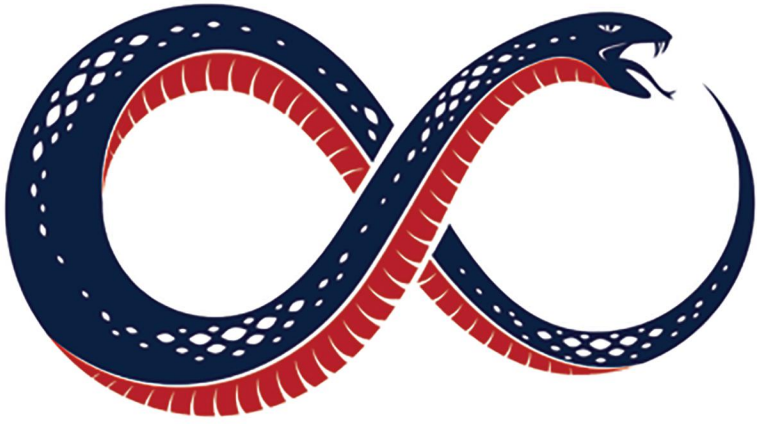
American Democracy IN PERIL

Eight Challenges to America's Future



9th Edition

William E. Hudson

American Democracy in Peril

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To the memory of my parents,
Maxine Smith Hudson
and
E. Kenneth Hudson,
both Democrats

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9th Edition

William E. Hudson
Providence College

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About the Author

William E. Hudson is a professor of political science at Providence College, where he teaches courses in American politics and public policy and was the founding director of the Feinstein Institute for Public Service. He is the author of *The Libertarian Illusion, A Citizen's Guide to Deficits and Debt*, and *Experiencing Citizenship: Concepts and Models for Service-Learning in Political Science* (with Richard Battistoni). Hudson has published numerous articles on public policy issues in journals such as *Political Science Quarterly, Economic Development Quarterly,* and *Policy Studies Journal*.

Preface

For about seventy years, the Bulletin of Atomic Scientist has featured a "Doomsday Clock" that, based upon the assessment by a council of Nobel Laureates, estimates how close the world is to a catastrophic nuclear war. The hand of the clock moves closer to or farther away from midnight—the symbol of a nuclear conflagration—based on the degree of threat. (As of 2019, it is at two minutes to midnight.) If we had such a clock to measure the health of American democracy, with midnight representing its end, I believe it would show that we have moved several minutes closer to democracy doomsday since the publication of the last edition of this book. Never in my lifetime have so many Americans been so fearful for the survival of the American experiment. One measure of this concern has been the outpouring of books in the past couple of years with titles such as *How Democracies Die*, *Democracy in America?*, *Undoing the Demos*, and *The People vs. Democracy*. Freedom House, an organization that tracks the health of democracies worldwide, recently downgraded the United States on its democracy scale, placing it below fifty other countries, including most European countries, on the quality of democracy.

The election of Donald J. Trump as America's president, of course, has been the occasion of much of this concern about American democracy. His labeling of the press as "enemies of the people," his characterization of his opposition as "treasonous," the rally chants to "lock up" his political opponents, his disdain for the rule of law and disrespect for judges that rule against him, and the overall coarseness of his political rhetoric shows a clear disdain for democratic norms and practices. Yet for many concerned about the state of our democracy, including Freedom House, Donald Trump is a symptom of democracy's decline rather than a cause. Had our democracy been in a healthier state in 2016 and before, someone like Trump would never have been a contender for the presidency. As argued in earlier editions of this book, American democracy has been in peril for some time. Gridlocked political institutions; growing inequality; overbearing influence of the rich and powerful, particularly giant corporations; and selfish disregard for the public good have worked to undermine the foundations needed for a vibrant democracy. This edition has been revised to show how the failure to address various challenges to democracy has contributed to the rise of Trumpism and to the real danger American democracy faces today.

In the pages that follow, the reader will learn how the eight challenges to democracy have made the current danger possible:

- Gridlock of our separation-of-powers system combined with growing partisan polarization has fostered distrust of government

and citizens' dismay that government ever will be responsive to their concerns. It is not surprising that some have been attracted to the appeal of a demagogue who promises to "fix it."

- The failure of representative institutions to address public problems has led the unelected judiciary to be an increasingly important arbiter of public policy. Citizen perceptions that it frequently does so in a partisan manner has led to an acceptance of politicians, like Trump, who want to use the courts as a political tool.
- The rootlessness fostered in our radical individualist culture has made many citizens more open to demagogic appeals.
- Too few vibrant civic organizations and fewer opportunities for meaningful participation lead some voters to expect a single political leader to solve public problems, even if with the use of authoritarian methods. On the positive side, reaction to Trump has fostered a resistance that may be a sign of a renewal of civic activism and political participation.
- Voter suppression, media manipulation and malfeasance, partisan gerrymandering, the Electoral College, and even Russian interference have produced flawed elections conducive to Trump's success. The result has been growing citizen distrust of elections that Trump himself has encouraged.
- Despite his populist rhetoric and attacks of "elites," the Trump presidency has been a friend to big business, placing business executives and lobbyists in control of all government agencies. Business has used its power to extract a large corporate tax cut and its access to Trump appointees to roll back its regulation.
- Trump's campaign capitalized on the economic distress and insecurity that growing economic inequality has created. Inequality laid the foundation for his ability to gain support for scapegoating immigrants, foreign powers, trade policies, and selfish elites as the cause of the economic stagnation, community disruption, and loss of manufacturing jobs that so many of his supporters have experienced.
- Voter fatigue with the perpetual wars promoted through the national security state provided Trump an opportunity to claim he would put "America First" and pull back from foreign military commitments. Instead, the national security state is flourishing under Trump as he increases military expenditures, continues most worldwide military commitments, and promotes sale of American

military hardware abroad. As his first term ends, there are ominous signs of future conflict in the Middle East and elsewhere.

Doomsday for American democracy can be avoided. As in earlier editions, despite the warnings contained in this book, its overall intention is to be optimistic about the future of American democracy. Its purpose is to stimulate college students, who are its primary audience, to think about how the facts they learn about American politics relate to democratic ideals. Like many Americans, students are frighteningly complacent about democracy—they assume that as long as periodic elections are held, democracy has been achieved. They remain complacent about democracy even while they are skeptical about government effectiveness. I seek to shake up this complacency by showing how current political practices not only fail to achieve democratic ideals but also may themselves constitute threats to democracy's very existence. Contemporary American democracy is in peril because too few Americans understand the challenges it faces. At the same time, these are ***challenges*** to American democracy, not irremediable defects. I hope my readers take from this book not despair about the failure of American democracy but an inspiration to perfect our democratic institutions.

While examples and references to events of recent years have been added to keep the text current, instructors will find that the basic arguments of most chapters remain unchanged from earlier editions. Even when addressing a generation of students who were small children during the presidency of George W. Bush, I have not shied away from retaining historical references and facts. I find that my own students are very curious about the defining events of earlier decades, such as Watergate, the Vietnam War, and the civil rights movement, that were not often covered in depth in their high school history classes. That these events have much to do with the challenges to democracy discussed in this book make their inclusion a useful stimulus to teaching about them.

I have received many helpful comments and reactions to the book from students and faculty colleagues across the country. Most gratifying have been those comments that refer to the utility of the book for stimulating class discussion. As I wrote in the preface to the first edition, my primary aim in writing the text was to encourage student reaction to its arguments. I knew that I probably would not persuade all students by what I had to say, but I hoped to say it in a way that would engage their attention and involve them in democratic conversation. From what readers tell me, this book continues to accomplish this goal.

As in previous editions, my introduction offers a review of the history of democratic theory in terms of four models of democracy, giving the reader a set of criteria against which to evaluate the challenges discussed later. Then throughout the book, I argue my own point of view regarding each challenge in as persuasive a manner as I can. I aim to stimulate and engage

the reader in thinking critically about these challenges, rather than presenting the neutral and objective discussion common to most textbooks. The arguments represent my personal conclusions about these challenges, based on many years of study and teaching. Students may well find my positions controversial, and they may discover that some other political scientists—perhaps including their own instructor—are inclined to disagree.

Each chapter concludes with a "Meeting the Challenge" section aimed at stimulating a positive discussion of what policies or reforms may be needed to address the challenge described in the chapter. This edition also retains an updated set of open-ended thought questions at the end of each chapter that were formulated to provoke debate about key arguments and to further encourage critical thinking about the subject matter. Many new works have appeared in the past few years that relate to this book's themes, and I have added those that I consider most illuminating to the lists of suggested readings—including titles marked with an asterisk, which argue views contrary to my own—at the end of the chapters. Following those brief bibliographic recommendations are short lists of websites relating directly to chapter themes, and these lists too have been updated to reflect the fast-paced changes in the cyber world.

The events of the past few years have reinforced my conviction, expressed in prefaces to previous editions, that the future of democratic politics in the United States depends on meeting the challenges presented in this book. If America is to succeed in promoting democracy around the world, we need to acknowledge and address the shortcomings of our own democracy. Creating a more peaceful and democratic world, where Americans can once again feel secure from terror and hostility, will require that we resolve to correct and improve democracy within our own borders. I believe strongly that, at this time in history, Americans need to pay attention to the quality of our democracy. That this book may contribute to promoting a conversation about the issue in political science classrooms is my greatest satisfaction as its author. Any reader of the present edition who would like to converse with me regarding any issue in these pages may contact me at bhudson@providence.edu.

