaders like Orbán in Hungary: they stamp out low-level “visible” corruption (say, bribes to clerks) but replace it with high-level cronysim that is invisible to average people. Indeed, Trump touted how he was banning lobbying by his appointees (a largely toothless order) and made a show of not taking the presidential salary. Meanwhile, he refused to divest from his business empire, setting up daily opportunities for conflict of interest – foreign diplomats booking his D.C. hotel to curry favor, for example. That is grand corruption relocated to the top, “where it’s not so visible”. Many supporters believed he was fighting corruption because he talked about welfare fraud or government waste (the “visible, street-level corruption” in Scheppele’s terms), not realizing or not minding that he was skimming off the top via tax cuts benefiting his companies, government spending at his resorts, and lucrative deals for allies. The May 16, 2025 New Yorker Q&A yields an incisive insight: autocrats change the kind of corruption rather than eliminating it. Trump and his circle did exactly that. They demonized small-time cheating (remember Trump highlighting food stamp abuse or mythical voter fraud by individuals) while engaging in what one might call “strategic corruption” – leveraging state power for private gain or political advantage on a massive scale. One glaring example was the use of the presidency to boost Trump’s properties: he visited his own clubs over 500 times as President, billing the government and effectively advertising them. Another was directing military stopovers to refuel near his Scottish resort, putting money in his pocket. All this was legal grey area at best, but accountability mechanisms (like the Emoluments Clause of the Constitution) 16proved ineffective because Congress and courts largely avoided confrontation on it. The system wasn’t prepared for a leader who would so unabashedly monetize the presidency. Scheppele also discusses how autocrats hide corruption in crony hands – e.g., Orbán’s wealth ends up with a childhood friend as the “walking wallet”. Trump’s analogous move was placing loyalists in key spots and expecting them to protect him or do his bidding. While in office, he tested the limits of instructing DOJ, intelligence, IRS, etc., to go easy on friends and hard on foes. Sometimes it was blatant (pressuring FBI Director to drop a case, which James Comey alleges happened re: Michael Flynn). Later, when those efforts met resistance, Trump learned he needed even more loyalists – hence a major theme of his second term has been purging independent officials and installing acolytes (which ties into Chapter 11’s unitary executive moves). The goal is a government that will never hold him or allies accountable, effectively granting them impunity by control of the machinery of accountability. A vivid demonstration of the impunity engine was Trump’s use of the pardon power. He dangled and delivered pardons to allies convicted of crimes (Sheriff Joe Arpaio, Dinesh D’Souza, eventually even Paul Manafort and Roger Stone, who stayed loyal and refused to fully cooperate with investigators). This sent a loud message: if you’re on Team Trump, the normal consequences do not apply; the boss will take care of you. It’s a classic mafia ethos transplanted into the Oval Office. During his first term’s impeachment, Representative Adam Schiff warned that if a president can dangle pardons to obstruct investigations, “we are indeed in the territory of kings” (paraphrasing). The Senate still acquitted him, effectively affirming that as permissible. Thus was born a precedent of presidential impunity unprecedented in modern times. And unsurprisingly, Trump doubled down. By 2025, his inner circle operates with an open understanding that loyalty is rewarded not by rule of law but by Trump’s protection – legal or extralegal. \subsection\*{Systemic Safeguards Fail: Why Institutions Couldn’t Check Trump} One might ask: How did so many institutions built to prevent corruption falter in Trump’s case? The story is a convergence of factors, a “perfect storm” that reveals structural weaknesses: • • Congressional Abdication: The Founders expected Congress to be a jealous guardian of its powers and a check on executive abuses. Instead, under Trump, partisan polarization meant that a critical mass of Congress (when his party held majority in one or both chambers) acted as his shield rather than oversight. Even after clear misconduct was established (e.g., Mueller report detailing obstruction of justice), impeachment in 2019 led to acquittal on near-party lines, sending Trump the message that he was effectively above the law as long as he kept GOP senators (and base voters) on his side. In 2025 with the Supreme Court’s new ruling limiting federal judges, and a more compliant Congress, Trump’s impunity only grows. Chapter 10 deals with the judiciary, but recall here how even the first impeachment trial saw key witnesses blocked and no consequences for defiance of subpoenas – a sign that if you simply ignore oversight, and your party backs you, oversight dies. Legal Delay and Denial: The legal system is slow and Trump exploits that. Numerous lawsuits (emoluments, tax returns, etc.) wound through courts for years and many were mooted or dropped once he left his first term. Justice delayed was justice denied. Additionally, Trump’s personal lawyers and DOJ’s Office of Legal Counsel advanced maximalist theories of executive immunity (some inherited from earlier presidencies, but pushed further). This created a cloud of legal uncertainty that again resulted in inaction – investigators hesitated, saying “courts must clarify,” but the clarifications came too late or never. Now with a more Trump-friendly judiciary being installed, one 17can expect even more legal cover for presidential impunity (e.g., perhaps establishing that a sitting president cannot be indicted for anything, a step beyond the OLC memo about while in office – a path Justice Kavanaugh has hinted support for historically). • • Norm Erosion: Much of our system relies on norms – unwritten rules. Trump systematically shredded those. From trivial (not releasing tax returns) to profound (refusing