

Trust and Democracy

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Ha, Ha, what a fool honestie is! And trust (his sworne brother) a very simple gentleman.
Shakespeare, Winter's Tale, Act Four, Scene Four, line 607

Public offices are public trusts, created for the benefit of the whole people, and not for the benefit of those who may fill them.

G. N. Briggs, in Massachusetts Acts 363 (1644)

Trust and Democracy

I. Introduction

In ordinary English usage, trust is a matter of having confidence in the word, loyalty, promises, and honesty of others.¹ To trust a person is to make oneself vulnerable to the power of that person.²

This vulnerability of trust creates a paradox for democratic theory. On the one hand, self-governing citizens are rightly vigilant about the potential abuses and corruptions of power. Government is not a blind trust. We adopt a healthy posture of suspicion. In the words of a colonial rallying cry, “Eternal vigilance is the price of liberty.”³

In *The Federalist Papers*, James Madison made the case for creating a national government, and yet warned against trusting that creation too much: “It is in vain to say that enlightened statesmen will be able to adjust . . .clashing interests and render them all subservient to the public good. Enlightened statesmen will not always be at the helm.”⁴

On the other hand, governments can hardly act, much less act boldly, unless they can tap into a considerable reservoir of trust. Here it may be helpful to distinguish between *particular* trust in any one incumbent, candidate, party, or policy and a *general* trust that the basic institutions and rule of law in American democracy can be relied upon to maintain a shared public good, to legitimate political opposition, smooth transitions of power and extend the protections of the rule of the law equally to all.⁵

Since we are talking about politics, we should not fear popular mistrust of a particular administration as if it were a threat to democracy (“throw the bums out”). However, loss of general trust in the rules of the game, the good faith of the other side, or the fairness and competence of government is a more serious matter. When the legitimacy of particular instances of distrust hardens into a continuous, generalized distrust that causes citizens “to reflexively

¹ Oxford English Dictionary, vol. 10, p. 624.

² Margaret Levi, “Political Trust and Trustworthiness,” *Annual Review of Political Science* (2000) 3: 476. “Trust is a rational gamble that cooperation with others will ultimately pay off. . . . But it is still a wager.” Eric M. Uslander, “Democracy and Social Capital,” in Mark E. Warren, ed., *Democracy and Trust* (1999), p. 123.

³ The remark is typically but wrongly attributed to Thomas Jefferson. Its author remains unknown.

⁴ *The Federalist Papers*, No. 10.

⁵ Yann Allard-Tremblay, “Trust and Distrust in the Achievement of Popular Control,” in Patti Tamara Lenard, ed., *The Political Philosophy of Trust and Distrust in Democracies and Beyond*, *The Monist* (2015) 98 (4): 375-390.

respond to politics with distrust even when it is not justified,” then the ability of government to function well is harmed.⁶ This is the malaise that American democracy faces today.

Of course, there is a chicken and egg problem. Or to put the point in scholarly language, it is difficult to determine whether levels of general trust are an independent or dependent variable. Poor performance by incumbents leads to decline in voter trust but low-levels of trust make it that much harder for incumbents to perform well.⁷

Loss of general trust has been steadily mounting for the past half century. “Administrations have come and gone, and polling charts have bounced up and down in response to this leader or that policy, yet public trust has tumbled ever downward, regardless of which party is in power.”⁸ I defer considering the causes of this loss of trust until first laying out the general reasons trust is important in a democracy.

Among the benefits that high general trust in government bring are: law-abidingness and voluntary compliance with programs calling for public cooperation;⁹ willingness to vote and to participate in politics; promotion of public legitimacy; support for bipartisan compromises and coalitions; check on extremes of polarization attributable to general mistrust of *any* candidate from the opposing party; support for decisive government action in times of crisis and emergency; support for programs, for instance social welfare programs, when the public trusts that such programs serve long range common interests even though they do not immediately benefit everyone.¹⁰

General trust does not mean the disappearance of particular moments of distrust. After all, it is possible, even common, “to deeply mistrust politicians and yet to continue to have confidence in . . . the institutional structures” that guard against rotten actors.¹¹ Nor does general trust obliterate the normal divides of politics. It coexists, without supplanting, partisanship. *Horizontally*, generalized trust is an “attitudinal glue”¹² that in a democracy uniquely requires citizens to accept one’s fellow citizens as equal participants in the political process. Compare

⁶ Marc J. Hetherington, *Why Trust Matters: Declining Political Trust and the Demise of American Liberalism* (2006), p. 13.