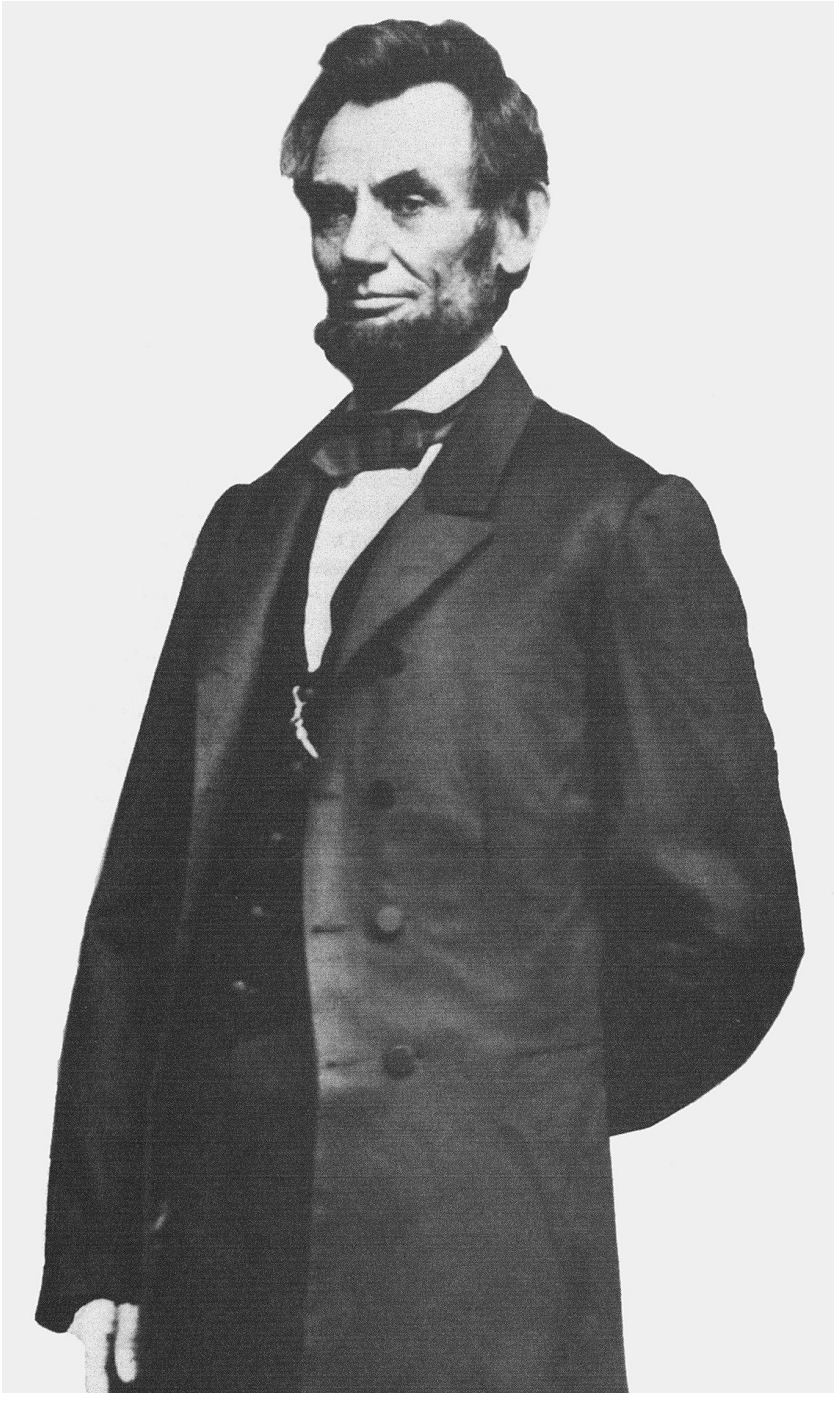
Acknowledgments

Political science colleagues at institutions across the country have proved to be helpful partners in improving how this book works in the classroom. I continue to be grateful to my Providence College colleagues for their generous encouragement and thoughtful suggestions. This edition benefited as well from the capable work of my student research assistants, Maura Campbell and Regan Wind.

The late Ed Artinian, founder of Chatham House, made this book possible, and his skill in promoting it was the major factor in its success. I will be always grateful for Ed's support and encouragement over the years and happy to have had the opportunity to know and work with him. I am grateful that CQ Press is keeping much of Ed's legacy alive through support of the texts he published, including this one. It has been a pleasure to work with expert staff at CQ Press. I appreciate their professionalism and strong support for *American Democracy in Peril*.

I also would like to thank the reviewers who provided valuable insights and recommendations for the eighth edition: Manuel Avalos, University of Southern Maine; Russell Arben Fox, Friends University; John R. Pottenger, University of Alabama in Huntsville; Laura Reed, University of Massachusetts Amherst; Joe Romance, Fort Hays State University; and Matthew Schousen, Franklin & Marshall College.

Finally, thanks to my wife, Loreto Gandara, who continues to inspire me to keep writing about American democracy. She had the insight when this book was conceived to suggest that ***peril*** was the best word to describe what ails our democracy.



Introduction

Models of Democracy

Democracy is a complicated concept. The dictionary definition—"government (or rule) by the people"—seems simple, but once we begin to think about the components of the definition, complexities arise. What does ***government*** or ***rule*** mean? Does ***government by the people*** mean that all the people are directly responsible for the day-to-day operation of government? Or is a scheme of representation acceptable? If so, what sort of scheme? How should it be organized? Elections? How often and for which offices? Does "government" have special meaning in a democracy? What is its proper scope? Who decides what is proper? The people, again? How is this decision made and expressed? And who are "the people," anyway? Everyone who lives in the governed territory, or citizens only? What is a "citizen"? Can newly arriving people (immigrants) become citizens? Under what rules? Should "the people" include everyone or just those with a stake in the community—say, property holders? Should certain groups of people, such as criminals and traitors, be excluded from citizenship?

This is just the beginning of a list of questions we could make about the meaning of ***government by the people***. Notice that in this short list of questions, such additional complex concepts as representation, citizenship, and elections are mentioned and suggest additional questions. The search for answers to all these questions is the concern of democratic theory, the branch of scholarship that specializes in elucidating, developing, and defining the meaning of democracy.

If we move beyond dictionary definitions and ask Americans what they think about democracy, we find additional layers of complexity. Americans associate diverse and often contradictory characteristics of their political system with democracy. Most Americans believe that democracy requires majority rule, but at the same time, they consider the protection of minority rights from the will of the majority to be a key component of democracy. In fact, most Americans place considerable emphasis on the importance of freedom from governmental interference in their lives as the crucial ingredient of democracy. The individualistic American values democracy because it helps her or him to lead a personal life freely, without government getting in the way. At the same time, patriotic Americans believe that democracy imposes obligations—the duty to vote, for example, or to support the government

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Opposite: *Abraham Lincoln,* 1863.

Photo courtesy of Matthew Brady

in times of crisis such as war. Many Americans associate democracy with particular constitutional features, such as the separation of powers and the Bill of Rights. These same Americans would be surprised to see democracy performing quite well in political systems possessing neither of those features; Great Britain is one example. For some, American economic arrangements, usually described as the free enterprise system (capitalism), are a part of democracy. Others, as we later see, believe that capitalism is a threat to political equality and, hence, to democracy. Given these differing views, one can understand why the essay contest on the topic "What Democracy Means to Me" remains a continuing tradition in American schools.

If we are to analyze various challenges to democracy intelligently, we need to clarify some of this confusion about what ***democracy*** means. We need some sophisticated standards to use in evaluating the degree and kind of threat each of the challenges we examine poses for democratic politics. For example, what democratic characteristics and values does increasing economic inequality or a growing military–industrial complex threaten?

This introduction presents an overview of some of the basic concepts of democracy as found in democratic theory. It offers a base to be used in evaluating the challenges to contemporary democracy. Democratic theory is presented here in terms of four distinct models of democracy.[1] Each model provides a different understanding of democracy as it has been interpreted by different groups of political theorists. Four different models are needed because democratic theorists have not agreed on what procedures, practices, and values must be emphasized for "government by the people" to be realized. The discussion of the models also provides a brief summary of the major issues and questions raised in modern democratic theory over the past two hundred years. Although some of the ideas in the models were first presented long ago, I believe each of them offers a viable alternative conception of democracy that is relevant to the United States today. The reader, however, should be warned that the discussion of democratic theory presented here is not meant to be a comprehensive review of this voluminous topic. Many important issues are not raised, and some important theorists are not discussed. Readers interested in a more thorough review of democratic theory should consult the works listed in the "Suggestions for Further Reading" at the end of this introduction.

The models discussed in this chapter are derived from writings on democracy since the eighteenth century. Only in the past two hundred years have humans had experience with democratic government in large nations. The theorists of what I call ***modern*** democracy agree that democratic politics is possible on such a scale, and they premise their discussions on that assumption. But before the emergence of modern democratic theory, certain historical experiences and political ideas prepared the way for these theorists.

Precursors to Modern Democratic Theory

Democracy is an ancient concept. The idea of people participating equally in self-rule antedates recorded human history and may be as old as human society itself.[2] From recorded history, we know that the ancient Greeks had well-developed and successful democratic societies among their various forms of government. Several Greek city-states, most notably Athens, involved their citizens in governing.[3] The Athenian Assembly (Ecclesia), composed of all male citizens, met more than forty times each year to debate and decide all public issues.[4] Officials responsible for implementing assembly decisions were either elected or chosen by lot; their terms of office usually lasted one year or less. From historical accounts and the analyses of classic Greek philosophers such as Plato and Aristotle, we know that Greek democracy involved many of the key concepts and practices associated with modern democracy: political equality, citizen participation—and in Athens, usually *lively* participation—the rule of law, and free and open discussion and debate.[5] Nevertheless, the Greek form of democracy had characteristics that limited it as a model for modern democracy.

The first and most obvious limitation was scale. The Greeks assumed the city-state to be the appropriate size for the polity. Their democracy was carried out within this small territory among several thousand citizens, a condition permitting face-to-face interaction in a single public assembly. Political interaction beyond the scale of the city-state involved either diplomacy or conquest—hardly a democratic procedure. During the fourth and fifth centuries BCE, when Athenian democracy was at its height, Athens ruled its conquered territories in a decidedly undemocratic manner. The idea that democracy could encompass more than a few thousand citizens in a single city-state would have been absurd to Greek democrats.

A second limitation of Greek democracy was its exclusivity.[6] Although all male citizens participated in governing themselves in Athens, this group constituted a minority of the people who actually lived in Athens and were governed by the laws of the Ecclesia. The most obvious exclusion was the female half of the population (an exclusion that would prevail, until quite recently, in modern democracies). Likewise, the enormous slave population, larger than the number of free citizens (about three slaves for every two citizens), had no right to political participation.[7] According to some scholars, one of the ironies of Greek democracy was that its existence depended to a great extent on the slave economy, which permitted citizens the leisure to perform public duties.[8] In addition to slaves and women, a large population of free individuals—immigrants from other Greek cities and other parts of the world—were denied citizenship rights, even though they had lived in Athens for generations and its laws governed their lives. The Greek conception of democracy did not include the modern notion

that democracy should provide opportunities for political participation to all (with only a few exceptions) who live within a polity and are subject to its laws.

Despite its limitations, Greek democracy remained the Western world's most complete expression of the ideal of ***rule by the many*** for two thousand years after its demise. Among the numerous empires, monarchies, oligarchies, and tyrannies that followed, the Greek experience remained an inspiration to those who sought to provide power to ordinary citizens to govern themselves. Until the eighteenth century, society's few experiments with democratic government, like the Greek experience, involved political regimes encompassing limited geographic areas and small populations. During the Middle Ages and later in various locales, from Italian city-states to Swiss cantons, democratic experiments achieved some success, but scale and exclusivity continued to limit democracy. As in Greece, democracy meant all citizens gathering together in one assembly to make laws; size remained a practical limitation on the relevance of democracy to the governance of large nation-states.