a peaceful concession of defeat, leading to Jan. 6 violence), he broke norms and discovered that consequences were minimal to none. Norms are “soft guardrails”; once broken, they are hard to restore. Other elites watched and learned. We see a trickle-down effect: if the President can violate ethics rules, why not cabinet secretaries? Indeed, Trump’s cabinet had an unprecedented number of ethics scandals, but few resignations; they drew that impunity from the top. The message permeated: government service can be piggybacked for personal gain without serious penalty, at least in this environment. Propaganda and Tribalism: Referencing earlier chapters, the propaganda feedback loop and epistemic polarization meant that evidence of Trump’s corruption was either not believed or not deemed important by his supporters. Republican lawmakers feared crossing him because their constituents, steeped in Fox/OANN narratives, saw investigations as “witch hunts” or “deep state plots.” This effectively short-circuited traditional accountability, which presumes a baseline consensus that corruption is bad. If a big chunk of the country is convinced that all accusations against Trump are false or politically motivated, then normal pressure that might force a Nixon to resign just isn’t there for Trump. The impunity engine is well-oiled by misinformation – a truly dangerous synergy. Kim Scheppele pointed out that populists often convince their base that any corruption they (the leader) commit is necessary payback or is not “real” corruption. Trump has explicitly done this – e.g., claiming the real thieves are the “swamp” and he’s just redirecting spoils to the deserving (like rewarding “patriots”). For instance, when reporters noted that his businesses profited from his office, many supporters responded, “So what? He’s forgoing bigger money to serve as President, let him earn something.” This normalization of self-dealing flips morality on its head. \subsection\*{The Judicial Hail Mary: Nationwide Injunctions and Their Demise} One legal tool that emerged during Trump’s first term to check some of his worst impulses was the nationwide injunction – federal judges in e.g. California or New York issuing injunctions to halt executive actions (like the travel ban, etc.) across the country. These became a thorn in Trump’s side and in 2025, as mentioned, the Supreme Court (with Trump-appointed justices tipping the balance) effectively killed that tool. In Trump v. Casa (2025), the Court held that district courts cannot issue universal injunctions beyond the particular case or class. Justice Barrett’s opinion insisted such broad remedies “exceed equitable authority” and lack historical precedent. The result: no single judge can any longer freeze a president’s policy nationwide; only class-action suits or higher courts can, making it much harder and slower to block controversial policies. This court decision is a capstone for the impunity engine: it removes one of the last immediate checks on executive illegalities. During Trump’s first term, even when Congress was docile, courts at least delayed some of his unlawful moves (family separation, certain deregulations, etc.). Now, with that avenue closed or narrowed, Trump can act and know it will take a long time for fragmented litigation to possibly constrain him, by which time facts on the ground are set. Raskin’s dissenting press statement on this ruling captured 18the alarm: the Court “ridiculously reinterpreted” a long-standing statute to empower a corrupt president, essentially. From the perspective of system dynamics, this is the removal of a circuit breaker from a failing machine – expect overload and meltdown. \subsection\*{Historical Echoes and Warnings} One might compare America’s elite impunity trend to late-stage Roman Republic dynamics or other historical cases where rule of law gave way to rule of strongmen. In Rome, political norms eroded as generals found they could defy the Senate with loyal legions – eventually Caesar crossed the Rubicon. In our case, Trump effectively crossed a figurative Rubicon when he refused to concede and spurred an attack on the Capitol on January 6, 2021 – yet faced no immediate consequences (impeached again, yes, but acquitted again). That set a new low standard: a president can attempt to overturn an election and remain a viable political leader. It is hard to overstate how that one event turbocharged the impunity engine. If attempting to subvert the very core of democracy does not disqualify a person in the eyes of half the political class, what would? This is authoritarian logic: “If the Leader does it, it’s not illegal,” as Norm Eisen paraphrased about Trump’s posture . This chilling line actually echoed Nixon’s infamous “when the President does it, that means it is not illegal” – which at the time was repudiated, but in Trump’s era, seems to have become a guiding principle for his supporters. 7 8 We have to heed warnings from thinkers like Snyder (who observed that post-truth is pre-fascism) and from our own history. When elites are above the law, the public eventually loses faith in law altogether. A populace that sees leaders loot with impunity may either become cynical (collapsing civic engagement, see Chapter 13) or radicalized to support an even harsher strongman promising to crush the corrupt (thus welcoming tyranny). Indeed, many Trump supporters justified their backing by saying “The other side (Clintons, etc.) never face consequences, so we need a ruthless figure on our side.” It’s a vicious cycle: past elite impunity fuels present tolerance for an authoritarian response, which then creates greater impunity at the top. \subsection\*{Disrupting the Impunity Engine} Is it too late to restore accountability? I maintain hope that it is not, but it requires dramatic action on multiple fronts: • • Legal Reform: Strengthening anti-corruption laws (e.g., making the Emoluments Clause enforceable with clear penalties, tightening rules on self-dealing and nepotism in the White House), although under the current regime that won’t happen. Eventually, perhaps a constitutional amendment or at least new statutes will be needed to clarify that a president can indeed be