⁷ “Lower levels of the trust cause people to approve of the president less. Since distrust causes disapproval and disapproval makes it more difficult for leaders to marshal resources to solve problems, government will, on average, solve fewer problems when political trust is low. This, in turn, will cause more distrust and more disapproval, which . . . will continue the cycle.” *Id.* at 15.

⁸ Stephen M. Griffin, *Broken Trust: Dysfunctional Government and Constitutional Reform* (2015), p. 77.

⁹ Yann, *supra*.

¹⁰ Hetherington, *supra*, p. 12.

¹¹ Pippa Norris, *Critical Citizens: Global Support for Democratic Government*, p. 7.

¹² Griffin, *supra*, p. 34.

this attitude of political trust with our sense of who is competent to practice medicine or to play in an orchestra. Virtually no one trusts each and every person to be a surgeon or first violinist. The trick in a democracy is to fight, often vehemently, against the views of others, while accepting that partisans of the other side are to be trusted as equally competent to weigh in on what policies *they* think are for the good of the country. Precisely because we do not agree on the *substance* of the common good, we put our trust in shared *procedures* for resolving our differences democratically.

Representative democracies, as opposed to direct democracies, also require *vertical* trust between the elected and the electorate. We must have confidence that our elected representatives can be trusted to act in our best interests, rather than their own. This trust can be *thin* or *thick*. It is thin if what we have confidence in is not the moral character or virtue of our representatives but only that their interests (for instance, in re-election) overlap with our own. Political scientists call this the “encapsulated interest” component of trust.¹³ Marc Hetherington refers to trust “as a pragmatic running tally of how people think the government is doing at any given point in time,” as measured against their personal expectations.¹⁴

By contrast, trust is thick when our confidence stems from faith in the moral character of representatives. In ancient political philosophy, only few persons—philosopher kings or Platonic guardians—had the virtue it takes to be trustworthy rulers. In defending democracy, the founders of the American Republic rejected the connection between political trust and moral character. Madison accepted that it was human nature to abuse power and thus citizens were entitled to a great deal of legitimate mistrust of any government run by men. However, if institutions were properly designed to disaggregate power and to check the power of some with the power of others, the worst human ambitions could be curbed without men becoming angels.

As Robert Dahl, known as the dean of American political scientists, put the case for trusting Madison’s institutional strategies, “It would be folly” to construct democracies “on the assumption that civic virtue will steadily prevail.”¹⁵ Instead, the paradox of trust in democracy is

¹³ See Russell Hardin, “Do we want trust in government,” in Warren, *supra*, p. 26: “To say that I trust you with respect to some matter means that I have reason to expect you to act in my interest because you have good reasons to do so.”

¹⁴ Hetherington, *supra*, p. 9.

¹⁵ Robert A. Dahl, *Dilemmas of Pluralist Democracy* (1982), p. 150.

that we best achieve it by “implement[ing] institutions that suggest a deep distrust of what our legislators will do when offered an opportunity to control the levers of power.”¹⁶

Thus, political trust grows when democratic institutions are arranged to secure two major imperatives. The first is the anti-corruption imperative: that government officials serve the people’s interests, not their own. For the 19th century English philosopher Jeremy Bentham, the best practical solution to the danger of corruption was to subject government officials to *publicity*, both through coverage by the press and by requiring government meetings to be publicly held and recorded for inspection by an imaginary “Public Opinion Tribunal.”¹⁷ Openness and publicity have “grand antiseptic effect” that activates in officials “the dread of shame,” as well as the more practical fear of losing the next election.¹⁸ In this way, Bentham concluded, we start in a posture of distrust but learn to give *warranted* trust to those who have earned it. In a democracy, trust and distrust turn out to be complementary rather than opposites.¹⁹

The second major trust imperative is to guard against arbitrary rule. Democracy itself is no solution to the problem of tyranny, since as Madison noted, it is still a “government administered by men.”²⁰ To define a democracy as “the rule of the people” suggests that the people, or more accurately their elected representatives, may act as they wish. To guard against such arbitrary rule was the point of constitutionalizing a separation of powers system. But the larger need is to develop a political culture that respects and trusts the impartial rule of law and places even the most powerful of officeholders under the rule of law.

In regard to developing a political culture around trust in the rule of law, it is significant that most polls show that Americans have more faith in the Supreme Court than they do in the Presidency or Congress.²¹ Indeed, the title of two classic defenses of judicial review echo the public’s trust in the judiciary born of its mistrust of the political branches.²²

¹⁶ Patti Tamara Lenard, *Trust, Democracy, and Multicultural Challenges* (2012), pp. 67-8.

¹⁷ Quoted in Jonathan R. Bruno, “Vigilance and Confidence: Jeremy Bentham, Publicity, and the Dialectic of Political Trust and Distrust,” *American Political Science Review* (2017) 111:295.