Not surprisingly, given this experience, political theorists assumed that democracy was feasible only in small states where face-to-face interaction of the entire citizenry could occur. For example, the great eighteenth-century French political theorist Montesquieu argued that the ability of citizens to perceive the public good easily, which he considered a requisite of democratic government, was possible only in a small republic.[9] Even the influential democratic theorist of the same period, Jean-Jacques Rousseau, assumed a polity the size of his native Geneva to be the appropriate context for the application of his theories.[10] Only in a small state, where people could meet together in the relative intimacy of a single assembly and where similarity of culture and interests united them, could individuals discuss and find the public good.

By the end of the eighteenth century, events began to overtake the small-state view of democracy and to stimulate a more expansive and modern conception. Inspired by the Enlightenment values of liberty and equality, political activists agitated for more popular forms of government. These democratic aspirations provoked two key events in the history of democracy—the American and French Revolutions. Because these popular revolutions occurred in large nation-states, satisfying democratic aspirations required moving beyond the small-state limitation. Conceptions of democracy had to be developed to provide for popular government among millions living in large territories.

The idea of democratic ***representation*** offered the mechanism to solve the dilemma of organizing democratic government over a large territory.[11] The American and French revolutionaries intended to make democracy work through popularly elected assemblies—state legislatures

and Congress in the United States and the National Assembly in France. Representative assemblies made democracy feasible in large nation-states, even if the direct participation of the entire people in a single democratic assembly was impossible; representatives would speak on behalf of their constituents. In his famous essay No. 10 in ***The Federalist,*** James Madison went so far as to turn the conventional wisdom of the political theorists on its head. He argued that representative democracy in a large territory would lead to a more stable popular government than was possible in a small democracy. The introduction of the concept of democratic representation in practice and theory opened the way for the modern conception of democracy.[12] Along with the idea of representation, a set of political ideas found in the political philosophy called ***liberalism*** was influential in the emergence of modern conceptions of democracy, articulated first in the work of the sixteenth-century English philosopher Thomas Hobbes and later in the work of the seventeenth-century English theorist John Locke.[13] Although neither Hobbes nor Locke, as we soon see, would be considered a democrat, their ideas about the nature of political life were influential in modern conceptions of democracy.

Liberal theorists begin with two basic assumptions about human nature: (1) Humans are reasonable creatures who can use their reason to improve their social existence, and (2) humans are self-interested—that is, concerned with their individual well-being. Based on these two assumptions, theorists such as Locke and Hobbes argued that political society comes into being through a "social contract" among reasonable, self-interested individuals. These individuals understand the need for political order because they desire prosperity and security. For Hobbes, the social contract replaced a chaotic state of nature in which selfish individuals spend their lives engaged in a "war of all against all," making human life "solitary, poor, nasty, brutish and short." Locke had a more benign view of the state of nature, arguing that most reasonable humans could understand the laws of nature and the need to restrain their selfishness for the good of the community. But because some individuals might sometimes be unreasonable and likely to violate the natural rights of others, prudent people should see the advantage of forming a political society with their fellow citizens to protect themselves. Furthermore, this social contract would place "natural" rights on a more secure and stable basis than they had in the state of nature. According to Locke, government—not the goodwill of humans—would become the guardian of natural law. Despite their differing conceptions of the actual "state" of the state of nature, Hobbes and Locke agreed that reasonable individuals would prefer the security of a social contract.

The purpose of the social contract, and of the government that follows from it, was to maximize the opportunity for individual self-fulfillment. Liberalism was distinguished from medieval and ancient political theories

because it identified the individual, his or her rights, and the need for self-fulfillment as the goals of the political order. Individual goals, rather than the glory of God or some universal notion of "the Good"—the sorts of goals assumed in earlier political theory—were the proper end of government.[14] For liberals, government existed to allow individuals to pursue whatever individual goods they desired. Individualism meant that each person, informed by reason, was the best judge of what was to be valued in life. The function of government was limited to protecting each individual's natural rights to "life, liberty, and property."

Among these individual rights, liberals counted the right to property especially important. For Locke, the natural—that is, God-given—right to property was central to human existence. The main reason individuals would leave the state of nature and form a political commonwealth was the protection of that right: "The great and chief end of Men's uniting into Commonwealth's, and putting themselves under government, is the preservation of their Property."[15] Since protection of property and other rights is the reason people placed themselves under the authority of a government, it follows logically that government itself should not be allowed to interfere in the exercise of those rights. This liberal commitment to limited government means that individuals have broad leeway in acquiring and disposing of property, free of governmental control.

Obviously, such a view of government and individual rights of property was very compatible with the emergence of capitalist economic relations. Capitalist entrepreneurs in the late eighteenth and early nineteenth centuries sought to be free of the dictates of government. They found liberal political theory especially supportive of their efforts to accumulate wealth and make investments based on their individual estimates of profitability rather than on the dictates of government. Adam Smith, for example, argued in his ***Wealth of Nations,*** published in 1776, that economic prosperity, not chaos, would be the result if markets were allowed to function free of governmental interference—a view quite consistent with Locke's notions of property rights and limited government.

Liberal political ideas helped frame an ideological justification for a capitalist economic order. To what extent does liberalism support democratic politics? Liberalism emphasizes that individuals in a society are equally entitled to the protection of their rights and that all humans are equal in forming a social contract. Most Americans associate these liberal political values with democracy. The association is understandable because our American ***liberal*** democracy has been greatly influenced by our liberal political culture. Nevertheless, liberal thought, although not incompatible with democratic politics, does not lead necessarily to popular control of government.

Neither Hobbes nor Locke favored democratic government. Hobbes, in fact, felt that a liberal society could be best protected if, as part of the original social contract, people turned over all power to a single absolute sovereign (the *Leviathan*), who would provide law and order, protecting citizens in return for their absolute obedience. He so distrusted selfish human nature that he could see no way to control it except with an authoritarian government. But keep in mind that Hobbes advocated authoritarian government for *liberal* ends—to protect individuals' freedom to benefit from their labors.[16] In this respect, Hobbes's position is similar to the public statements of some modern military dictators who claim they must hold absolute power to protect law-abiding citizens and "free enterprise" from "communists, terrorists, and subversives."[17] Locke favored some citizen participation in government, but he assumed that participation would be restricted to citizens who had a full stake in the commonwealth—namely, property holders. Although all citizens were obligated to obey government, having consented to the social contract that created it, Locke believed that only citizens with "estate" possessed the capacity for rationality that governing required.[18] Liberals required of government only that it protect individual liberty and not meddle beyond that limited sphere. For this purpose, a nondemocratic government, as long as its powers were limited, might be more trustworthy than a democratic one.

So liberalism does not lead inevitably to democracy. Nevertheless, there are elements in the liberal vision that do suggest democratic politics. For example, both Hobbes and Locke believed that free individuals participated equally in the formation of the initial compact that establishes the state. Therefore, they saw no distinctions among people that could justify different political rights for different individuals. So even though differences between citizens may arise in the actual control of government, the foundation of the state rests on the initial consent of all citizens, irrespective of differences in wealth or social status. Furthermore, the initial social contract means that government itself has a democratic obligation to understand that its powers derive from the initial consent of citizens and to enforce laws and protect political rights equally. Failure to do so constitutes justification for revolution. These potentially democratic sentiments find sublime expression in the American Declaration of Independence, which both embodies liberal doctrine and calls for democratic revolution:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness,—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes

> destructive of these ends it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.[19]

Certainly, these liberal ideas provided fruitful stimulus to inspire Americans to democratic revolution.

The significance of liberal ideas for modern conceptions of democracy is clearly evident in the first of the four models I describe in this chapter, the Protective Democracy model. As with all the models to follow, this set of ideas shows three things: (1) how one group of democrats values citizen participation; (2) what they think the purposes of government are, or should be; and (3) what political arrangements they find most consistent with their thoughts on the first two items. In the pages that follow, I describe each of the four models: Protective Democracy, Developmental Democracy, Pluralist Democracy, and Participatory Democracy.[20]

Protective Democracy

Protective Democracy is a model of democracy that advocates popular control of government as a means of protecting individual liberty. Its most explicit formulation is found in the work of two nineteenth-century British political philosophers, Jeremy Bentham and James Mill, who favored democratic government as the best means for securing a liberal society. Bentham, founder of the philosophy of ***utilitarianism***, believed that a capitalist, market society, as described by Smith and implicit in liberal theory, was most likely to achieve the utilitarian ideal of "the greatest good for the greatest number." He and his disciple Mill believed that for a capitalist society to flourish, it needed government officials who would pass laws nurturing market relations and who would be restrained from using their powers to enrich themselves at the expense of the rest of society.[21]

Bentham and Mill believed that the democratic institutions of universal male suffrage, the secret ballot, a free press, and, most of all, frequent elections offered the best chance of keeping government under control. For them, democracy was a method for protecting ***both*** citizens and capitalism's market relationships: "A democracy, then, has for its characteristic object and effect, the securing of its members against oppression and depredation at the hands of those functionaries which it employs for its defense."[22] If members of society were self-interested and competitive, as assumed, then voters would be vigilant against government officials bent on violating their liberties. Voters would be ready to punish (at the polls) government officials who raised taxes too severely or whose policies reduced voters'

incomes. Bentham and Mill were willing to embrace universal suffrage, even though that meant including in the electorate the poor, people with no property, and the working class. They were confident that middle-class political leaders such as themselves could lead the lower class to support liberal, promarket governments. After all, in their utilitarian philosophy, the long-run best interest of even the poor lay in the successful operation of the market society. (This belief is still widely held in the United States, as in the "trickle down" economics of many conservative Republicans.)

Bentham's and Mill's confidence in the support of the poor and propertyless for liberal values contrasted sharply with earlier liberal anxiety about the participation of the poor. Just a few years earlier in 1787, the American founders also had expressed an essentially liberal view of the role of the government. In the ***Federalist*** No. 10, James Madison asserts that "the protection of [the diversity of the faculties of men from which the rights of property originate] is the first object of government."[23] To Madison, the chief danger to limited government (a liberal goal) was the emergence of factions that might gain control of governmental power and use it in their own interest and against that of the rest of society. Of particular concern was a potential faction comprising the majority of citizens without property, who might use government to inflate the currency, abolish debts, or appropriate property directly.

This concern with the dangers of popular participation—or the "excesses of democracy," as the founders put it—was a major factor precipitating the Constitutional Convention of 1787. Many of the institutional arrangements established in the Constitution were intended to reduce the potential for a democratic majority to threaten individual liberty. Among the most important was the system of separation of powers, which divides lawmaking power among different institutions: the presidency, Congress, and the judiciary. In addition, Congress is divided into two branches, whose members are elected under different electoral schemes. This division of power ensured that even if a passionate majority were to succeed in capturing control of one institution of government, the other, separate institutions would manage to check the potentially tyrannical institution. Several articles of the Constitution—and especially the Bill of Rights—also contain specific limitations on governmental power as a means to protect individual liberty. All these provisions were intended to create a government that anyone bent on tyranny, whether a faction of the majority or a minority, could not easily use to that end.