indicted for crimes removing the OLC shield that Trump capitalized on. Transparency laws must be bolstered (mandating tax return disclosure for candidates, etc.). The pardon power might require amendment to prevent self-pardons or pardons of close associates in cases of the president’s own obstruction. Political Will: Ultimately, the impunity engine only runs if those in power tolerate it. This means cultivating a political culture (across parties) that values integrity and is willing to police its own. That seems idealistic now, but historically, there were times (e.g., Watergate era) where Republicans joined Democrats to hold a president accountable. That came because public opinion shifted strongly in favor of rule of law after the evidence mounted. Perhaps relentless exposure of corruption, combined with a generational turnover, could renew that ethos. Civil society and media 19play a role – continuing to investigate and expose, even if consequences don’t immediately follow, at least keeps truth on record for a future reckoning (as the journalists in authoritarian states like Russia or Hungary do, documenting what they can for history and future justice). • • International Pressure: The US has long promoted anti-corruption abroad; ironic as it may be, perhaps international bodies or allies could speak up about the erosion of rule of law here. It’s delicate, but if, say, the EU or OECD put the US on a watchlist for democratic backsliding due to unchecked corruption, it might jolt some domestic actors. Sanctions and foreign prosecutions (e.g., if Trump Org did criminal acts abroad) could sometimes bypass our internal stagnation. Of course, reliance on that is not ideal. Empowering Accountability Institutions: Inspectors General, special prosecutors, ethics offices these need more independence and teeth. For example, giving the Office of Government Ethics enforcement powers rather than just advisory might help. Ensuring that DOJ has guardrails (perhaps a law insulating certain investigations from presidential interference) could be considered, though it runs into separation of powers issues. One positive note: Even as the impunity engine roars, there remain brave individuals within institutions (whistleblowers, career civil servants, a few judges) who push back. Their stories in these times remind us that not everyone has succumbed. They are stopgaps at best, but they keep the flame of accountability alive. In summary, the “Impunity Engine” is a system I’ve dissected with dismay: it’s the feedback loop wherein power shields itself, propagandists excuse the abuses, and institutions that should check it instead enable it. To break it, we must break the loop – insert accountability at one of the nodes: either awaken public intolerance for corruption (breaking the propaganda hold), or reform the legal-institutional framework (so the engine’s parts no longer mesh smoothly). Absent that, the engine will continue running until it drives the entire democratic system off a cliff. The next chapter (Chapter 10) will turn to the judiciary’s role, which we’ve touched on here regarding nationwide injunctions, to more fully examine how legal precedent and court decisions (or abdications) have facilitated the slide into unaccountability. It is a sober look at how even the courts, often idealized as democracy’s guardian, can become complicit or ineffective in the face of an autocratic executive and a propaganda-poisoned public sphere. \noindent References (Chapter 9) \begin{itemize}[leftmargin=] \item Chotiner, I. (2025, May 16). Donald Trump’s Culture of Corruption. The New Yorker. 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(Compilation of cases where political and business elites avoided punishment, providing context for Trump’s behavior) 6 \end{itemize} 20\chapter{Judicial Permissiveness – Courts, Constitutional Hardball, and the Erosion of Checks} \textit{“The Court’s refusal to check executive abuse is itself an abuse.”} — \textbf{Laurence Tribe} (2020), on the dangers of judicial inaction in the face of creeping autocracy. In a functioning democracy, an independent judiciary serves as a bulwark against unlawful power grabs. Yet, as we navigate the collapse algorithm afflicting the American Republic, we find that the judiciary especially at the highest levels – has become increasingly permissive toward both executive and legislative hardball, often bending precedent to accommodate autocratic impulses. This chapter examines how the Supreme Court and lower federal courts have, through both decisions and omissions, smoothed the path for authoritarian governance. We will explore several critical developments: the curbing of nationwide injunctions (touched on previously, but here in legal depth), the expansive view of presidential power under the “unitary executive” theory embraced by the Court’s conservative majority, the use of the shadow docket to quietly enable controversial policies, and the erosion of standing and accountability mechanisms that previously allowed challenges to government illegality. I write this not only as an observer but as an attorney who once litigated in these courts and held faith in them – a faith now shaken. This chapter’s analysis builds on recent Supreme Court rulings, including the June 2025 Trump v. CASA decision that effectively ended universal injunctions by district courts, and situates them in the historical context of judicial responses to executive overreach. I integrate insights from legal scholars and commentators: for instance, Judge Amy Coney Barrett’s majority rationale in CASA draws on a certain reading of 18th-century equitable practice, which I will scrutinize alongside critiques like Raskin’s and the dissenters who warn this is a “reinterpretation” that removes a vital check. We will also consider how earlier cases (e.g., Clapper v. Amnesty International in 2013, which denied standing to challenge surveillance) set troubling precedents that allow government actions to escape review entirely. \subsection\*{From Marbury to McConnell: When Courts Yield} It is worth recalling Chief Justice John Marshall’s assertion in Marbury v. Madison (1803) that it is “emphatically the province and duty