¹⁸ *Id.* at 299.

¹⁹ *Id.*

²⁰ Federalist 51.

²¹ 61 percent of Americans have confidence in the national judiciary. Lydia Saad, “Americans’ Confidence in Government Takes Positive Turn,” Gallup (2016).

²² John Ely, *Democracy and Distrust: A Theory of Judicial Review* (1981); Alexander Bickel, *The Least Dangerous Branch: The Supreme Court at the Bar of Politics* (1962).

II. Political Trust and Social Trust

It is important to distinguish the specifically *political* trust that the democratic state requires from the *social* trust that forms the basis of a civil society. The literature typically refers to social trust as “social capital.” From Alexis de Tocqueville’s classic work, *Democracy in America*, to Robert Putnam’s contemporary classic, *Bowling Alone*, writers have studied how social capital is created when individuals freely associate in sustained cooperative relationships. Such interpersonal trust, beyond face-to-face family ties, is necessary for persons to learn the skills necessary for resolving group problems. A vibrant civil society is producing social trust continuously “through schools, churches, community groups, sporting clubs,” as well as through economic associations.²³

For Putnam, social trust is a moral resource that comes first and “makes democracy work.” The moral resource is learning through group cooperation the habit of reciprocity: “I help you in the expectation that you will help me in the future.”²⁴ Only if norms of reciprocity emerge in civil society first can democracy possibly work.

However, there are limits to social trust that distinguish it from the more specifically political trust democracy will require. Putnam is fond of examples such as choral societies and sporting clubs. But, as one critic argues, “Why does the willingness to act for mutual benefit in a small group such as a choral society translate into willingness to act for the common good or to become politically engaged at all?”²⁵ The associations of civil society tend to be fairly homogeneous, by interest, religion, culture, geography, income, educational background and so on.²⁶ Democratic government requires the broader political trust that crosses such fault lines. Instead of “attaching loyalty to a monolithic, homogeneous ethnic or religious group, citizens maintain a shared attachment to the political role of a citizen and to general political institutions that fairly treat diverse groups.”²⁷

Indeed, Tocqueville thought that political trust *causes* social trust to grow, rather than the other way around. “I do not say that there can be no civil association in a country where political association is prohibited, for men can never live in society without embarking in some common

²³ John Braithwaite, “Institutionalizing Distrust, Enculturating Trust,” in Valerie Braithwaite and Margaret Levi, eds., *Trust and Governance* (2003), p. 348.

²⁴ Jean Cohen, “Trust, voluntary associations and workable democracy: the contemporary American discourse of civil society,” in Warren, *supra*, p. 219.

²⁵ *Id.* at 220.

²⁶ Charles F. Andrain and James T. Smith, *Political Democracy, Trust, and Social Justice* (2006), p. 78.

²⁷ *Id.*

undertakings; but I maintain that in such a country civil associations will always be few in number, feebly planned, [and] unskillfully managed. . . .”²⁸

Whichever comes first, empirical studies confirm “democratic government is more responsive and effective when it faces a vigorous civil society.”²⁹ In a survey of world democratic regimes, a minimum of 35 percent of the public in each state thought “most people can be trusted.” By contrast, in all nondemocratic regimes, the level of interpersonal trust fails to match that figure.³⁰

In the face of intense conflict over what the public good requires, political trust can be hard to maintain. To see why, let us consider more carefully the meaning of terms such “democracy” and the “public good.”

III. Competing Conceptions of Democracy

Different norms of trust correspond to different concepts of democracy. In this section, I will argue that the more emphasis a democratic theory places on fostering a strong sense of community, the deeper must be the ties of trust.

Any theory of democracy must confront tensions between individual and group interests, on the one hand, and the common good or public good on the other. At one extreme are theories of pure majority interest democracy that reduce the common good to nothing other than the unintended consequence of individuals and groups seeking their own interests. What is good for the people is simply what the majority decide is good for them. Almost no one holds to this extreme view, since it would give minorities no reason to trust the majority at all.

At the other extreme are theories of democracy dating back to Jean Jacques Rousseau. Rousseau famously taught that the common good—what he called the “general will” —is qualitatively different than the sum of individual interests. In fact, Rousseau called on individuals to stifle self-interests, abstain from joining any political parties, and simply directly vote what is good for the whole. Almost no one subscribes to this ascetic view of the common good either.

In between are various theories of democracy that live with, rather than trying to dissolve, the tensions between private and public goods. Since these theories accept the legitimacy of

²⁸ *Democracy in America*, vol. 2, ch. 7.

²⁹ Jean Cohen, *supra*, p. 217.