Combining the institutional vision of the American founders with the democratic theory of Bentham and Mill suggests our first distinctive model of democracy. Protective Democracy values democratic institutions and procedures to the extent that they protect and nurture a liberal, capitalist, market society. According to this model, democracy exists so that free,

competitive individuals can enjoy maximum freedom to pursue material gain (see Table I.1 on page 19). Some individuals may choose other objectives for their lives, but the basic assumption is that most people are motivated primarily to seek wealth. These dedicated capitalists are likely to be interested in and participate in politics only to the extent necessary to protect their freedom in the marketplace.

Liberalism heavily influences the Protective Democracy model, in which the prime purpose of government is the protection of individual liberty and property. In fact, the limits that government imposes are needed precisely because threats to property are inherent in an acquisitive and competitive human nature. For its part, government should never threaten property rights and should always protect individual liberty. And since the natural human tendencies toward material greed and political tyranny live in government leaders as well, individual liberty can best be protected if there are also clear and strong limits on government. Political institutions such as the separation of powers, federalism, and bicameralism are intended to limit the power of the government so that it will not behave in a tyrannical manner.

Political participation within these institutions provides further protection because citizens will be vigilant in protecting their freedoms. Although Protective Democracy is very concerned with equality in political rights, such as voting, and with equal protection under the law, Protective democrats are less concerned about the existence or threat of material inequality in society; in fact, they assume that such inequality will exist.

Developmental Democracy

As we have seen, the Protective model of democracy rests upon a negative view of human nature—democracy's first aim is to prevent the inherent selfishness, acquisitiveness, and even evil of humankind from controlling the state to the detriment of individual liberty. In sharp contrast to this negative view, the Developmental model of democracy takes a much more positive view of people, especially people in a democratic society. Writing in the nineteenth century, John Stuart Mill (James Mill's son) declared that man is not simply a "consumer and appropriator" (as assumed in the Protective model) but also an "exerter, developer, and enjoyer of his capacities."[24] As a result, people in democratic societies can come to possess "civic virtue," which permits them to look beyond their self-interest to the well-being of all of society. Through participation in governmental institutions and the affairs of their communities, people develop a broad appreciation of the public good and what it requires. They become public-spirited citizens.

The concept of the good citizen is central to the model we call Developmental Democracy. This conception of democratic citizenship is widely embraced in American society, not only in civics textbooks but also by such "good government" groups as the League of Women Voters. "Good citizens" are knowledgeable about, interested in, and active in government and civic affairs. They vote regularly, inform themselves on public issues, write to their elected representatives, and sometimes serve in public office. Democracy is desirable because it provides these opportunities.

Through their active involvement, good citizens contribute to the well-being of their communities, but they also receive something in return. Because democracy requires that citizens involve themselves in the community, it is a means for educating people, enhancing their capacity to improve themselves as well as their government. Democratic citizenship is an intellectual exercise, requiring ordinary people to make constant decisions about political issues and candidates. In making these judgments, citizens talk to one another, learn from one another, and develop their own intelligence.[25] Their active involvement in democratic institutions develops their character in a more fully human direction.[26] In being responsible for public affairs, people learn to be more responsible human beings. The virtue of democracy is that it develops these positive aspects of human character. In sum, the Developmental model sees democracy as having a moral value and purpose—it requires good citizens and thus develops good people. As in the Protective model, the Developmental model accepts the need for representative democracy, but only because of the impracticality of a more direct form of democracy. According to John Stuart Mill,

> The only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate. . . . [A]ny participation, even in the smallest public function is useful. . . . But since all cannot, in a community exceeding a single small town, participate personally in any but some very minor portion of the public business, it follows that the ideal type of a perfect government must be representative.[27]

Even though the Developmental model accepts the need for representation, as indicated in the last lines of the previous quotation, the emphasis rests on the people's active control of their "deputies." In such a relationship, citizens must be full and active participants in both electing their representatives and monitoring their activities. This view of representation is quite different from that of the proponents of the Protective Democracy model. The Protective democrats, like Madison, thought representation improved on direct democracy because elite, potentially more-civic-minded-than-ordinary citizens would control day-to-day policy making.

The Developmental democrats, expecting and encouraging *all* citizens to be civic minded, accept representation only as a practical necessity.

For most of American history, this Developmental model of democracy dominated Americans' interpretation of their political life. This view became ascendant during the Jacksonian era, when suffrage was extended to nearly all White males, and the spirit of the common man dominated the frontier. This democratic spirit led the French observer Alexis de Tocqueville to conclude in the 1830s that "the people reign over the American political world as God rules over the universe."[28] From Abraham Lincoln to Woodrow Wilson, American political leaders articulated this vision of Developmental Democracy, and their views were reiterated in schoolroom texts and in the writings of political philosophers.

Toward the middle of the twentieth century, however, some intellectuals began to question the Developmental model's accuracy as a description of actual political practice in the United States. This questioning led them to develop our next interpretation of democracy, Pluralist Democracy.

Pluralist Democracy

To a considerable extent, the Developmental model represents a democratic ideal—if political society were organized according to this model, popular control of government would be assured. But is it possible for such a political regime to exist? This key question troubled social scientists observing the emergent democratic regimes in such nations as the United States, Britain, and France at the turn of the twentieth century. The question was especially troubling because social scientists saw a political reality that differed greatly from the ideals represented in the Developmental model.

For example, instead of seeing average citizens actively engaged in political affairs, they observed that most ordinary people seemed to be apathetic and uninformed about politics. That left day-to-day governance in the hands of a political elite: party leaders, officeholders, "notables," and journalists. Moreover, average citizens were far from equal in their ability to influence public officials; some seemed to have more interest in politics and greater resources for contact with political leaders. Democratic constitutions alone, they concluded, did not seem to create the sort of democratic politics described in the Developmental model.

Among political theorists, these observations about the gap between the democratic ideal and political reality led to two different responses. The first social scientists to describe the gap, in the early years of the twentieth century, saw it as evidence that democracy was impossible. These "elitist" theorists—Roberto Michels, Gaetano Mosca, and Vilfredo Pareto—argued

that the experience with democratic institutions proved that democracy could never be achieved.[29] As they saw it, the ideas of democracy and democratic constitutions only hid the reality of elite control of politics and government. For these theorists, the actual practice of democracy differed little from politics in authoritarian or oligarchical regimes because a small "political class" inevitably ruled all societies. A democratic constitution did not change this fundamental "iron law of oligarchy."

By the middle of the twentieth century, another group of social and political scientists formulated an alternative response to the elitists' conclusion about the impossibility of democracy. If the actual practice of politics in democratic regimes did not measure up to the democratic ideal, then instead of giving up on democracy altogether, they suggested redefining democracy to fit actual political practice. Rather than let the standards of the Developmental model define democracy, the revisionists sought to redefine democracy by careful observation of politics as it was actually practiced in societies such as the United States.

In 1954, Bernard Berelson, Paul Lazarsfeld, and William McPhee made this argument in their book *Voting,* which was based on a sophisticated survey of a sample of citizens in Elmira, New York, at the time of the 1948 presidential election.[30] They found that the behavior of Elmira's citizens differed significantly from the democratic ideal as presented in the Developmental model. Most citizens' levels of knowledge about the election were quite low. More important, there was great variation in the level of political interest and participation—some people were highly interested and involved, others passive and apathetic, and still others showed moderate interest. Overall, there were not many "good citizens" among the population they studied.

But Berelson, Lazarsfeld, and McPhee did not conclude that these "facts" were a threat to democracy. Instead, they wrote that this mixture of involvement and apathy contributed positively to the stability of democratic politics:

> How could mass democracy work if all the people were deeply involved in politics? Lack of interest by some people is not without its benefits, too. . . . Extreme interest goes with extreme partisanship and might culminate in rigid fanaticism that could destroy democratic processes if generalized throughout the community. Low affect toward the election . . . underlies the resolution of many political problems; votes can be resolved into a two party split instead of fragmented into many parties. . . . Low interest provides maneuvering room for political shifts necessary for a complex society. . . . Some people are and should be highly interested in politics, but not everyone is or needs to be.[31]

Thus, for these authors, apathy among some citizens—even among a large portion of a society—could be considered a positive dimension of democracy. In fact, too many "good citizens," as described in the Developmental model, would constitute a danger to orderly democratic politics.

If democracy is not to be defined by the activism of its citizens, how do democratic regimes differ from authoritarian ones? For the Pluralists, the answer to this question is ***competitive elections***. This answer might seem paradoxical, given the previous quotation concerning the dangers of electoral participation, but to the Pluralists, elections provide an opportunity for even apathetic and passive citizens to choose their political leaders. This choice distinguishes democratic regimes from authoritarian ones. Since Pluralists assume that the political elite will make actual policy decisions, the role of democratic citizens lies primarily and almost exclusively in their capacity to choose among alternative political leaders. As Joseph Schumpeter put it in a famous definition of democracy, "The democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote."[32] Elections are important not because they provide ***direct*** citizen involvement in governance, but because they allow citizens to choose whom their rulers will be. For the Pluralists, this mechanism ensures that political leaders will remain responsive to the general preferences of the people and at the same time have the flexibility to make intelligent policy decisions without intrusive public meddling.

For the periods between elections, Pluralists assign to interest groups the important role of providing democratic responsiveness.[33] Most citizens, Pluralists observe, are not very aware of day-to-day governmental policy making, but leaders of interest groups represent average citizens in those policy debates. Because some interest group represents almost everyone's interests, the activities of interest group leaders are an effective democratic channel for the expression of the public's wants and needs. Moreover, interest group leaders possess the knowledge and institutional skills to influence policy making that ordinary people lack. They actively compete with leaders of other interest groups on a daily basis to convince elected officials to enact policies that they favor.

For their part, elected officials seek to please as many groups as possible as a means of maximizing electoral support. To achieve that goal, they must fashion compromises satisfactory to a wide variety of groups. Government policies represent democratic compromises reflecting the preferences of numerous interest groups and their members. Some Pluralists argue that even the concerns of those ***not*** represented by an interest group are taken into account in these compromises because politicians need to worry about the preferences of potential interest groups that might form if unaffiliated

citizens become too dissatisfied with a policy compromise. For Pluralists, therefore, interest group activity and regular, competitive elections produce a democratic system that is responsive to the popular will, even though an elite is responsible for day-to-day governing and most citizens are relatively uninvolved in politics.