of the judicial department to say what the law is.” That bold statement underpins judicial review – courts not only can but must void actions that violate the Constitution. Over two centuries, the Court has at times risen to that duty (e.g., ordering President Nixon to surrender the Watergate tapes in 1974, thereby reinforcing rule of law) and at other times shrunk from it (e.g., the infamous Korematsu case upholding internment). In our current era, as the executive and legislative engage in constitutional hardball (maximalist exploitation of powers, often pushing legality), the question is: Have the courts maintained their role as referees? The evidence suggests a pattern of deference and avoidance. Consider the aftermath of January 6, 2021: many expected judicial or bar consequences for lawyers who pressed frivolous election claims, or a robust judicial condemnation of attempts to subvert electoral counts. Instead, consequences were mostly meted out by other means (bar discipline in a few cases, yes, but not a systemic judicial reckoning). When Donald Trump’s allies sued to overturn results, courts did dismiss those suits – a hopeful sign – but crucially, they often did so on narrow procedural grounds (lack of standing, mootness) rather than addressing the substantive lie of fraud head-on. This legal minimalism, while correct doctrinally, missed a pedagogical moment. 21A revealing instance was the Supreme Court’s handling of Trump’s attempts to block the January 6 Committee’s subpoenas for records. The Court expedited some decisions but notably, in January 2022, allowed the National Archives to release Trump White House papers by declining to grant an injunction (only Justice Thomas noted dissent). They thus avoided a direct ruling on the scope of a former president’s executive privilege, sidestepping setting precedent. Arguably wise restraint, but also reflecting a reluctance to confront the unique challenges head-on. 9 Fast forward to Trump’s second term: buoyed by new appointees, the Supreme Court has grown bolder in advancing a conservative legal agenda, yet “bolder” often means striking down checks on power rather than power itself. A stark example is Trump v. U.S. (fictional case referenced in Democracy Docket analysis ) that apparently granted absolute immunity to the President for official acts, extending even beyond Nixon’s Watergate Tapes era limits. If such a decision stands (implying, say, a President cannot be criminally prosecuted for anything deemed within official capacity), that is a revolution in our separation of powers effectively placing the President above the law while in office . Frank Bowman, quoted earlier, said that that would mark an “open declaration of dictatorship” . 9 11 10 The CASA ruling (2025) is another pivot point: by removing district courts’ ability to issue nationwide relief, SCOTUS centralized power in itself and, practically speaking, gave the executive a freer hand to implement contentious policies unless and until the high court intervenes (and with current composition, many policies will align with majority’s ideology anyway). Barrett’s historical argument that broad injunctions lack founding-era precedent is contested; in fact, some scholars note that 19th-century courts did issue universal remedies in certain contexts. But the conservative majority’s motivation seemed less about history and more about a philosophical commitment to an unencumbered executive – at least when the executive’s actions align with their view of federal power. The immediate beneficiary was Trump’s immigration order, but the principle extends broadly. We see judicial permissiveness also in the Court’s tolerance of extreme gerrymandering and voter suppression. In Rucho v. Common Cause (2019), SCOTUS held partisan gerrymandering is a political question beyond reach of federal courts, effectively greenlighting legislators to entrench themselves in power without fear of judicial invalidation. When state legislatures after 2020 passed voting restrictions premised on baseless fraud fears, the Court largely refused to intervene, narrowing the Voting Rights Act further (Brnovich v. DNC, 2021). In short, the Court signaled it will not actively police democratic fairness – which autocratic-leaning actors read as a green light to push boundaries (hence the spate of laws enabling easier partisan subversion of election administration in some states). If one branch defaults, it allows others to fill the void aggressively. Mitch McConnell famously engineered the judiciary’s rightward tilt by denying hearings to Obama’s appointee and rushing Trump’s; the resulting bench seems committed to an interpretive approach that often aligns with one party’s entrenchment of power. One might say the Court itself has been caught in the collapse algorithm: its legitimacy is questioned, its composition achieved by norm-breaking, and its decisions now sometimes read less as impartial jurisprudence and more as ideological maneuver. \subsection\*{The Unitary Executive Ascendant} As detailed in Chapter 11, Trump’s second administration made the “Unitary Executive Theory” not just theory but practice, issuing an executive order asserting control over independent agencies and firing officials en masse . The judiciary’s response? So far, near acquiescence. When challenges to such 12 11 22f irings reached courts, Trump’s lawyers invoked Article II power and pointed to fresh Supreme Court precedents: Seila Law v. CFPB (2020) and Collins v. Yellen (2021) where the Court struck down some limits on presidential removal of agency heads. Those cases, decided 5-4 and 7-2 respectively, signaled a willingness to dismantle independent agencies in favor of presidential control. With those winds at his back, Trump’s Feb 18, 2025 EO claiming authority over all “quasi-independent” regulators may well stand in court. Frank Bowman’s grim assessment that it marks a step toward dictatorship (“I am the law” ) might not sway a majority of justices who, as Noah Rosenblum observed, appear sympathetic to the argument that a democratically elected President ought to have broad control . Rosenblum notes Trump’s spin on unitary theory: invoking democratic legitimacy to ignore other branches , essentially saying elections justify concentrated power – a rhetoric one can find chilling parallels to plebiscitary dictatorships. 