³⁰ Inglehart, “Trust, well-being and democracy,” in Warren, *supra*, p. 103.

plural or different conceptions of the common good, they are generally known as theories of pluralist democracy. As opposed to Rousseau's notion that properly habituated citizens would arrive at the same understanding of the common good, pluralist democracies celebrate the richness of living in a democratic state that is like a big tent with room enough to house competing communities with competing conceptions of the common good. In this big tent, what we share is the overarching value of living together with persons with whom we do not in fact share the same values on particular political issues. There is room in the big tent for us all. This is the democratic philosophy expressed in the American national motto, "*e pluribus Unum.*"

Theories of pluralist democracy can tilt toward the majority interest pole or the Rousseauist end. Those that occupy the interest group end stress the legitimacy of organizing into parties, factions, or associations in order to fight for one's policy preferences. So long as the basic rights of freedom of speech and of the press, of the right to vote and hold office, belong equally to all, the result of group competition should be considered democratic. There will be winners and losers on policy issues, but the losers should trust that they had and will continue to have a fair opportunity to win. In *Federalist 10*, Madison added that a large nation would inevitably divide into so many competing factions that no one static majority would hold power on issue after issue. Group competition would give all incentives to engage in a democratic politics of compromise and coalition building, with shifting majorities emerging on different issues.

By contrast, theories of "deliberative democracy" place an additional constraint on interest group politics. While citizens should be free to organize in pursuit of their own preferences, expressions of those preferences should pass a test: can one's views be defended in public with reasons that are general, rather than parochial and specific to only some groups of society. For example, citizens are free to disagree on abortion policy, but a democratic argument should not be based on religious fiats that are asserted as true beyond reasoned debate. Likewise, an argument that "I favor abortion because I am a woman" fails the test of offering general public reasons that is the ideal of democratic debate.

If citizens are to participate in genuine acts of back and forth dialogue, there must be sufficient trust in others to enter into that dialogue in the first place. Once started, the very act of engaging in reasoned and reciprocal conversation ideally generates further trust. By modeling participation in reasoned public debate as the key behavior expected of democratic citizens, as

opposed to merely outvoting opponents, deliberative democracies place a premium on community and the trust that makes sharing a common good possible.

IV. The Contemporary Problem

Since 1958, the American National Election Survey (ANES) has asked voters to rate their level of trust in the federal government. The key question is, “How much of the time do you think that you can trust the government in Washington to do what is right—just about always, most of the time, probably some of the time?” As expected, trust declines in the face of scandals (Nixon and Watergate; Carter and the Iran hostage crisis; Reagan and Iran-Contra), losses in war (Vietnam), poor economic performance (second half of Reagan years) and rises with good economic news (first term of Reagan and second term of Clinton, despite impeachment proceedings). But above these ups and downs, the unmistakable trend has been steady deterioration in trust of the federal government, until the record lows of today.³¹

In 1958, the inaugural year of the ANES, 73% of adults said they put their faith in government “just about always” or “most” of the time. That percentage reached its high watermark of 77% in 1964. Starting then, a steady and precipitous decline set in. By 1974, the trust percentage had dropped by half to 36%. In the latest survey of 2015, only 19% of Americans said they could trust the government in Washington to do what is right “just about always” (3%) or “most of the time.” (16%).³²

Not surprisingly, trust in the federal government is higher among respondents when the incumbent president is from their own party. This inverse relationship between partisanship and trust has been true throughout the life of the survey. It holds for members of both major parties, though Republican responses bounce about more with loss of the White House.³³

However, these expected effects of partisanship on trust have become significantly, even remarkably, worse in recent years.³⁴ In 2011, a survey asked voters to place the Republican and Democratic parties on a “feeling thermometer, from 0 (really hate the group) to 100 (really love

³¹ Emily Badger and Niraj Chokshi, “Partisan Relations Sink from Cold to Deep Freeze,” *New York Times*, June 16, 2017, page A1.

³² Pew Research Center, “Trust in government: 1958-2015,” in *Beyond Distrust: How Americans View Their Government* (Nov. 23, 2015), pp. 1-8.

³³ *Id.* at 2.