Finally, Pluralists emphasize that successful democratic politics rests on a base of social diversity. Society consists of many different and competing groups, interests, and associations, and government must be responsive to the legitimate aspirations of all these interests while it protects the right of various groups to exist. Pluralists believe that democracy can thrive only if the many and various associations that make up society express themselves politically.[34] Consequently, the concentration of power in the state, in a social class, or in any single part of society is the complete opposite of democracy. As long as power is widely dispersed among many groups, all provide a check against the accumulation of hegemonic power by any one of them. The competition among aspiring government leaders, the fairness of elections, the free interplay of interest groups, and the formulation of democratic compromises can work only if no single group is able to monopolize power and limit competition, undermine free elections, restrict interest groups, and bias policy compromises.

The Pluralist model emerged as social scientists observed apathetic, uninterested, and uninformed citizens in democratic societies. Based on their observations, they concluded that earlier democratic theorists, including those who created the Developmental model, had overestimated the capacity of most people to participate as active, democratic citizens. If most people were not interested in political affairs, it seemed logical to look to the active political elite as guardians of democratic values and participants in policy formation. Most ordinary citizens could be assigned the less demanding (although still important) role of voting in periodic elections to choose among alternative leaders. The basis of the Pluralist conception was the intermittent and indirect—even remote—participation of most people in political affairs.

Participatory Democracy

But why are citizens apathetic? The Pluralists assume political apathy to be a natural inclination—unless political affairs directly affect their immediate interests, most people prefer to focus on their private concerns. In the 1960s, however, political activists and political theorists began to question this Pluralist assumption. They formulated a conception of Participatory Democracy, which sees apathy as a result of lack of opportunities for significant participation rather than as a fundamental disposition of humanity.

If most people preferred to concern themselves with their private affairs rather than with public ones, it was because of the structure of social institutions, not human nature. For Participatory democrats, the solution to citizen apathy lay in restructuring political and social institutions so that citizens could learn, through participation, the value and joys of democratic citizenship.

The Participatory model, although it has antecedents in the earlier Developmental model, arose from the political turbulence of the 1960s. Its earliest formulations came from the manifestos of student political activists in such organizations as Students for a Democratic Society (SDS) and the Student Nonviolent Coordinating Committee (SNCC). In 1962, a small group of SDS members gathered in Port Huron, Michigan, to formulate a declaration of principles—the Port Huron Statement—which included a call for "a democracy of individual participation."[35] Political, social, and economic institutions were to be reformed to make them more conducive to participation. In the South, the Black and White student activists of SNCC attempted to put participatory ideals into practice in their efforts to register Black voters. The battles for civil rights and later against the Vietnam War provided arenas to test the capacity of mass participation to influence public policy.

While students practiced Participatory Democracy in the streets, a number of political scientists challenged the then-dominant Pluralist interpretation of American politics in scholarly journals.[36] They questioned whether the elite-dominated politics celebrated by the Pluralists merited the label *democratic*. They charged that the Pluralists were complacently praising the virtues of American politics while ignoring the structures that prevented the development of a more authentic democratic politics. Pluralists were criticized for claiming that interest groups offered wide representation to societal interests when many Americans did not belong to any voluntary associations and not all groups had equal access to policy makers. Most important, for discounting the ideals of democratic citizenship in the name of realism, Pluralists were accused of ignoring and undermining analysis of how more effective structures of democratic participation might be constructed.

The Participatory model, as presented by theorists such as Carol Pateman, differs from previous models in its emphasis on the importance of democratic participation in nongovernmental as well as governmental institutions. The Developmental model (like the Protective and Pluralist models) views the democratic problem as subjecting governmental institutions and decisions to popular control. Participatory democrats agree with the need to control the government democratically, but they also point out that in modern industrialized societies it is not only government that makes authoritative decisions that individuals must obey or that has the

capacity to apply sanctions to those who do not obey. Individuals are subject to the rules and dictates of their employers, unions, schools, churches, and other institutions. In fact, the authoritative decisions of these institutions usually have a more direct impact on people's lives than do government policies. The decisions an employer makes regarding salary, working conditions, or layoffs can have an immediate and, if adverse, devastating effect on an employee's life. In comparison to these decisions, the national government's choice to pursue a manned rather than an unmanned space program or a local government's determination about which streets to pave is remote or unimportant to most people.

In most cases, nongovernmental decisions are made in hierarchical, bureaucratic organizations, in an authoritarian manner, and without any of the procedures and protections we associate with democracy. Participatory democrats think that the absence of democracy in these nongovernmental settings undermines both the capacity of citizens to function democratically and the overall quality of a society's democracy. The model presents three related arguments to support this idea. First, the lack of participatory opportunities in the workplace, the school, and the union deprives citizens of the chance to influence those decisions that are most important to them. An opportunity to nurture those qualities of citizenship valued by the Developmental theorists is lost when people are unable to influence decisions that directly affect their lives. Democratic participation would be much more meaningful if people could see such participation affecting decisions with direct impact on their day-to-day lives.

Second, people are apt to acquire nonparticipatory habits when subjected to an authoritarian environment on a regular basis. After spending the day following orders without question at the factory, a worker cannot be expected to return home in the evening to act like the civics textbook's inquiring, skeptical, self-actualizing citizen. Students who are taught primarily to obey authority in school are not likely to grow into effective democratic citizens. Third, Participatory democrats argue that a society can hardly be called democratic when so many socially and politically relevant choices are in the hands of people who are not democratically accountable. For example, corporate officials sometimes make decisions—such as deciding to close a factory—that affect the well-being of a whole community. The inability of the community's citizens to influence that decision is as indicative of a lack of democracy as their inability to influence the local property tax rate.

For Participatory democrats, the way to hold those who make decisions accountable is to expand participatory opportunities in society. Democracy is a concept that is not only relevant to government; it should be implemented in all instances where authoritative decisions affecting people's lives are made. Workers should be able to participate democratically in the

AP Photo/Toby Talbot

On a snowy day in March, the citizens of Elmore, Vermont, practice Participatory Democracy at their town meeting.

running of their factories, students and faculty their schools and universities, and welfare recipients the welfare department. Through meaningful participation in these environments, people will acquire the capacity to be more effective participants in influencing government. For Participatory democrats, creating effective democracy in our industrialized and bureaucratized society requires a radical restructuring of institutions to increase people's control over the decisions that affect their lives.

The Models Compared

Table I.1 compares and summarizes the characteristics of the four models of democracy described in this chapter. In the table, the purpose (goal, end) that the model assigns to democracy uniquely defines that model. The Protective model values democracy because democratic institutions are thought to provide the best protection for individual liberties, particularly economic ones such as the right to individual control of property. Developmental Democracy considers democratic politics the best method of developing the personal qualities associated with its idea of the "good citizen." Pluralists value the social diversity and system stability that democratic institutions encourage. And for the Participatory democrats, democracy is worthwhile because it permits people to participate in decisions that

Table I.1 Models of Democracy Compared

	Protective Democracy	Developmental Democracy	Pluralist Democracy	Participatory Democracy
Goal or purpose	Protect liberty (market relations and private property)	Nurture citizenship	Protect and promote diversity	Foster participation
Role of citizens	Passive	Active	Passive	Active
Institutional mechanisms	Separation of powers and representation	Representation	Interest groups and elections	Neighborhood assemblies and workers' councils
Equality	Political	Political and social	Political	Economic, political, and social
Human nature	Selfish and acquisitive	Capable of civic virtue	Selfish and acquisitive	Capable of civic virtue

affect their lives. Each model's unique character seems to derive from the central purpose or goal it expects democracy to accomplish.

Other dimensions of the table direct our attention to values and characteristics the models share. For example, the Developmental and Participatory models obviously have a lot in common. Each assumes a positive view of human nature—people are thought to be capable of rising above their narrow self-interest. Through participation in democratic procedures and institutions, citizens acquire the quality of civic virtue, which enables them to evaluate public issues in terms of the public interest. Consequently, we should expect and encourage people to be active participants in political affairs to enrich both society and the individual. Both of these models also agree on the need for political and social equality in democratic societies. When citizens come together to discuss the needs of the community, no artificial distinctions of political or social status should override the commonality of citizenship.

The differences between the Developmental and Participatory models center on their different evaluations of the impact of economic relationships on democratic politics. Developmental democrats do not view economic inequalities or class differences as significant barriers to equal citizenship.

They emphasize the potential that all citizens enjoy, no matter what their economic resources, to participate fully in governmental institutions. In contrast to this governmental focus, Participatory democrats focus on the importance of social relationships, particularly economic ones that lie outside government. For them, full and active participation in government alone cannot fulfill the requirements of democracy, which also entails popular control of authoritative decisions in corporations, factories, unions, and schools. Moreover, social and economic inequality may impede the functioning of even political democracy. This broader view makes greater economic equality both a prerequisite for more meaningful participation and a likely consequence of popular power over economic decision-making.

Like the Developmental and Participatory models, the Protective and Pluralist models share a common view of human nature. Both adopt the pessimistic position that humans are primarily selfish and acquisitive creatures, concerned primarily with increasing and maintaining their private wealth. From this assumption follows these models' shared expectation that most people will have only limited interest in public affairs. Moreover, especially for the Pluralists, the average person's limited interest and participation in politics are quite acceptable, for they contribute to the stability of the system and the liberty of all. If people are naturally rapacious and interested in their own welfare, their active involvement in government will only produce factional conflict and, if one faction wins, potential violations of liberty. Because both models assume that political leaders (elites) make most of the decisions, even in a democracy, many political scientists would label these *elitist* models of democracy.

The Pluralist and Protective democrats also agree that equality in a democracy need only apply to political rights and opportunities. They expect social and economic inequalities to affect the degree of actual participation, but these conditions reflect a natural reality that does not disturb them. Political leaders, whether elected representatives or interest group leaders, will probably possess higher social standing and greater affluence, but that elite status will not interfere with their ability to speak and act for their constituents and followers, according to these two models. Universal suffrage and competitive elections are enough in themselves to ensure equal representation for all economic interests. Furthermore, the "one person, one vote" idea ensures that the voting power of the many will counterbalance the potential political advantages of the affluent few.

The discussion so far may have left some readers a bit confused. The preface promised that this chapter would offer a definition of democracy as a standard against which to judge alternative challenges to the well-being of democracy. However, instead of a single definition, I have presented four very different models, each claiming to provide a description of democratic

politics. It appears that one of the challenges democracy faces is that no one can agree on what it means! What conclusions about the concept of democracy can be drawn from these various models? Can we identify some essential characteristics of democracy that will facilitate our identifying its challenges?