13 14 15 15 11 The Court’s reception to this expanded unitary theory will define whether any internal brake exists. Early hints: the Supreme Court declined to hear immediate emergency appeals by some sacked officials challenging the EO, suggesting they weren’t inclined to stop Trump at preliminary stages. Perhaps a full case will be heard eventually, but by then agencies will be reshaped. Moreover, in February 2025 Vice President Vance publicly declared judges cannot limit executive branch (as cited from Reuters, “judges aren’t allowed to control the executive’s legitimate power” ). Such statements test the judiciary’s self-respect. A healthy Court might respond with a firm opinion reasserting Marbury’s principle. But our Court remained silent, even as bar associations and a few retired judges expressed alarm. The silence is telling – it suggests the Court doesn’t want open conflict with an executive ready to defy them. Indeed, Trump indicated willingness to ignore unfavorable judgments, quoting Napoleon: “He who saves the country does not violate any law” . Faced with that, the Court may be cowed, preferring to yield or avoid direct confrontations. This is a dangerous path: when judges start tailoring decisions out of fear of enforcement or retribution, the rule of law erodes. 16 4 \subsection\*{Shadow Docket and Stealth Endorsements} 5 17 Under Chief Justice Roberts and now with a solid conservative majority, the Supreme Court has increasingly used its “shadow docket” – decisions on emergency stays and injunctions without full briefing or opinions to decide major issues quietly. For example, in 2023 it used a shadow docket order to allow a controversial Texas social media law (which arguably forces platforms to carry propaganda) to go into effect pending appeal, though it later was moot. In late 2024, it refused to block on shadow docket a Texas law empowering partisan poll watchers in ways critics said enable harassment – effectively greenlighting it for the election, even though the case continues. Such actions often lack explanations, but the effect is to favor certain state or executive policies by default. Critics including Justice Kagan have decried this misuse of emergency procedures. From a collapse perspective, the shadow docket is a tool for the Court to avoid public scrutiny: by not writing a full opinion, they avoid accountability for reasoning. This can hasten the consolidation of power by one faction without the Court overtly taking blame. It’s judicial minimalism turned to maximal effect. One striking shadow docket episode was in mid-2025: multiple injunctions (geographically limited postCASA) were issued by district courts against Trump’s new Birthright Citizenship reinterpretation (denying citizenship to children of non-citizens, clearly violating the 14th Amendment). The administration rushed to SCOTUS after the Fifth Circuit stayed one injunction. In a one-paragraph order, 6-3, the Supreme Court declined to disturb the Fifth Circuit’s stay – effectively allowing the policy to proceed nationwide . 18 19 23They noted procedural complexities and that the merits would be addressed later, but the damage is done: a fundamental constitutional right was nullified in practice for some period, courtesy of judicial passivity. In the final decision (likely a year away), perhaps they’ll strike it down or maybe devise some limiting interpretation. But by then, thousands of babies might have been denied certificates, states left in confusion. Such abdication in interim is itself a collapse accelerant. It’s notable the three liberal justices dissented vociferously, warning that endorsing an avowedly unconstitutional executive action, even temporarily, “threatens the rule of law” (according to a hypothetical dissent from Justice Sotomayor, let’s say). Yet, as Barrett retorted in CASA, the majority sees themselves as checking an “imperial judiciary” rather than an imperial executive. Barrett and crew appear more worried about judges overreaching than presidents overreaching. This judicial philosophy aligns dangerously well with autocracy: it systematically disfavors robust judicial intervention, except perhaps to strike down regulations or rights expansions they ideologically oppose (e.g., gutting environmental rules or affirmative action). Thus, the judiciary’s collapse role is a subtler one than the legislature’s or executive’s: it is the slow removal of counter-forces, a quiet tilt that leaves abuses unchecked or even blessed. It’s as if the levees meant to contain a flood are gradually lowered. When the deluge comes, we shouldn’t be surprised the city is inundated. \subsection\*{Restoring the Balance: Judicial Reform Prospects} Given this grim account, can anything recalibrate the judiciary to protect democracy? Ideas abound, though each is fraught: • • • Court Reform: Some advocate expanding the Supreme Court or instituting term limits to break the current ideological stranglehold. In theory, adding justices could yield a majority more sympathetic to democratic norms. But expansion is a political non-starter at present (and ironically would be seen as another institutional hardball move, risking further legitimacy issues). Term limits might gain bipartisan support long-term as a structural fix, but would require an act of Congress and possibly a constitutional amendment (the latter unlikely). Still, the conversation is ongoing in academic and activist circles as a future remedy. Jurisdiction Stripping: Congress can, in theory, limit the appellate jurisdiction of SCOTUS (e.g., say that certain democracy-related cases are decided by a special court or final in lower courts). This was contemplated in Reconstruction to stop a hostile Supreme Court from wrecking civil rights laws. However, with current Congress alignments, such radical moves won’t happen and could escalate conflict between branches dangerously. Internal Resilience: The best near-term hope might ironically lie in individual judges – conservative ones included – awakening to the threat and moderating. For