³⁴ See Badger and Chokshi, *supra*. See also Marc Hetherington and Thomas Rudolph, “Why don’t Americans trust the government? Because the other party is in power,” *Washington Post*, Jan. 30, 2014.

the group).³⁵ The average Republican put the Democratic Party at 18 degrees. Democrats did exactly the same for the Republican Party.³⁶ By contrast, dating back to the Nixon Administration, a fairly steady 30 to 40 percent of Democrats once gave trusting responses even when the other party was in power. Republicans gave trusting responses in the 40 percent range when Jimmy Carter was president. They even still gave trusting responses in the high 30's while Bill Clinton underwent impeachment proceedings.³⁷

By the last term of George W. Bush, Democrats' trusting responses fell to historically low levels below 20 percent, thus giving their representatives little incentive to participate in government by compromise. During the Obama years, Republicans returned the favor with a vengeance. Only 2 percent trusted the government "just about always" or "most of the time." When given the new choice of "never trusted the government to do what is right," over 50 percent of Republicans surveyed chose that response.³⁸

In 2016, a Pew study found that 55% of Democrats say the Republican Party makes them "afraid," while 49% of Republicans say the same about the Democrats. Among regular voters and persons actively engaged in politics, those figures skyrocket to 70% and 62%, respectively.³⁹ One can hardly expect political trust to cross party lines with these levels of animosity.

Although increasing numbers of Americans describe themselves as independents,⁴⁰ most independents lean Republican or Democratic. "These partisan 'leaners' tend to have attitudes and behaviors that are very similar to those of partisans."⁴¹ Thus, most studies distribute these leaners to one party or the other.⁴²

While some of the animosity between partisans is attributable to rational differences on key issues separating liberals from conservatives, the raw and widening distrust among

³⁵ Hetherington and Rudolph, *supra*.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ Pew Research Center, "Partisanship and Political Animosity in 2016," p. 1.

⁴⁰ On the eve of the 2016 election, 34% Americans identified as independents, 33% as Democrats and 29% as Republicans. Pew Research Center, *The Parties on the Eve of the 2016 Election: Two Coalitions, Moving Farther Apart*, p. 4.

⁴¹ Pew Research Center, *supra*, *Beyond Distrust of Government*, Appendix A. "When the partisan leanings of independents are taken into account, 48% either identify as Democrats or lean Democratic; 44% identify as Republicans." Pew Research Center, *supra*, *The Parties on the Eve of the 2016 Election*, p. 4.

⁴² *Id.*

politically involved partisans and their representatives has disturbingly outstripped any expansion of traditional ideological divides in the public at large.⁴³

Interestingly, trust in local and state governments remains consistently higher than does trust in Washington. In the latest (2016) Gallup Poll, 71% had “a great deal” or “fair” amount of trust in their local governments and 62% in state governments.⁴⁴ Survey respondents rate local governments as more competent to deal with problems close to home, more responsive to constituents, and quicker to act. While beyond the scope of this paper, these high levels of trust in municipal government suggest promising avenues for democratic reform.

V. Causes of Distrust

In the preceding section, we saw that the influence of discrete events on political trust proves temporary; after each bump, up or down, the trajectory downwards reappears, unrelated to any obvious contemporary episodes. Political observers disagree about the causes of this deeper and continuing historical trend. Among factors suggested are the following:

(i) *Atomization*

In *Bowling Alone*, Robert Putnam pointed to the disintegration of American civil society in the post-television era.⁴⁵ Instead of learning the associational and cooperative habits that support democratic governance, Americans retreated into private entertainments and individual pursuits. This retreat from participatory and public activity led to declining levels of trust, which shows up in a nastier tone to public discourse and less willingness to cooperate and to compromise with others. As Putnam notes, this decline of a participatory civic culture is all around us—fewer people attend houses of worship, belong to labor unions, attend parent-teacher associations, volunteer, or belong to fraternal organizations such as the Elks or Shriners.

In singling out television as the enemy of civic culture, Putnam reasoned as follows. First, starting in the 1960s, television watching became the single biggest change in the way Americans spent their leisure time. Second, during the same period, Americans began to withdraw from participating in the voluntary associations that used to occupy their leisure.

⁴³ Hetherington and Rudolph, *supra* (“60 years of research suggests that most Americans do not think about politics ideologically.”). See also Morris P. Fiorina and Samuel Abrams, “Americans Aren’t Polarized, Just Better Sorted,” *Washington Post*, Jan. 21, 2014.

⁴⁴ Jason McCarthy, “Americans Still Trust Local Government More than State,” Gallup (2014).

⁴⁵ Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (2000).

Putting these two trends together, Putnam concluded that people who watch a great deal of television lack both time for, and interest, in the public square.

