Questions and Answers on 'Illiberalism'

By Joel Cohen

Joel Cohen conducts an interview with Thomas Main, author of ‘The Rise of Illiberalism’. Rather than a traditional book review that would, predictably, agree with or attempt to refute Main’s thinking, Cohen chose to better report his actual thinking on the subject—a preview for the reader of what his excellent volume has to say—through a question-and-answer session.

Frankly, I had never heard the word “illiberalism” before I read Prof. Thomas Main’s new book The Rise of Illiberalism.

I suppose anyone could have imagined what the word meant. The polar opposite of liberalism, right? But when I saw that Main was (understandably) expressing fear over illiberalism’s prodigious spread during the 21st century, imploring the government to take measures to control it, I wondered: What would the iconic Justice Brandeis, who heralded the “marketplace of ideas,” have thought about government action intended to deter or even stop the conspiracy theorists of the New Right? Main’s robust reportage of this ideological pandemic of sorts begins in his volume at the outskirts of Charlottesville and takes us through the dark depths
of Internet hate speech. And yet if, as Brandeis posited, the answer to bad ideas is more ideas, wouldn’t a frontal attack on illiberalism fly in the face of what most readers here would see as liberal democratic thought?

So, rather than a traditional book review that would, predictably, agree with or attempt to refute Main’s thinking, I chose to better report his actual thinking on the subject—a preview for the reader of what his excellent volume has to say—through my question-and-answer session with him, quoted below.

JC: So, Professor Main, what do you actually mean by “illiberalism”?

TJM: Illiberalism is any ideology that rejects any of the principles of liberal democracy, which are: political egalitarianism, human rights, limited government, electoral democracy, the rule of law, a political culture of tolerance, and an ethics of controversy based on rational discourse. These principles, once taken for granted in American political culture, are today explicitly rejected by a set of illiberal ideas and movements.

JC: Defined that way, illiberalism isn’t something new in America, is it? We’ve had the rejection by some of those time-tested principles for many years—e.g., the Ku Klux Klan, John Birch Society, etc. Not meaning to be cavalier about it, but it’s something American society has simply dealt with. Why are you so troubled by it now?

TJM: Previously, illiberalism had no audience to speak of. I analyzed 2019 web traffic to sites from the far left; through conventional progressivism and conservativism; to the far right, which is illiberalism. Illiberal sites received on monthly average about 186 million visits. This is an audience 30% the size of that for conventional conservative sites and 19% the size of the conventional progressive sites’ audience. This is a substantial audience; a striking difference from the days when extremist movements—such as the Birchers and KKK—were dwarfed by mainstream conservative outlets such as the National Review. Illiberalism is now a force in our political culture.

JC: Ok, so I accept that it’s a “force.” Perhaps being the devil’s advocate here, the members of that force, if you will, have a First Amendment right to express their undemocratic—illiberal—thoughts, don’t they? Nonetheless, your book argues that “the law” needs to do something about what, for over 200 years, it has chosen not to. What gives?
TJM: In the past, illiberals’ First Amendment right was never violated yet they had a miniscule audience. Then the means of mass communication—TV, radio, magazines, books—were capital intensive, which empowered gatekeepers such as editors and publishers. When the National Review received an anti-Semitic article, the editors had a right to spike it. Illiberals lacked the means to create their own outlets and were informally and effectively marginalized. Today, digital media provide illiberals with cheap access to a mass audience and digital platform owners don’t act as gatekeepers. Policy should encourage the platforms, which are private, to exercise their right and duty to exclude illiberals and their content, which is not censorship.

JC: Accepting that illiberals are anti-democratic, what exactly do you think makes them such a danger? It’s possible and healthy to criticize liberal democracy sensibly. Isn’t that what illiberals do?

TJM: Just look at some typical quotes from illiberal websites. The term res ipsa loquitur easily comes to mind.

Counter-Currents Publishing: “The reality is that black lives don’t really matter that much. It is the white race that is the indispensable race.”


Occidental Dissent: “America has now evolved into its final form as a cultural and political dung heap of liberty and equality—just like every other republican experiment in the modern West.”

American Renaissance: “The Notion That All Men Are Created Equal Is Nonsense.”

rooshv.com: “I can now claim to have one political dream, and that is to repeal women’s suffrage.”

JC: I recognize that you’re not a lawyer (God bless). So, not handicapped by a lawyer’s concept of those restraints upon what the law currently allows, you urge a change in “policy” that helps websites, etc., to be gatekeepers against inroads on current democratic thought. Say, for example, I (hypothetically) intend to advocate for secession from the United States because people of color are gaining “too much equality” (for lack of a better term). What exactly would you have “the law” or policy do to restrict my advocacy?

TJM: Private service providers can simply refuse to carry your racist website. Any group can lobby service providers to do so. This is not censorship. The law should not regard providers as public spaces to which everyone has a right of access, but as regulated private organizations who within broad limits can and should
moderate how people use them. Lawyers can work out an appropriate regulatory scheme. Then it will be largely up to the public to pressure providers to responsibly moderate their platforms. Twitter’s permanent ban on our most notorious illiberal—Donald Trump—is an example of the public pressure and private action needed.

**JC:** There’s the problem, though, isn’t there? I am, personally, an adamant opponent of the Alt-Right and such, and I’d want to “cancel” them if I possessed the power to cut off their Twitter feeds. Still, who am I to decide? Who guards the guardians? With all the problems that illiberals—surely an unfamiliar word—might cause American society, don’t you fear the consequences to “liberal democratic thought” of trying to shut them down?

**TJM:** Whether it’s good to marginalize a belief depends on what is being marginalized. Birchers and Maoists were marginalized as are flat-earthers today, which is good. If, by private-sector action, illiberals no longer commanded a mass audience, how would that hurt liberal democracy? The divine right of kings, terroristic anarchism, the defense of slavery, totalitarianism, theocracy, and Plato’s guardians have all been marginalized, thank goodness. If today’s illiberalism joins these debunked ideologies in the junk yard of history, I would have no regrets. And neither should you. *The Rise of Illiberalism* shows how radical and hateful illiberalism is, and how to confront it without censorship.

**JC:** Much to think about here Professor, especially around the anniversary of “January 6th.” Your book needs to be read, not simply read about. Thank you.

---

*Joel Cohen practices law as senior counsel at Stroock & Stroock & Lavan.*

Reprinted with permission from the January 10, 2022 edition of the *NEW YORK LAW JOURNAL* © 2022 ALM Media Properties, LLC. All rights reserved. Further duplication without permission is prohibited. For information, contact 877-257-3382 or reprints@alm.com.