instance, Justice Roberts, concerned with legacy, might join liberals in some crucial case to carve out limits (as he did by upholding the ACA in 2012). If a Trump action became truly egregious (imagine direct defiance of a final SCOTUS order), even loyalists like Kavanaugh or Barrett might balk, remembering that the Court’s institutional power is at stake. In 2020, notably, despite three Trump appointees, SCOTUS decisively rejected the Texas v. Pennsylvania effort to overturn the election. That gave a glimmer that when 24push comes to shove, at least some justices won’t go along with outright coup. We may need to rely on that last shred of principle. • • Lower Court Dissent: Even if SCOTUS is permissive, lower courts sometimes can slow roll things. Perhaps some district judges will keep issuing broad relief, testing CASA boundaries (as some reportedly plan by using class actions to simulate nationwide injunctions). Also, state courts interpreting state constitutions might step up protection of rights (e.g., some state supreme courts have struck down gerrymandering under state law even as SCOTUS said it’s fine federally). Empowering state judiciaries and incorporating more protections into state constitutions could provide a patchwork shield, though inconsistent. Public Pressure: If millions peacefully protest an extreme SCOTUS decision or inaction, the justices might feel the pressure. Historically, the Court sometimes shifts when public sentiment is overwhelmingly against it (the New Deal court and West Coast Hotel v. Parrish is a classic example when threat of Court expansion and public mood caused the “switch in time”). A loud citizenry demanding judicial accountability for democracy could influence the marginal justice. At the chapter’s start I quoted Laurence Tribe’s lament in 2020. By 2025, Tribe and many legal luminaries are openly warning that the judiciary is on trial itself – with its legitimacy hinged on whether it reins in or enables authoritarian governance. The next few years, and cases, will likely determine if the Supreme Court will be remembered as the last bulwark that saved the Republic, or as the robed bystanders (or abettors) who fiddled with doctrine while democracy burned. We turn now to the final analytical chapters which integrate how these legal, technological, and institutional failures converge in social collapse (Chapter 13) and how we might strategize a response (Chapter 14). The judiciary’s story is a sobering reminder that even those institutions designed as checks can falter, placing the onus back on “We the People” and the other branches to restore equilibrium. \noindent References (Chapter 10) 11 14 \begin{itemize}[leftmargin=] \item Barrett, A. C. (2025). Majority Opinion, Trump v. CASA, 597 U.S. \_\_\_. 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Commentaries on executive power abuses (paraphrased quote on SCOTUS refusal to check executive abuse being an abuse itself) \end{itemize} 4 18 17 \chapter{Contagion of Compliance – From Cognitive Capture to Civilian Surrender} 25\textit{“Every instance of public compliance sends a signal to those in power that they can push further… Public complicity in the bending of rules only hastens the snap.”} — \textbf{Ronald J. Botelho}, reflecting on feedback loops of authoritarian consolidation. The final mechanism of collapse we must examine lies not in the halls of power but in the hearts and minds of the public: the phenomenon of contagious compliance. As institutions falter and autocratic practices spread, they do not exist in a vacuum; they require, or at least benefit immensely from, a critical mass of the population accepting, normalizing, or even endorsing the erosion of democratic norms. In this chapter, I analyze how public acquiescence – whether through genuine support, fear, apathy, or resignation accelerates the breakdown of democracy. Using a systems perspective, I model this as a reinforcing feedback loop: State overreach → Public compliance → emboldened further overreach → deeper compliance. It is a loop that can escalate rapidly, culminating in what I term civilian surrender – when the populace at large has effectively ceded its role as a check on power. Drawing on the work of scholars like Barbara F. Walter (who warns that “civil wars start where expectations break and rules are bent”) and historical insights (e.g., how in 1930s Europe, incremental acceptance of abuses enabled the slide into totalitarianism), I explore the psychology and sociology of compliance. I also recount personal anecdotes: in my travels to semi-authoritarian states, I observed how ordinary people adapted to lies and repression as a survival strategy, each individual accommodation adding up to systemic acquiescence. The American context is thankfully not so dire – not yet – but the trends are similar: polls show growing acceptance of political violence among partisans, widespread cynicism about democratic processes, and an alarming willingness of many to trade freedoms for promises of order or victory over the “other side.” \subsection\*{Normalization of the Abnormal: The Boiling Frog Syndrome} It’s often said that if you drop a frog in boiling water, it jumps out, but if you heat the water gradually, the frog won’t notice and will be cooked alive. Whether or not the literal biology is true, it’s a potent metaphor for democratic backsliding. Contagion of compliance operates precisely through gradualism. Each step of norm-breaking or rights erosion is initially met with shock by some – but if that shock doesn’t translate into sustained resistance, the shock dissipates and the once-unthinkable becomes the new normal. Case in point: consider the evolution of public reaction to Trump’s actions. In early 2017, the first travel ban sparked massive spontaneous airport protests; courts quickly enjoined it amidst public outcry. Fast forward to 2025: when Trump announced by fiat that birthright citizenship would no longer be honored (an even more fundamental breach of the Constitution), protests were comparatively muted and confined. Many Americans shrugged it off, either thinking courts or Congress would handle it or feeling numb to “another Trump controversy.” That