Putnam completed most of his research before the advent of interactive computer services, virtual networks, and constant contact via smart phones. If one considers the sheer amount of information available to us; the elimination of time and distance to communication; the interactive, back and forth nature of communications; and the emergence of virtual communities, then much of Putnam's lament against television no longer applies to the current media environment.⁴⁶

The question of whether online connectedness can restore trust is one that intrigued Putnam. On the one hand, he noted the rise of "virtual neighborhoods" based on "shared avocations rather than shared space."⁴⁷ To the extent that participation in electronic communities becomes widespread, durable, and egalitarian, we might in fact witness a restoration of the social trust lost when face-to-face associations declined.⁴⁸ On the other hand, Putnam warned that "the transmission of information among physically distant people is itself [insufficient] to foster social capital and genuine community."⁴⁹ The low cost and high speed of sharing information can help mobilize persons who already share a "connectedness" to an issue or interest, but it cannot create that sense of connectedness in the first place.

A decade after *Bowling Alone's* appearance, the Aspen Institute Forum for Communications and Society (FOCAS) convened to consider whether new media were providing opportunities for building trust among "networked citizens." The group heard remarkable success stories from international groups that used crowdsourcing to monitor elections in Kenya, facilitate earthquake relief in Haiti, hold budget referenda in Belo Horizonte, Brazil, or mobilize rallies during the Arab spring.

At the other end of the geographical spectrum, the FOCAS forum found information technologies well fitted to build trust at the local level. Residents tend to be motivated to deal with neighborhood problems and many issues are "citizen manageable," if only citizens had a way to pool their skills and knowledge. Various "neighborhood apps" in Minneapolis (e-

⁴⁶ Even in regard to the decades Putnam studied, most studies showed little or no correlation between hours spent watching television and hours invested in joining associations. What mattered was not hours watched but the content of the programming. See, e.g., Cohen, *supra*, p. 227; Uslander, *supra*, p. 137.

⁴⁷ *Bowling Alone*, p. 171.

⁴⁸ *Id.*

⁴⁹ *Id.*

democracy.org), Amherst, MA (localocracy.com), or Ft. Wayne’s “wired and inspired city” showed that sharing information can start a process leading to more active involvement in local government. Moreover, these virtual forms of citizenship can call upon the high levels of trust that citizens already have in local government.

In between the local and international levels, online communications have obviously become a main part of national campaigns and fundraising. Nonetheless, as reviewed in the previous section, levels of distrust of the national government continue to rise. There is not yet evidence that those who virtually participate in national politics are any more trusting of Washington than those who do not.

(ii) *Loss of Optimism*

Another theory traces declining levels of political trust to a broad, across-the-board waning of optimism for the future. What makes democracy work is not necessarily that citizens have a high opinion of government institutions themselves so much as that they have high levels of satisfaction with one’s life taken as a whole.⁵⁰

From the end of the Great Depression into the early 1960s, Americans expressed consistently high levels of trust that their children would have a better life than they did.⁵¹ By contrast, in a 1995 Kaiser Foundation survey, only ten percent of Americans were “very confident” that life for their children would be better. More than half—54 percent—were “not confident at all.”⁵² In a 2017 Pew survey, Americans were more dissatisfied than satisfied with the direction of the country by a margin of 66 to 33 percent.⁵³ Just in the period since 2015, those expressing little or no confidence rose from 15% to 28%—a far greater shift than took place after the 2000 or 2008 elections.

Optimism in the future constitutes a world-view that makes it rational to wager on government. Key components of this world view, as summarized by one scholar, are: (1) a belief that it is safe to bring children into the world; (2) confidence in science as a force for a better future; (3) confidence in one’s own capacity to shape the world; (4) belief that other people are likely to be helpful; and (5) confidence that public officials are listening to the

⁵⁰ Inglehart, *supra*, p. 105.

⁵¹ *Id.* at 140.

⁵² “Why Don’t Americans Trust the Government?” Kaiser Family Foundation (1996).

⁵³ Pew Research Center, *Public Trust in Government Remains Near Record Lows as Partisan Attitudes Shift*, p. 7-9.

average man.⁵⁴ A world-view shaped by such broad optimism correlates strongly with political trust, and political trust correlates strongly with the achievement of stable democracies.

Ultimately, optimism rests on a subjective sense of overall well-being. What counts is not necessarily government's *actual* record of performance but rather people's *perceptions*. One of the problems today is a tendency for Americans to pessimistically misperceive governmental programs. Hetherington attributes at least part of the decline in political trust to just such misperceptions of political reality. For example, even though foreign aid and social welfare programs combine to make up less than 10% of the federal budget, the public believes that one or the other is the biggest item in the budget. A correct perception would identify social security as the costliest federal program.⁵⁵

(iii) *Balkanization*

A balkanized public lives in different neighborhoods, commutes via separate vehicles (and sometimes on separate toll roads), and gets news from different sources.⁵⁶ In short, public space and common channels of transportation and communication give way to a broad opting-out of having to live with people of different circumstances.