First, the models suggest that a part of the meaning of democracy is a continuing discussion of the meaning of democracy. The reader should note that these models have evolved historically in response to practical efforts to establish and maintain democratic regimes during the past two hundred years. Democratic politics has been a new experience for humankind; it is understandable that conceptions of it remain in formation. There is obviously no single, authoritative blueprint for how democracy can be achieved. Instead, democratic politics involves a constant discussion among citizens about how best to organize their political life.

Despite the differences among the models, we can identify certain common elements that seem to have emerged during humankind's two-century discussion about democracy. First, all models assume that democracy means popular rule—that is, government based on popular sovereignty (as opposed, say, to the divine right of kings) and subject to popular control. The models differ on how popular control is to be expressed, but all merit the label *democratic* because they assume the need for control by the people. Second, all models assume political equality. None questions the fact that democracy requires all citizens to possess equal political rights, even though the models differ on the capacity of individuals to take equal advantage of those rights. Whatever differences may exist in the political knowledge, or even wisdom among citizens, all models embrace the fundamental democratic moral judgment that all citizens are intrinsically equal: Their interests and life goals are equally valid and deserve to be considered when laws that govern them are made.[37] Third, due to this agreement on political equality, all models agree that people are better off in a democracy than any form of authoritarian rule, however benign. No one ruler or set of even enlightened rulers can be so better qualified to rule that they should be trusted with power over all citizens. Only through equal voice over their own governance can citizens be assured that their interests and concerns will be attended to when governmental decisions are made.[38] Fourth, all assume the need for political liberty. Democratic discussion and popular control of governmental actions can occur only if all people feel free to express themselves and to try to influence government. In sum, these three values—***popular rule, equality, and liberty***—constitute the core of democracy's definition. All those who honestly call themselves democrats embrace these concepts.

The differences among these models do not mean that the models are mutually exclusive. Embracing one does not necessarily require a total

rejection of the others. Instead of containing a wholly distinctive definition of democracy, each emphasizes different values consistent with the other models and an implicit global definition of democracy. The Protective model, for example, stresses the importance of individual liberty and the need to protect liberty from governmental infringement. Participatory democrats would object to the Protective democrats' preoccupation with property rights but would agree with the need to preserve the generic liberties required for free and open political participation. Pluralists emphasize the necessity of social diversity for effective democracy; the other models do not question this need. The Developmental model calls attention to the value of good democratic citizenship, while the Participatory model emphasizes the value of searching for new ways for democratic citizens to make social decisions that control their lives. I do not mean to suggest that the disagreements among adherents of the various models are merely cosmetic—only that certain common values underlie them all.

Finally, these four models do not exhaust all the theoretical possibilities for conceptualizing democracy. Those who think and write about democracy have developed a wide variety of ways of thinking about the concept, and the practice of democracy has varied in a multitude of ways across time and throughout the world. A careful examination of these variants can lead one to many different democracy models. British political scientist David Held, for example, identifies nine distinct models of democracy in his comprehensive review of the concept.[39] Nor do these four models, as presented here, focus on all the key issues of concern to democratic theorists. For example, in recent years many theorists have written about the importance of deliberation as a key aspect of the democratic ideal (an issue that will be touched on in subsequent chapters). These theorists argue that one advantage democracy offers over other forms of government is the opportunity for reasoned deliberation, in public, over the best policies that ought to be pursued. In a democracy, when a public problem or issue arises people can think through together what should be done to address it and are thereby more likely to find successful solutions. One can find advocates of deliberative democracy among theorists who otherwise see democracy through the lens of different ones of the four models presented in this chapter. For example, some who support the Protective model consider the separation of powers and checks and balances, which that model emphasizes, conducive to public deliberation.[40] Other proponents of deliberative democracy emphasize the merits of widespread popular participation in public deliberation, and they can be classed as Participatory democrats.[41] What the four democratic models presented here suggest and what this chapter shows is that democracy remains, even after much practical experience with democratic institutions throughout the world, an ideal to be continually sought after, rather than a settled system to be complacently

admired. People in many countries, including in the United States, strive to achieve democratic ideals. They aim to subject public decisions to popular control, to protect individual civil rights and liberties, to expand political equality, to encourage participation in decisions that affect people's lives, to foster social diversity, and to promote good citizenship. Nevertheless, nowhere—not even in the United States—have these ideals been achieved. Partly, the reason is that our definitions of these ideals, like our definition of democracy, continually change. For example, in 1840 universal White male suffrage seemed to satisfy the aspirations of most American democrats; in the United States of the twenty-first century, the exclusion of women and non-Whites from voting is rightly considered a gross violation of democratic principles.

We can see, therefore, that the achievement of the democratic ideal is so difficult because the ideal itself is so demanding. The limitations of human nature and social organization are always barriers in the way of successful democracy. Sometimes doing things undemocratically is just simpler than wrestling with democratic procedures. Impatience with the demands of democracy often tempts some people in democracies to bypass democratic procedures.[42] Another way in which democracy is demanding is in the time and energy that democratic citizenship requires—time many people would prefer to devote to their private affairs.

Also, not everyone believes in democracy. Active opposition from individuals and groups opposed to democratic aspirations is surely a significant barrier to the achievement of democratic ideals. Active opposition from individuals and groups opposed to democratic aspirations is surely a significant barrier to the achievement of democratic ideals. Since the last edition of this book was published, politicians and intellectuals who oppose democratic values and processes are on the rise. Authoritarian leaders have come to power in many countries, often through nominally democratic elections, and once in power have proceeded to intimidate or imprison political opponents; silence press criticism; turn the criminal justice system, including the courts, into instruments of their power; and make legislative bodies rubber stamps for their policies. Vladimir Putin's Russia can be seen as a model of such a regime, a model that seems to be spreading to new democracies such as Turkey, Hungary, and Poland.[43] Even in well-established democracies, political leaders who express disdain for fundamental democratic norms, such as Marine Le Pen in France, are gaining in popularity. Even in the United States, a fact of particular relevance to this book, President Donald Trump's rhetoric often expresses these authoritarian impulses as he attacks the press as "enemies of the people," criticizes personally judges whose decisions he dislikes, threatens to "lock up" his opponent in the 2016 presidential election, and seems to condone violence against hecklers at political rallies. That many of Trump's supporters

applaud this rhetoric suggests erosion of fundamental democratic norms in the United States, an issue that will be explored in subsequent chapters in this book.

Not only has there been a recent authoritarian turn in the democratic world, certain public intellectuals and academics have begun to question, some in response to this authoritarian turn, the viability and value of the democratic ideal itself. One group describes newly authoritarian countries such as Putin's Russia or Turkey under President Erdogan as "illiberal democracies."[44] These critics emphasize how these regimes violate basic liberal values like individual freedom and rule of law and fault an "excess of democracy" as the culprit for their success. The leaders of these illiberal democracies come to power through genuine popular support of a majority of citizens who have become impatient with constitutional norms and respect for individual rights.[45] This concern with illiberal democracy rightly points to the dangers of the erosion of liberal norms, but these critics go too far in blaming this erosion on democratic impulses or suggest that restraint on democratic participation is the solution. The demagogues who are attacking these liberal norms also simultaneously suppress democracy through clampdowns on political opposition, voter suppression, and constraints on democratic protest. As political scientist Sheri Berman has argued (and as suggested in this chapter's account), liberalism and democracy have evolved historically in tandem, with democratic advances securing rather than threatening liberal protections.[46] This historical experience shows that defeating authoritarian leaders like Putin, Erdogan, or Hungary's Viktor Orban will require democratic mobilization, not its opposite.

Some recent critics of democracy go beyond lamenting that democratic majorities in "illiberal democracies" undermine liberal values. With arguments similar to those of the critiques of the "elitist" theorists mentioned on page 20, they attack the ideal of democracy itself.[47] Like democracy's critics since ancient times, these new assaults on the democratic ideal assert that ordinary people are simply not competent to govern themselves. Good government, these critics argue, requires vesting power in the hands of a knowledgeable elite. They believe the world should give up on democracy as unrealistic and opt instead for elite control. These new critiques of democracy are significant because, since the end of World War II and the defeat of fascism, these antidemocratic arguments have been largely absent from public discourse. Since the middle of the last century, even authoritarians, whether in communist "people's democracies" or right-wing dictatorships, tended to give lip service to the democratic ideal, claiming either that they provided a more authentic form of democracy than liberal democracy or that they were temporary deviations until the conditions for true democracy could be established. With the collapse of the Soviet Union in 1989 and the simultaneous end of military dictatorships in Latin

America and elsewhere, the triumph of the democratic ideal seemed secure and the only concern was how the ideal might be achieved in practice. In the twenty-first century, some political theorists are beginning to question seriously, once again, the idea of democracy itself. This makes the task of those who retain the democratic faith more urgent.

This recognition of the fragility of democratic political institutions brings us to the main point of this book. Observers of democratic politics are continually identifying threats to the future and well-being of democracy. When studying these challenges, several questions need to be asked:

- First, what is the implicit or explicit model of democracy that each particular challenge seems to confront? Does the seriousness of the particular challenge diminish or increase depending on the model? Does the challenge threaten underlying values differently in the various models?
- Second, to what extent does the threat discussed undermine the democratic values of all the models, of democracy itself? Is the challenge to democratic values so serious that Protective, Pluralist, Developmental, and Participatory democrats should be equally concerned?
- Finally, what does analysis of the various threats to democracy tell us about the models themselves? Which model of democracy seems to offer the best chance of overcoming the challenges American democracy faces in the modern world? In other words, how should our politics be structured if we are to thrive as a democratic society?

SUGGESTIONS FOR FURTHER READING

Dahl, Robert. *On Democracy.* New Haven, CT: Yale University Press, 1998. The most prominent American democratic theorist sums up his ideas on why democracy is the preferred system.

Dunn, John. *Democracy: A History.* New York: Atlantic Monthly Press, 2005. A readable meditation on the concept of democracy.

Hayek, Friedrich A. *The Political Order of a Free People.* Chicago: University of Chicago Press, 1979. A brilliant and thorough exposition of the case for the Protective Democracy model.

Held, David. *Models of Democracy.* 3rd ed. Cambridge, UK: Polity Press, 2006. Presents nine models to describe the history of democratic theory.

Macpherson, C. B. *The Life and Times of Liberal Democracy.* Oxford, UK: Oxford University Press, 1977. A comprehensive review of the theoretical ideas underpinning the models of democracy presented in this chapter.

Miller, James E. *Democracy Is in the Streets.* New York: Simon & Schuster, 1987. A history of Students for a Democratic Society (SDS) that focuses on the political ideas of student activists in the 1960s.

Nino, Carlos Santiago. *The Constitution of Deliberative Democracy.* New Haven, CT: Yale University Press, 1996. The late, renowned Argentinian scholar and human rights activist offers an intricate reflection on the relation between constitutionalism and democracy, and he proposes a theory of Deliberative Democracy to overcome the limitations of existing conceptions.