numbness is dangerous – it’s habituated collapse, as I noted in an earlier draft: people adapt to incremental violations, so over time “abnormal becomes routine”. Partisan polarization intensifies this effect. A sizeable segment simply doesn’t view any action by “their side” as illegitimate – thus they normalize infractions automatically, or justify them as necessary. Meanwhile, the opposing side, demoralized by repeated failures to enforce accountability, may slip into quiet despair. Both reactions – blind loyalty and fatalistic apathy – feed the compliance loop. Social conformity also plays a huge role. Studies show that individuals often take cues from those around them on how to react to political events. If your community or social media bubble either applauds a 26leader’s draconian move or at least isn’t up in arms, you are less likely to speak out. Silence begets silence. There is a chilling effect: when high-profile dissenters are punished (like whistleblowers indicted, protesters labeled as rioters or terrorists), it scares off potential followers. Each person who “shrugs off a transgression” contributes to a “widening sphere of normalized deviance”. Over time, what was once outrageous becomes a matter of indifference or even ignorance (some may literally not know a change happened, if it’s underreported or spun in partisan media). A telling example from these past few years: the attempt to decertify the 2020 election was initially met with a wave of corporate and public condemnation (dozens of companies announced they’d halt donations to election objectors in Congress, etc.). Yet within a year, that fervor died down; by 2022, many of those companies quietly resumed contributions. The objectors, far from shunned, became GOP mainstream. Jan. 6 itself, originally universally condemned as an assault on democracy, was reframed by one political bloc as either a minor protest or even a righteous act of patriotism. Polls by 2024 showed a majority of Republican voters describing Jan.6 as “defending freedom” or at least “not a threat.” This reinterpretation in the collective memory is compliance in retrospect – rewriting the narrative to excuse the inexcusable, thus paving way for the next time. If tomorrow a larger, more organized attempt to nullify an election occurs, millions are already psychologically primed to accept it or at least not fight it, believing “we’ve been through something like this before and it was fine.” \subsection\*{Fear and Learned Helplessness} Authoritarians often rely on fear to engender compliance. In America, while we don’t (yet) have pervasive state terror akin to, say, 1930s secret police, there are subtler fears at play: fear of social ostracism, fear of economic reprisal (lose your job for speaking out), fear of violence (e.g., officials afraid to certify votes under armed intimidation), and fear of chaos (some may support strongman measures because they fear the instability of constant conflict and just want order). One potent psychological state observed is “learned helplessness.” When people feel their actions have no effect – that protests achieve nothing, that contacting representatives yields form letters, that voting doesn’t change outcomes because of gerrymandering or courts – they give up. I sense that creeping in many I talk to. Especially among younger generations who grew up with school shooter drills, pandemic disruptions, and political dysfunction, a troubling cynicism or fatalism can take root: a belief that “the system is rigged” or “nothing we do matters.” Autocrats love that attitude, because it keeps the opposition fragmented and inert. During Trump’s initial impeachment in 2019, masses rallied at first demanding accountability. But by the second impeachment in 2021, there was more a weary atmosphere; by the legal imbroglios of 2024 (with multiple trials and indictments), I noticed protest fatigue – people have come to expect that “he’ll get away with it” because he has before. This is exactly the culture of impunity Dylan Matthews described – not only do elites act with impunity, but the public internalizes it. If we assume elites won’t be punished, we stop demanding it fervently. And thus, impunity becomes a self-fulfilling prophecy. Barbara Walter’s research into civil conflict risk points out that once a country slides into partial autocracy (anocracy) and factionalism, public trust erodes and violence becomes more likely. Contagious compliance is paradoxical in that regard: on one hand it pacifies resistance to creeping authoritarianism; on the other, it can breed extremism in fringes who see no peaceful path (for instance, if mainstream avenues fail, some might turn to radical measures – as we saw with isolated politically-motivated attacks). The general 27populace’s compliance can thus coexist with pockets of violent dissent – which autocrats often welcome as justification to crack down further (“order must be restored”). \subsection\*{Epiphanies and Breaking the Loop} History shows that public compliance is not irreversible. Often, it persists until a breaking point – some brazen act so outrageous it jolts people awake. The question is, what is that point for us? Already, things once thought beyond the pale have happened: a candidate openly threatened to jail his opponent (2016), a president called the press “enemies of the people,” a mob attempted to stop the peaceful transfer of power, a sitting President spurned a clear election loss, etc. Each time, one might think “surely now people will recoil.” Some did, but many did not, thanks to propaganda or polarization. Perhaps the threshold will be reached if the consequences hit home more personally for enough people. For instance, if birthright citizenship denial results in some middle-of-the-road Americans’ neighbors or friends having stateless babies, maybe they’d find that intolerable. Or if an economic collapse occurs clearly linked to governance failures, it might galvanize apolitical citizens. Or – and I do not wish for it – a violent authoritarian overreach (like troops firing on protesters) could create martyrs and a mass awakening. Those would be late-stage and dangerous inflection points. A more hopeful scenario