



By: Jan-Werner Mueller

Can Democrats master the art of opposition in the case of a US government shutdown?



With many US government services **shutting** down for lack of funding, the blame game in Washington is intensifying, and journalists are playing their own game of trying to predict the political winner.

But given that Democrats are confronting dilemmas that all opposition parties face when battling aspiring or practicing autocrats, a more fruitful exercise is to consider the lessons of two decades of what political scientists are **calling** a global “democratic recession.”

This recent history makes clear that some strategies for dealing with would-be autocrats work much better than others.

One of the Democrats’ biggest problems is that they are very unpopular, even with their own base.

Their supporters feel, justifiably, that party leaders are constantly sending mixed messages.

They call President Donald Trump and his henchmen fascists one day, and the next they behave as if they were operating in a chummier, bipartisan time when Congress could cobble together solutions to practical problems.

Most people take their cues from elites whom they trust, whether party leaders, trade unionists, or opinion journalists. If those elites do not communicate clearly, well-meaning citizens will struggle to mobilize even in the face of an obvious threat.

Autocratic Legalism

During politically normal times, opposition parties are supposed to develop policy alternatives and use parliamentary procedures to hold governments accountable.

A classic example is the rhetorical dueling that takes place during Prime Minister’s Questions in the United Kingdom. But these are not normal times in the United States.

Trump, like all aspiring autocrats, is changing institutions to make it less likely that he will lose power in the future, as well as intimidating civil society, harassing political adversaries, and inciting hatred against certain segments of society.

Such conduct does not merely “erode norms.” We are confronting what scholars have **called** “autocratic legalism”: the use of duly enacted laws to undermine constitutional systems and, in particular, to concentrate power.

Trump no longer bothers maintaining a façade of legality, and simply engages in illegal conduct openly

In fact, the situation may even be worse than that. In his second term, Trump no longer bothers maintaining a façade of legality, and simply engages in illegal conduct openly.

Even when courts rule against his administration, it usually has already created facts on the ground, signaling its intention to disregard constraints.

How opposition parties should respond

In theory, how opposition parties should respond to autocratic legalism or outright lawlessness is straightforward: play “tit-for-tat.”

Transgressions from one side must be answered with a matching transgression. As game theory teaches, that is the only way to get back to normal with repeated play.

Ideally, the opposition party, in the process, will also explain to the public that it is pursuing such a strategy because a core democratic **principle**, not just a policy disagreement, is at stake.

The problem, in practice, is that a governing party bent on autocracy can escalate

But the problem, in practice, is that a governing party bent on autocracy can escalate.

Not only has it already proven willing to break the rules, but it also has more power with which to do so.

One could see this clearly with Democratic Senate Minority Leader Chuck Schumer's attempt to slow the confirmations of Trump's nominees.

In response, Republican Majority Leader John Thune simply went for "the nuclear option," **changing** the rules so that whole batches of nominees could be waved through with a simple majority.

Telling the truth

Another problem is that politicians beholden to an aspiring autocrat are unlikely to negotiate in good faith, or even to tell the truth to the public.

Republicans, for example, are simply **lying** about the Democrats wanting to give health care to undocumented immigrants.

And since aspiring autocrats systematically work to capture media organizations, the space for making the opposition's case steadily shrinks.

Trump-aligned businessmen already control Fox News and **now** CBS (long seen as the closest a US outlet would come to the BBC).

Still, as Saul Alinsky, the father of community organizing, once put it: "You do what you can with what you have."

A government shutdown concentrates the mind and provides a focal point for sending the right message about an autocratizing government

A government shutdown concentrates the mind and provides a focal point for sending the right message about an autocratizing government.

As important as the Democrats' arguments about health care are, the stronger justification for accepting a shutdown is that Trump will not respect any compromise they might negotiate.

After all, he has already forced congressional Republicans to rescind spending to which they had previously approved.

Democrats therefore can make this an argument about democracy. Not only has a Republican-controlled government shut down, but the Republican-controlled Congress is simply handing power to Trump and letting him get away with the plainly illegal impoundment of funds approved by the legislature.

This is not about this or that policy; it is about a chief executive governing according to his whims, with impunity and obvious disregard for the US Constitution.

The argument is not difficult to make, nor would it be difficult for the public to understand.

Focal points

In the same vein, as the political scientist Norman Ornstein has **proposed**, Democrats could create focal points if they started holding floor debates about impeaching Trump cabinet secretaries who have behaved in a particularly egregious manner (Secretary of Health and Human Services Robert F. Kennedy, Jr., Secretary of Defense Pete

Hegseth, and Secretary of Homeland Security Kristi Noem would top the list).



A well-crafted strategy around the shutdown and impeachments would show that the Democrats can take the initiative and defend their actions in the name of democratic principles

While such efforts have zero chance of succeeding, the point is that the Speaker of the House cannot prevent them, and Democrats can use the proceedings both to create a record of misdeeds and to educate receptive parts of the public about the harm these figures are causing.

In the end, aspiring autocrats also face a challenge. They must portray the opposition either as posing a mortal danger to the country (**polarization** helps here) or as irrelevant, even pitiful (hence Trump's recent **dismissal** of Democrats: "Don't even bother dealing with them").

By going back and forth between these extremes, Republicans, too, are sending mixed messages.

A well-crafted strategy around the shutdown and impeachments would show that the Democrats can take the initiative and defend their actions in the name of democratic principles.

This is the moment for them to demonstrate that they can master the art of opposition.

Jan-Werner Mueller is a Professor of Politics at Princeton University.