Pateman, Carole. *Participation and Democratic Theory.* Cambridge, UK: Cambridge University Press, 1970. A prominent democratic theorist dissects the Participatory model.

Sandel, Michael J. *Democracy's Discontent: America in Search of a Public Philosophy.* Cambridge, MA: Harvard University Press, 1996. An elegantly written and clear argument calling for a public philosophy that moves beyond the "procedural republic" of liberal rights and entitlements to a democracy grounded in the civic republican tradition and citizen self-government.

Taylor, Astra. *Democracy May Not Exist, But We'll Miss It when It's Gone.* New York: Metropolitan Books, 2019. Compelling, lucid reflection on the meaning and hope of the democratic idea and its relevance to our times.

Tilly, Charles. *Democracy.* New York: Cambridge University Press, 2007. A comparative empirical study of the social forces that lead toward and away from democratic regimes.

Woodruff, Paul. *First Democracy: The Challenge of an Ancient Idea.* New York: Oxford University Press, 2005. A thorough description and analysis of the ideals of Athenian democracy and their continuing relevance for evaluating modern democratic practice.

CHAPTER

1

The First Challenge

Separation of Powers

We Americans tend to equate democracy with our particular constitutional structure. When I ask students to define *democracy,* several always respond, "Democracy means a separation of powers—checks and balances between the branches of government." Like many Americans, these students identify democracy with government as it is practiced in the United States, and it is only a short leap then to define democracy in terms of the central feature of our constitutional structure: the separation of powers. This tendency is reinforced in the news media, in schools, and in statements by government officials, all of whom treat the Constitution reverentially, including the ideas of separation of powers and checks and balances.[1] In fact, whenever there is a crisis in American government, the standard solution proposed is to seek a restoration of "proper governmental checks and balances."

The thesis of this chapter is that Americans are mistaken to equate the separation of governmental powers with democracy. In practice, especially in recent years, the constitutional separation between branches of government, particularly that between Congress and the presidency, has undermined the capacity of Americans to control their government. In their zeal to protect individual liberty—the central value of the Protective Democracy model—the authors of the Constitution erected barriers to majority rule that have always impeded democracy and now, after more than two hundred years, have produced perpetually stalemated government.

For most of our history, we managed to overcome the antimajoritarian bias of the Constitution through a combination of presidential leadership and political party organization. This system offered a temporary and partial solution to governmental deadlock, but over the past few decades, even this partial system has no longer worked. Divided government, in which different political parties control Congress and the presidency, has compounded the defects of the separation of powers in making the government inefficient, unresponsive, and unaccountable. Even during periods of unified government in recent years, separation of powers tends to lead to gridlock.

Opposite: *The president's annual State of the Union message brings together in one room the two governmental branches that share the power to make laws.*

Aaron P. Bernstein/Bloomberg via Getty Image

Our eighteenth-century Constitution has become a major obstacle to achieving democratic government in the twenty-first century.

The Founders' Work

Both the signers of the Declaration of Independence and the drafters of the Constitution can be classified, in the terminology of the democracy models, as Protective democrats. They believed that the purpose of a democracy—or a *republic,* their term for representative democracy—was the protection of individual liberty. Their great fear was a tyrannical government that ignored individual rights and ruled without the consent of the governed. For the revolutionaries, however, the danger of tyranny emanated from a very different source than the tyranny the Constitution's authors feared. In 1776, a tyrannical executive, specifically King George III and his royal governors in the colonies, motivated the movement for independence. Only eleven years later, in 1787, the men who gathered to draft a new constitution worried mainly about the tyranny of popularly elected legislatures. What in the experience of the new American Republic had caused this shift in concern?

During and after the Revolutionary War, most states enacted constitutions reflecting the popular spirit and republican enthusiasm that the Revolution had produced. Because the revolutionaries distrusted political executives, the new state constitutions lodged most power in the legislatures. These institutions were structured to permit maximum responsiveness to popular majorities. State legislators were typically chosen in annual elections so that their constituents would have plenty of opportunity to hold them accountable. Accountability through annual elections was carried furthest in the radical Pennsylvania constitution, which required that before it could become law, legislation had to be passed twice, with an election between the two votes, permitting voters an opportunity to ratify directly the actions of their representatives. Although all states required voters to own some property, property qualifications were modest enough in most states so that suffrage was widespread (at least among White males). Voters also tended to elect representatives very much like themselves, producing state legislatures dominated by farmers and tradesmen, most with minimal education but with personal interests and concerns reflective of those who elected them.[2] Given the weakness of the national government under the Articles of Confederation, the democratic majorities in the state legislatures were the centers of power in the new American nation.

Fear of and dissatisfaction with these state legislatures—particularly their democratic character—are what brought the founders to Philadelphia for the purpose of revising the Articles during that hot summer in 1787.[3]

As Governor Edmund Randolph of Virginia put it, "Our chief danger arises from the democratic parts of our [state] constitutions. . . . None of the constitutions have provided sufficient checks against democracy."[4] The founders had two major complaints against the state legislatures. First, they considered state government too chaotic, with annual elections producing frequent turnover and legislators too prone to enacting the transitory passions of their constituents into law. Second, and more serious, the founders were dismayed at the sorts of laws being enacted in the states, particularly laws to inflate currency and abolish debts. Most of the convention delegates regarded those laws as a despotic attack on fundamental rights of property—the consequence of debtor majorities in the states taking over state governments and promoting their interests at the expense of the propertied minority. Even where a propertyless majority did not control state government, such a majority might resort to violent acts to support their interests—acts that the inept and overresponsive legislatures were ill equipped to control. When, just a year before the convention, a revolt by debtors in western Massachusetts (called *Shays' Rebellion*) was put down with great difficulty by the state militia, the worst fears of the critics of state constitutions seemed to have been confirmed.

Historians debate vigorously the motives and purposes of the men who wrote the Constitution. Was the Constitutional Convention an antidemocratic counterrevolution of wealthy and propertied Americans seeking to preserve their wealth and power from a democratic citizenry? Or was it simply an attempt by prudent statesmen, concerned that the new nation would dissolve into violence and chaos, to establish the structure of a stable representative democracy?[5] Whichever characterization of the founders' motives is true, the record of the convention provides much evidence that controlling tyrannical majorities was the major agenda item. The result of the convention's work, the U.S. Constitution, reflects that concern, for it is a masterly creation whose central purpose is preventing the "tyranny" of a majority.

The new Constitution restricted majority tyranny in two principal ways. First, it established a strong national government that would be capable of countering any tyrannical majority in a state. The central government gained new powers, such as the power to coin money and regulate commerce, and new instruments, such as a standing army, to enable it to overcome any state government that fell under the control of a factional interest. Even though the convention did not go as far as James Madison wanted it to in giving the national government a veto over state legislation, it did replace the weak government under the Articles with a national government with muscle. But what prevented the national government from being subjected to a tyrannical majority? The answer was the second principal feature of the Constitution: the structure of governmental institutions that we now call the "separation of powers."

The central impetus of the separation of powers was to give the individuals controlling each of the government branches only partial control over the enactment of law, but control they could exercise independently of those controlling the other branches. The separate political base of each branch was the guarantee that the occupants of the different branches would be politically independent of one another and capable of acting autonomously. For example, the president was to be chosen by a special Electoral College that was completely independent of Congress. Likewise, the president had no role in the election of members of Congress. This logic was carried further in the separate election processes for the two houses of Congress: members of the House of Representatives elected directly every two years in congressional districts, and senators chosen by state legislatures, with only one-third of the Senate picked at any one time. And these politically independent actors, a president and the two houses of the bicameral Congress, all had to agree before any laws were enacted.

Although the Electoral College never operated in the way intended in choosing the president, and although we now elect senators directly, the separation of powers structure remains an excellent means of preventing a political majority from easily controlling government. A president elected to office with a massive popular majority in a national constituency cannot count on enacting into law the political platform he campaigned on because a majority of members of Congress, selected in a separate election process in their individual constituencies, may oppose the president's programs. Because of the separation of powers, the electorate is able to vote simultaneously for a president who favors one set of policies and for a congressional majority that oppose those same policies. In such a case, each branch can claim a legitimate democratic mandate for its preferences no matter how different they might be. Even if, in a given election, a majority of voters choose both a president and a majority of members of Congress who agree on a set of policies, the two-thirds of senators who are not chosen in that election can block those policies. If in the midterm congressional elections that come in the middle of a president's term voters choose to send to Washington a decisive majority of representatives to enact a particular policy, that policy can be blocked by a presidential veto that needs the votes of only thirty-four senators to avoid being overridden. Add to this series of crosschecks a judiciary made up of members with life tenure and the power to strike down what they consider unconstitutional legislation, and one has an excellent mechanism for frustrating majority rule.

The author of this system, James Madison, understood its political logic quite well. In *Federalist* No. 51, he argues that succeeding occupants of the various government branches will jealously protect the constitutional prerogatives of their particular branch and seek to prevent the other branches from accumulating too much power. For the separation of powers

to work, "the interest of the man must be connected with the constitutional rights of the place."[6] In this way, "ambition" would "counteract ambition," as wary presidents would check the powers of Congress, and members of Congress would keep a watchful eye on power-hungry presidents. With their political independence from one another lodged in their independent electoral bases, the practical ability of the occupants of the different branches to check the power of the other branches was secured. In such a system, Madison and the other founders believed, no tyrannical majority could simultaneously control all the relevant policy makers, and thus the rights of minorities were secure.

The Jeffersonian Model

The separation-of-powers structure erected formidable barriers in the way of forming a coherent governing majority in the United States, but it did not take long after the ratification of the Constitution for the ingenious politicians of the period to develop a means of uniting the branches of government behind a popular government. The key to uniting the branches was the political party, and the first practitioner of the method was the third U.S. president, Thomas Jefferson.

The founders abhorred the idea of political parties; their prevention had been one of the goals of the Constitution. For James Madison in 1787, parties were "factions," groups united by a common "passion" or "interest" adverse to the interests of other citizens. But in the first decade of the new republic, its leaders, including Madison, came to find the political party an indispensable institution for organizing voters and their representatives. By the end of the century, two vigorous political parties contested for power throughout the nation: the Federalists and the Democratic-Republicans.

In a hard-fought election in 1800, the Democratic-Republican Party led by Thomas Jefferson decisively defeated the Federalists and captured the presidency and large majorities in both the Senate and the House of Representatives. As president, Jefferson, to a much greater extent than his Federalist predecessor, John Adams, used his position as national party leader to organize Congress on behalf of his political program and policies.[7] He devised a new model of government that could mobilize the country on behalf of an electoral majority in spite of the separation of powers. This model of government, which political scientist James MacGregor Burns labeled the "Jeffersonian model," has been the strategy for organizing coherent and responsible democratic government since Jefferson's presidency.