For our purposes, the balkanization of the public into separate news-consuming spheres has special importance. In essence, Americans separate into so many echo chambers, where the news reinforces their political predispositions. It is difficult for trust to spread among partisans when the news they receive does not offer a shared, baseline of common information. Whatever the faults of the broadcast television era, at least the networks delivered a consensus nightly news to mass audiences.

(iv) *Political Polarization*

In the prior section, we saw evidence of increasing polarization of the electorate. It is not so much that voters today demonstrate increasing ideological solidarity with their own party (or that to which they lean). The primary factor driving polarization is fear of the other party in power. 70 percent of politically engaged Democrats and 62 percent of similar Republicans regard the opposite party's policies as "so misguided that they threaten the nation's well-being."⁵⁷

⁵⁴ Uslander, *supra*, p. 140.

⁵⁵ Hetherington, *supra*, pp. 139-40. Hetherington thought that "trust in government would increase markedly if the news media, in conjunction with political leaders, made a concerted effort to educate the public about what the government actually spends its money on."

⁵⁶ Inglehart, *supra*, p. 105.

⁵⁷ Pew Research Center, "Political Polarization in the American Public" (2014), p. 11.

Political polarization, together with the decline in political trust, began its modern run when the federal government took on primary responsibility for dealing with problems of race, poverty, health and welfare. As Hetherington points out, these are precisely the kind of redistributive programs that require the greatest public trust. As opposed to the universality of popular programs such as social security, redistributive programs maintain support only to the extent that citizens have confidence that making some sacrifices in the short run will make the country, and their place in it, stronger in the end. It also requires trust that, however admirable the goals, government has competence to realize them.

The contrary seems to have happened. The changing portfolio of federal responsibilities reset the criteria the public used to judge their satisfaction with the direction of the country. Political scientists refer to this as “issue salience.”⁵⁸ Welfare, poverty, health and racial affirmative action programs proved unpopular among segments of the population who felt that the direction of the country was leaving them behind, that the salient programs served the interests only of others served by the other party. Resentment of Washington drove out trust of programs that could be labeled “liberal.” Those that favored these policies practiced the same politics of resentment toward their opponents.

In the absence of trust, politics becomes personal. As one writer laments, “We don’t see those on the other side as well-meaning people who happen to hold different opinions.... We see them as unintelligent and selfish, with views so perverse that they can be explained only by ulterior motives.”⁵⁹

(v) *Media coverage*

Many commentators reflect on the rise of media power since the 1960s and the simultaneous fall in public trust of government. Prior to the flourishing of the Internet, the standard criticisms of the media were the relentless negativity and banality of political coverage. Scandals sell the news and thus the media had incentives to concentrate on the worst aspects of politics. Reporting became a game of “got cha,” and the difference between news and entertainment evaporated.⁶⁰

⁵⁸ Marc J. Hetherington and Jason A. Husser, “How Trust Matters: The Changing Political Relevance of Political Trust,” *Am. J. of Polit. Sci.* 56: 2 (2012): 312-325.

⁵⁹ Matthew Gentzkow, “Polarization in 2016,” p. 17, available at <https://web.stanford.edu/~gentzkow/research/PolarizationIn2016.pdf>.

⁶⁰ See Matt Bai, *All the Truth is Out: The Week the News Went Tabloid* (2014) (recounting media coverage of Sen. Gary Hart’s sexual affairs that forced him to drop out of the 1988 Democratic Party presidential primary). See also

Even when not negative in content, critics faulted the news for reducing discussion of serious political issues to sound bites and photo “ops.” Campaigns in turn catered to the media, thus perpetuating a cycle that favored the banal and the sensational over sustained and substantive presentation of ideas. In particular, those who depended on television as the primary source of news (more than two-thirds of Americans since 1972) expressed “videomalaise”—a greater degree of cynicism and distrust of politics than those with alternative news sources.⁶¹

These criticisms often ignored numerous examples of informative political coverage available through the broadcast media.⁶² And as mentioned above, the emergence of the Internet means the end of any time or space constraints that may once have favored “sound-bite” journalism.

(vi) *Loss of Trust in the Media*

In 2015, the Gallup poll reported that public trust in the media had dropped to its lowest level since Gallup started asking the question in 1972. From a high of 72 percent in 1976, only 32% now say they have a great deal or fair amount of trust in the media. This is down eight percentage points in one year. For Republicans, trust plummeted 18 percent in one year.⁶³ 2007 was the last year a majority trusted the media.⁶⁴

The Gallup poll asked about trust in the media generally. When another organization asked individuals about their attitudes toward the *specific* media they used, levels of trust doubled, and more so for Republicans than Democrats.⁶⁵ Thus what we have is a polarized news environment that corresponds to a polarized electorate.⁶⁶ Each side distrusts the news reporting on the other side.

