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# James Gardner reflects on the question "Is Democracy Possible Here?"

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# Blog 11

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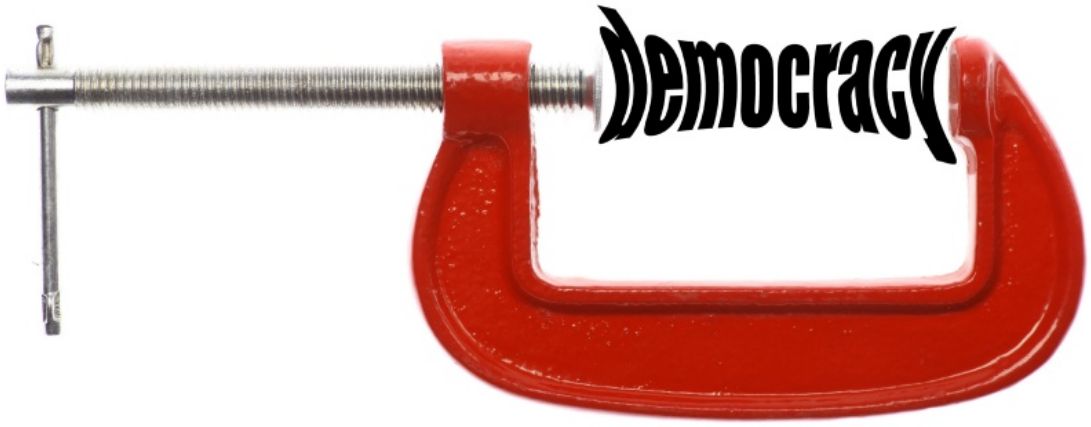


**Blog Author:** James A. Gardner, SUNY Distinguished Professor; Bridget and Thomas Black Professor; Research Professor of Political Science, School of Law. This blog is Professor Gardner's personal reflection.

**Introduction:** It has often been said of socialism that we don’t really know whether it works because it has never been tried, and because regimes that have called themselves socialist have in fact fallen far short of its ideals. Much the same might be said of democracy.

**IS DEMOCRACY POSSIBLE HERE?**

**Blog Author: James A. Gardner, SUNY Distinguished Professor; Bridget and Thomas Black Professor; Research Professor of Political Science, School of Law.** This blog is Professor Gardner's personal reflection on "Is Democracy Possible Here?”

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It has often been said of socialism that we don’t really know whether it works because it has never been tried, and because regimes that have called themselves socialist have in fact fallen far short of its ideals. Much the same might be said of democracy.

The United States by no means began as a democracy. The Framers, following the classical view, understood democracy as a kind of mob rule. Consistent with that view, Madison argued in Federalist 63 that the total exclusion of the people in their collective capacity from the structure of governance counted strongly in favor of the proposed constitution.

Public opinion, however, quickly evolved in a different direction. In the early nineteenth century, the American public largely discarded inherited forms of social and class deference, coming to believe that all white men were capable of good self-governance, and indeed that political virtue was far more likely to be found in the mass of ordinary people than in the political classes. From then on, the United States began a slow, meandering, often difficult journey toward a model of democracy that is inclusive and broadly responsive to public opinion. Following a hard-fought movement for voting rights and powerful interventions by the Supreme Court in the twentieth century, the country seemed to stand at the threshold of creating the conditions in which democracy might actually be given a try.

That journey appears now to have been abandoned. Americans in 2016 elected an authoritarian president who spent his four years in office viciously attacking and undermining the social and political norms on which democracy rests. In the end, he rejected democracy itself as intrinsically fraudulent, inciting his followers to attempt to subvert it altogether by open violence. Donald Trump, however, was as much a symptom as a cause of support for democracy among Americans that has been eroding for years. [1]

We seem to have arrived at a point where it may be reasonable to ask whether democracy is possible in the United States, indeed, whether it is even sensible as an aspiration. Much, of course, depends on what is meant by democracy.

The most demanding conceptions of democracy are deliberative in nature; they conceive of law as binding only when it issues from a popular will formed through engaged public deliberation that is inclusive, fair, and respectful, and which strives to reach consensus based on reasons all can in principle accept. [2] The possibility of deliberation, however, presupposes the possibility of common ground, and it is unclear in the United States today whether any such common ground exists. The 2020 election suggests that half the country prefers inherited forms of liberal democracy, political equality, the rule of law, constitutionalism, pluralistic politics, human rights, and so forth, while another half prefers rule by a strongman on behalf of a true American *volk*, unconstrained by law or mediating and checking institutions. It is hard to see how these two groups could be capable of compromise at all, much less one that is grounded in a truly deliberative consensus rather than in purely instrumental *realpolitik*.

A less demanding conception of democracy is aggregative. On this view, deliberation is unnecessary. All a system has to do to count as democratic is to provide citizens with an opportunity to express their individual preferences, aggregate those preferences, and generate public policies that maximize overall utility. However, one of the main problems with the American system of democracy is that it seems to do a terrible job of aggregating preferences. Many are excluded in one way or another from even expressing their preferences, and when they do, the system bundles them in such a way as to give insufficient weight to the preferences of popular majorities. In some cases, this is due to the minoritarian character of American institutions, such as the presidency and the Senate; in others, it seems due to an oversensitivity to majorities of dollars rather than majorities of votes, or the preferences that votes ostensibly represent.

A third and even less demanding conception of democracy is sociological: democracy is simply a social practice that pleases us, and requires no further justification; it is just what we do, and if it also turns out to be good on other grounds, so much the better. Unfortunately, even this longstanding social consensus seems to be coming apart in the United States: many now openly reject democracy, or any recognizable conception of it.

If even minimal versions of democracy are for the moment out of reach, where does that leave us? When agreement is impossible, the only realistic alternative is some kind of *modus vivendi*. Americans of vastly different views have worked out such arrangements before, but they have often been made on the backs of populations of color. Southerners won't oppose improvements to democracy in the North provided Northerners don't try to spread them to the South, and so on. Today, however, patience with these kinds of deals has justifiably been exhausted.

The main difficulty at the moment appears to be reaching agreement on the basic rules of the game. Democrats, particularly in the party's progressive wing, wish to continue to press forward toward a perfected democracy; Republicans, particularly those in its authoritarian wing, wish to move in the opposite direction altogether. It is difficult to imagine a pragmatic deal that would satisfy both sides or who would be thrown under the bus to achieve it. The right thing, of course, would be for Republicans still committed to democracy, if any remain, to throw their party's authoritarians under the bus, but at present that seems to be beyond the willpower of the party's leadership, and possibly its rank and file as well. Under these conditions, it seems that the likely outcome, at least in the short run, is continued, cautious circling by the combatants until their relative strength becomes clearer. Only then will they gain a better idea of what kinds of deals they can either impose . . . or must tolerate.

[1] William D. Hicks, et al, Contemporary Views of Liberal Democracy and the 2016 Presidential Election, 54 PS: Political Science and Politics 33 (2021).

[2] E.g., John Rawls, Political Liberalism (1993); Joshua Cohen, Deliberation and Democratic Legitimacy, in The Good Polity: Normative Analysis of the State (Alan Hamlin & Philip Pettit, eds., 1989).