In the past two hundred years of American history, there have been frequent punctuations of creative democratic leadership producing policy innovation. During each of these creative periods, a dynamic president has

used the Jeffersonian model to build an electoral majority and then, with the support of party majorities in Congress, to bridge the separation of powers to enact new policies. These periods, with which we associate the names of our greatest presidents—Jackson, Lincoln, Theodore Roosevelt, Wilson, Franklin Roosevelt, and Lyndon Baines Johnson—all had in common the Jeffersonian model. In contrast, periods of divided government, when different parties control Congress and the presidency, have allowed the separation-of-powers structure to impede the development of coherent policies. These have been periods of stalemate and deadlock, when no one seems to be in charge of government. Our history seems to show that, given the constitutional structure, the Jeffersonian model of leadership is a requisite for democratic change to occur.

Although the Jeffersonian model has been the historical strategy for successful democratic politics in the United States, it does not overcome completely the antimajoritarian bias of the separation of powers. First, it permits only episodic periods of majority rule. Divided government remains a continuing possibility as long as the presidency and the two houses of Congress are elected independently. This is why we have come to associate democratic change in the United States with short periods of policy innovation followed by long periods of stasis. In addition, presidents are usually under tremendous pressure to enact their programs swiftly (in the first two years of office) for fear that the midterm congressional elections will bring a hostile majority into Congress. The result is incompletely enacted programs and a muddled record of presidential performance.

Second, because of the separation-of-powers structure, the president has only limited control over the members of his own party in Congress. Members of Congress are dependent on electoral majorities in their individual constituencies, not on the national party organization or on the president's national majority. Sometimes the support of an individual constituency requires defying the president and the national majority, as both recent Republican and Democratic presidents have learned when their own party followers in Congress failed to support their policies. Consequently, even with a partisan majority in Congress, a president sometimes cannot employ the Jeffersonian model because of the recalcitrance of a minority within his own party.

And third, bicameralism continues to impede unified governmental action even when the same political party controls both houses of Congress. The different electoral constituencies of the Senate and House thwart their ability to craft common policies.[8] The unrepresentative character of the Senate—in which each state, regardless of population, has the same voice—presents additional obstacles to majority rule. The 450,000 residents of Wyoming, for example, have the same representation in the Senate as the thirty-two million residents in California, giving the vote of a lucky Wyoming citizen sixty-six times the weight of a fellow citizen who

happens to live in California.[9] And the Senate's tradition of the filibuster, which allows a minority of forty senators to block legislation, presents an additional barrier to majority rule.

Although the Jeffersonian model has been a partial solution to the bias toward governmental stalemate inherent in the separation of powers, a critical requisite of its operation—one-party control of both the presidency and Congress—has been a rarity in recent years. Since 1956, one-half of presidential elections—eight of sixteen—have returned to office a president of one party and a Congress controlled by the other.[10] Because this situation is now so common, most Americans do not realize that divided government produced as a result of a presidential election was once extremely rare. Between 1832 and 1952, it occurred only three times. As Table 1.1 shows, prior to 1952 divided government was almost exclusively a product of midterm congressional elections, when voters sometimes voted in a congressional majority opposed to the sitting president. The recent midterm elections seemed to follow that older pattern, with Republicans gaining control of one or both Houses of Congress while a Democrat was in the White House in 1994, 2010, and 2014, while Democrats took control of both Houses in 2006 and the House in 2018 with a Republican in the White House. In the 1996, 2000, and 2012 presidential elections, voters once again opted for divided government, as Presidents Clinton, Bush, and Obama assumed office facing at least one congressional house controlled by the opposing party. Bush's reelection in 2004, Barack Obama's victory in 2008, and Trump's 2016 election were more in line with the traditional pattern, as a one-party triumph produced a partisan sweep and unified government. Following both these partisan sweeps, the hand-wringing of some political commentators about the dangers to checks and balances that partisan control of both ends of Pennsylvania Avenue represented underscored the novelty of unified government in the modern era. Many Americans do not recognize that the historical tradition had been unified partisan control after a presidential election.

Table 1.1 Divided Government by Type of Election, 1832–2014

	Presidential	Midterm
1832–1898	3	11
1900–1952	0	4
1954–2018	8	13

Source: Adapted from Morris P. Fiorina, "An Era of Divided Government," *Political Science Quarterly* 107 (Fall 1992): 390. Data updated to reflect elections after 1992.

Why has divided government become more common in the past half century? As political scientists began to first notice the phenomenon in the early 1970s and 1980s, many examined factors such as the greater reelection resources of congressional incumbents or a less partisan and more educated electorate more inclined to split their tickets between a presidential candidate of one party and a congressional candidate of another—perhaps even in a conscious effort to divide government.[11] A voter would choose a Republican president to hold the line on taxes and a Democratic member of Congress to protect valued social programs. The decline of split-ticket voting and the growing partisan polarization of voters over the past thirty years have called into question such explanations. Rather, divided government seems to be an artifact of the evolution of party alignments since the 1950s.

Beginning as early as the Eisenhower years, Republicans were able to muster national majorities to win the presidency, but the Democrats maintained the solid advantage in Congress forged during the 1930s. In response to the civil rights revolution—perceived as a Democratic endeavor—conservative southern voters gradually shifted their partisan allegiance from the Democrats to the Republicans. This occurred first in presidential elections, as many southerners cast votes for Eisenhower, Nixon, and Reagan while continuing to support their conservative incumbent Democratic congressman or senator. This phenomenon was responsible for the divided governments of the 1950s through the 1980s as southern conservatives split their ballots between Republican presidential candidates and Democratic members of Congress. Over time and by the late 1980s as incumbent Democrats retired from Congress, conservative southern voters shifted their congressional votes to Republican candidates. Similarly, during this same period, northern liberals who previously often supported liberal Republicans for Congress began to prefer liberal Democrats. The result has manifested as the ideological polarized parties and Congress of the present era.

The ideological sorting of the parties has a geographic aspect, as individual congressional districts and states tend to have a distinct partisan bias. Since the 1980s, fewer congressional districts are competitive, as one party's voters tend to dominate. The same is true of states, which have sorted themselves into the familiar red and blue states seen on today's electoral maps. At the same time, the seeming Republican advantage at the presidential level of the 1970s and 1980s (from 1968 to 1988, Republicans won five of six presidential elections) has shifted to the Democrats, who won popular pluarlities in six of the past seven presidential elections, although the Electoral College awarded the presidency to the Republican with fewer popular votes in both 2000 and 2016.

With Republicans dominating more districts and states since 1994, control of Congress has become quite competitive, with most seats safe for each party and partisan control dependent on victories in a small number

of competitive districts.[12] Consequently, party control of the House and Senate has shifted back and forth, irrespective of the party of the incumbent president, resulting often in divided government. This back and forth in partisan control also reduces the incentive for a party in the minority to cooperate with the majority. A more attractive strategy simply is to be as obstructive as possible in hopes of capturing the majority in the next election. In most recent elections, Republicans have tended to have the edge in the number of safe districts, with majorities in large numbers of more rural and exurban districts, while Democratic voters tend to cluster in large and medium-sized cities.[13] Due to the malapportionment of the Senate described earlier, Republicans also are advantaged in many more rural and low population states. Furthermore, lower voter turnout in midterm congressional elections has tended to favor Republican candidates because older, wealthier, White, and more conservative voters are more likely to vote than the younger, less wealthy, minority, and more liberal voters who support the Democrats in presidential election years.

The last few election cycles have produced two distinct electorates: a more youthful and more diverse electorate in higher turnout presidential elections and an older, less diverse one for the midterms. Even if Democrats can win the White House in higher turnout presidential elections, the midterm electorate will tend to hand control of Congress to the Republicans. With a Republican congressional edge and a Democratic presidential one, the conditions exist for continued periods of divided government for some time to come.

The Separation of Powers and Democratic Values

The founders' preoccupation with the democratic value *liberty* (the central concern of the Protective model) caused them to construct an institutional structure that interfered with achieving two other key democratic values. First, in their zeal to prevent majority tyranny, they created a structure insufficiently *responsive* to political majorities. Responsiveness to citizens is an underlying concern of all the models discussed in the introduction, but it is of special concern to proponents of the Participatory and Developmental models. Second, the separation-of-powers design has so fragmented and divided responsibility for government policy that it has become impossible to hold elected officials *accountable* for their actions. Accountability is also an assumed attribute of all the models, including the Pluralist model, which defines the democratic citizen's key role as passing judgment on the performance of officials at election time. Such a judgment cannot be made effectively when the separation of powers obscures who is responsible for governmental conduct.

Responsiveness

Although democrats can sympathize with the founders' concern for protecting minority rights and preventing majority tyranny (objectives all democrats share), the separation of powers creates a problem for responsive democratic politics. The system is incapable of distinguishing between majorities that are tyrannical and those that are not tyrannical; it frustrates all majorities, regardless of their objectives. The system creates a series of roadblocks at which a minority interest can prevent change that a democratic majority supports. An electoral majority may send to Washington a House of Representatives prepared to enact policies they favor only to have those policies voted down in the Senate, in which less populated states are overrepresented, and two-thirds of the senators have not faced the electorate in the most recent election. Alternatively, the president may be a minority instrument, employing the veto to prevent enactment of legislation—a veto that can be made override-proof with the cooperation of only thirty-four senators. Or a president elected to office with a majority mandate for change may face opposition from elected majorities in either house of Congress that are committed to a very different mandate. Separation of powers provides a constitutional structure that is inherently biased against change, even when change has the support of an overwhelming majority of citizens.

The separation-of-powers system was *intended* to reduce the responsiveness of government. Because of their fear of majority tyranny, the founders wanted to "cool" democratic passions by passing them through several independent institutions.[14] In addition, they believed in the classical liberal ideal of limited government. Separation of powers served this ideal by providing a permanent conservative bias to government; a minority could easily block the passage of new policies. Or competing institutions claiming responsiveness to different electoral majorities would check each other's ability to pass any measure. Even large popular majorities in favor of a policy had to fight through numerous barriers before innovative laws could be passed. As a result, government could act in response to democratic majorities only slowly and in a limited way. Defenders of the separation of powers, including the founders themselves, usually have justified this blanket frustration of all majorities by arguing that enduring majorities backing wise and useful policies will eventually succeed. They believe that the system will stop wrongheaded proposals passionately backed by a transitory majority but that, if a proposal has genuine merit, it will succeed through several election cycles in bringing to power supporters in all branches and then be enacted into law. As one defender puts it, the separation of powers was intended "to protect liberty from an immoderate majority while permitting a moderate majority to prevail."[15]