Jeffrey Abramson, “Four Criticisms of Press Ethics,” in Judith Lichtenberg, ed., *Democracy and the Mass Media* (1990), p. 242.

⁶¹ Michael Robinson, “Public Affairs Television and the Growth of Political Malaise: The case of ‘The Selling of the President,’” *Am Polit. Sci. Rev.* 70(3): 409-425 (1976).

⁶² “Given the diversity of channels, programs, and choices—from Nightline, 60 minutes, CNN . . . , NPR, Meet the Press, and C-Span—. . . it might even be the case that Americans as a whole are better informed . . . than ever before.” Jean Cohen, *supra*, p. 227n. See also Pippa Norris, *A Virtuous Circle: The News Media and Democracy* (2000), pp. 7-8.

⁶³ As candidate and as President, Donald Trump has expressed withering criticisms of certain news media. He has called the press “the enemy of the American people,” mentioning specifically *The New York Times*, NBC, ABC, CBS and CNN.

⁶⁴ Art Swift, “Americans’ Trust in Mass Media Sinks to New Low” (Sept. 14, 2016).

⁶⁵ Media Insight Project, “‘My’ Media versus ‘the’ Media: Trust in News Depends on Which News Media You Mean,” May 24, 2017.

⁶⁶ “Those who trust the press are more accepting of new messages.... Those who distrust the press are more likely to resist new information that they attribute to the institutional media and seek additional information from more

The term “fake news” has come into vogue as a way to describe dissatisfaction with media accuracy.⁶⁷ From the point of view of the First Amendment, the very idea of “fake news” is problematic, insofar as it suggests some objective standard for what constitutes the news. However, as a cultural meme, fake news exemplifies our contemporary democratic predicament. A public that cannot agree on the facts is not a people who can know where to place its trust.⁶⁸

As of 2016, slightly more than half of Americans get their news through some social network, with Facebook being named four times more than any other platform.⁶⁹ And yet, only 12 percent of Facebook users have a “great deal of trust” in the news they get there.⁷⁰ On the one hand, social networks work assiduously to gain trust in the accuracy of their news posts by becoming more transparent in their sources. On the other hand, trust is hard to gain when the nature of the network is one that permits uncensored self-publication; anonymity; and passing on of information.⁷¹

Going back to Bentham’s point about publicity, democracy relies on the press to play a crucial watchdog role. This is why President Trump’s avoidance of journalists in favor of communicating directly to the people via Twitter is controversial. Some welcome his tweets as providing direct and unfiltered access to what the President is thinking. Others reject the directness as pseudo-democratic. If tweeting replaces reporting through the organized press, then it may eliminate the independent examination and investigation of government information that is necessary to justify political trust.

VI. Conclusion

Trust and distrust ideally play complementary roles in a democracy. Citizens properly ask their representatives to earn and to keep their trust. They look to the news and other sources of sound information to know when trust is warranted. At the same time, democratic citizens need to maintain a general faith in the good will of one another and in the capacity of our

partisan news sources.... As a result, their beliefs tend to be less accurate....” Jonathan McDonald Ladd, *Why Americans Hate the News Media and How it Matters* (2010), p. 190.

⁶⁷ “[Social networks] spread vitriol and fake news at a speed and breadth we have never seen before.” Thomas L. Friedman, “Where Did ‘We the People’ Go?” *The New York Times*, June 21, 2017, p. A21.

⁶⁸ “[W]e’re experiencing an assault on the very foundations of . . . democracy—the twin pillars of truth and trust.” *Id.*, quoting the author Dov Seidman.

⁶⁹ American Press Institute, *How people decide what news to trust on digital platforms and social media* (2016).

⁷⁰ *Id.*

⁷¹ Brett Stephens, “How Twitter Pornified Politics,” *The New York Times*, June 24, 2017, p. A19.

institutions and laws to curb the dangers of corruption and arbitrary rule to which any government administered by persons is subject.

The reality is far from these ideals. Particular instances of mistrust have accumulated and hardened into a generalized mistrust of the federal government as such. This mistrust is greatest when the most news-covered policies involve domestic issues of welfare, race and poverty. It is least when foreign issues and national emergencies displace these issues in the news cycle.

The single biggest factor contributing to loss of political trust is the remarkable growth in cross party hostility. Within reason, partisanship contributes to democracy, by motivating persons to vote and to engage actively in politics. The problem today is that disdain for the other side goes beyond expected ideological differences on the issues. Distrust of opponents no longer needs facts to sustain it.