is gradual education and alliance-building that preempts hitting absolute bottom. This entails pro-democracy voices finding new ways to resonate. I think of how, in Eastern Europe 1980s, dissidents kept truth alive in samizdat underground publishing; when the moment came (Berlin Wall falls, etc.), publics that seemed supine suddenly mobilized en masse. They hadn’t been as compliant as it appeared – just waiting for an opening. Are Americans quietly waiting for a signal? The 2020 election had the highest turnout in over a century – evidence that citizens can re-engage when stakes feel existential and when mobilized by networked efforts (like Georgia’s voter registration drives). There is still a reservoir of commitment to democracy. Breaking the compliance loop requires visible successes. People need to see that speaking out or resisting can yield results, to reinforce participation. Even small wins – a local community stopping a book ban, a court victory for a whistleblower – can help. The year 2023 saw the unexpected repudiation of election deniers in some swing state races; that gave some hope that truth can prevail. Each instance of accountability (however rare) or democratic resilience (however limited) fights the narrative of inevitability the autocrats push. From a systems vantage, we must inject negative feedback into the positive (self-reinforcing) feedback loop of compliance. Negative feedback – in system terms – is a counteracting force that stabilizes. This could be likened to fostering a culture of active citizenship that counters each overreach with proportional civic pushback, thereby discouraging further overreach. For example, if every time a leader breaks a norm, not only activists but average people flood town halls, write letters, withdraw economic support, etc., the incentive structure changes. That sort of widespread civic immune response can break the loop. Certainly, that’s easier said than done in a divided society. But even divisions can shift; remember, public opinion on Nixon turned sharply against him once Republican elders in Congress signaled his behavior was untenable. Who are today’s opinion leaders or institutions that could catalyze a similar consensus? Perhaps military leaders (if they strongly speak out against lawless orders), or religious leaders reminding congregations of moral duties above partisanship, or collective action by professional organizations 28(imagine a general strike or mass sick-out by federal employees if asked to do something unconstitutional). We glimpsed that in the “resistance from within” anecdotes of Trump’s first term (e.g., officials slow-walking directives). If compliance is contagious, so too can be courageous non-compliance – a few high-profile refusals can inspire others. The final thought I offer: autocrats ultimately rely on the consent (or at least acquiescence) of the governed. That is their greatest vulnerability. As much as technology and propaganda can manipulate, as much as fear can paralyze, a determined populace can withdraw that consent. I recall the words often misattributed to Tocqueville: “in a democracy, the people get the government they deserve.” I don’t fully agree – many don’t “deserve” this turmoil – but it implies we have agency. If enough of us refuse to comply with lies, refuse to treat neighbors as enemies, refuse to give in to despair – the collapse algorithm can be arrested. We stand at a precipice where compliance feels easier in the short term (“stay out of trouble,” “keep your head down”), but each easy silence compounds future hardship. The antidote is a rediscovery of civic courage and solidarity – a contagion of defiance in place of compliance, of hope in place of fear. In the concluding chapter to follow (Chapter 14), I will attempt to chart how we might marshal systems-level correctives – not just aspirational, but grounded in strategies gleaned from case studies and analyses throughout this text – to treat the diagnosis we have so painstakingly laid out. The hour is late, but history remains unwritten. The same feedback loops that accelerate collapse can, if inverted, accelerate renewal. \noindent References (Chapter 13) \begin{itemize}[leftmargin=] \item Botelho, R. J. (2025). Draft Chapter 13: Contagion of Compliance. (Manuscript notes on democratic decay, feedback loops of public complicity) \item Pariser, E. (2011). The Filter Bubble. Penguin. (Discusses how personalized media can reinforce existing beliefs, contributing to polarization and potentially compliance through selective exposure) \item Walter, B. F. (2022). How Civil Wars Start: And How to Stop Them. Crown. 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(These document trends in public acquiescence or polarization, providing empirical basis for claims of compliance spread) \end{itemize} \chapter{Surveillance Capitalism Meets Judicial Permissiveness – Toward a Thermodynamic Theory of Collapse} This chapter synthesizes the preceding analyses into a 3,000–5,000 word critique focusing on the interplay of Big Tech’s data-driven power and the courts’ facilitation of executive overreach. It includes diagrams “Agency Collapse Loop” (see Chapter 12) and “Institutional Fragility Cascade” (see Chapter 13) to illustrate feedback cycles described, and it cites recent sources per the user’s prompt (Chotiner 2025, SCOTUS ruling on injunctions, etc.). It concludes with references in APA 7th style. 291 Trump trusted more than election results by GOP: USAFacts/AP-NORC poll | AP News https://apnews.com/article/trump-harris-election-2024-misinformation-451b4f6ebc4c82ac941521b9059500d8 2 3 Automated Authority: AI Algorithms https://www.newamerica.org/planetary-politics/blog/automated-authority-ai-algorithms/ 4 5 7 8 16 17 Trump: If it saves the country, it's not illegal | Reuters https://www.reuters.com/world/us/trump-if-it-saves-country-its-not-illegal-2025-02-16/ 6 Trump-Putin press conference: the Russia scandal is about elite impunity | Vox https://www.vox.com/2018/7/19/17581546/donald-trump-russia-collusion-elite-impunity-immunity-torture-iran-contra-financialcrisis 9 10 11 12 13 14 15 What Is Unitary Executive Theory? 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