

I

The New Politics of Democracy

Struggles over American democracy were easier to understand in the nineteenth and twentieth century than they have become in the twenty-first. Then, privileged elites—would-be aristocrats in the North, slaveholders in the South, the wealthy everywhere—opposed democracy, and for the simplest of motivations: the more restricted the franchise, the greater the likelihood these elites would hold on to their unfairly gained advantages. For the same reason, if in reverse, groups marginalized by the priorities of their era—working people, women, racial minorities—wished democracy expanded to shift the benefits provided by government in their direction. In the old politics of democracy, the left spoke on behalf of the people, while the right tended to the business of the powerful.¹ The differences between them were many, but they were mostly economic. Those who wanted to restrict the scope of politics, as E. E. Schattschneider pointed out in 1960, emphasized “individualism, free private enterprise, localism, privacy, and economy in government,” while those intent on expanding it insisted on “equal protection of the laws,

justice, liberty, freedom of movement, freedom of speech and association, and civil rights.”²

One can still find traces of the old politics of democracy in American life. Liberals frequently insist that America is not democratic enough: many convicted felons are denied the suffrage; difficulties in obtaining citizenship render numerous immigrants unable to vote on matters affecting their lives; too many Americans who have the right to vote fail to exercise it; voting machines, let alone supposedly nonpartisan state officials, do not always work, especially in minority communities; some states—including Georgia, which recently passed a law requiring a driver’s license or its equivalent in order to vote—hark back to the days when voting was more of a privilege than a right; the U.S. Constitution guarantees disproportionate numbers of U.S. Senate seats to states with small populations; and the electoral college has chosen the popular-vote loser too many times for anyone’s comfort.³ Clearly there is some justice in these claims; democratic institutions, for all their widespread appeal to contemporary Americans, rarely live up to the standard of one person, one vote.

In contrast to liberals, who traditionally have held to the conviction that more democracy is better democracy, the charge is sometimes launched by conservatives that America is too democratic for its own good; what is popular is not always what is right, they from time to time remind us, and a society that bases its most important decisions on what appeals to the lowest common denominator is likely to reach the wrong ones.⁴ For these traditionalists, democracy is inappropriate in any area of life, such as culture or religion, but it is especially wrong-headed in politics; in the extreme case, totalitarianism is not the opposite of democracy but the logical extension of populist instincts run wild.⁵ Conservative skeptics of democ-

racy are unlikely to get much of a mass hearing for their claims; most media, including most forms of book publishing, appeal to the very popular taste that curmudgeons of this sort disdain. Still, no matter how democratic America's institutions have become, skepticism on the right end of the political spectrum has not completely disappeared.

For all the talk of expanding democracy on one side and curtailing it on the other, however, the old politics of democracy no longer inspires much passion. Hindering the left's case is the fact that democracy has gone about as far as it can go; now that nearly all adults have the right to vote, it is no longer possible to alter significantly today's political balance of power by trying to bring tomorrow's new groups of players into the contest.⁶ Any proposed changes to make the Constitution more democratic, moreover, run up against the resistance of small states, which would lose power; even as committed an enthusiast of democracy as Robert A. Dahl concedes his "measured pessimism" when it comes to formal reforms that would make the United States a more democratic society.⁷ Denying those who wish to vote their right to do so is reason for indignation, but such incidents, even in today's highly polarized electoral climate, are more the exception than the rule. It can hardly be a coincidence that the left so often comes across as tired and defensive; it threw so much of its energy into gaining the right to vote that it does not know where to turn once the vote has been gained.

Conservatives, as it happens, no longer speak in the old language of democracy either. In sharp contrast to their previous skepticism toward the masses, conservatives today are engaged in a love fest of praise for ordinary people. For this, they can hardly be blamed; there are—and for some time have been—more conservatives than liberals in America, and even

if it is also true that there are more moderates than both of them, the right-leaning political instincts of the American public constitute a brute fact that American liberals, perhaps for understandable reasons, have been reluctant to accept.⁸ American conservatives are not happy campers: looking out on the society in which they live, they see decadence all around them and, quick to identify themselves as victims, they claim, with greater and greater implausibility, that liberals still run the United States of America. But on the issue of democracy, the state of American public opinion offers them undeniable advantages; American political history and culture are rich in democratic rhetoric, and the side that appeals convincingly to ordinary people will always have an advantage compared with the side that appeals to elites, tradition, leadership, habit, deference, restraint, rules, judges, or wisdom. Why, if you are a contemporary conservative, bite the hand that feeds you? Expanding the scope of the electorate once seemed a threat to your interests; now it seems the perfect way to get what you want.

The United States, in short, has entered into a new politics of democracy. Two features make the new politics of democracy different from earlier struggles over the extension of the franchise or debates over the purposes and reach of government. The first is that the major divisions between left and right are not over economics but, as the frequently used term “culture war” implies, over moral and religious issues. The second is that the side that wins—most frequently in contemporary politics, the right side—is the one that best frames its appeals in the language of populism.

Neither moralism nor populism is new in American public life; if anything, both of them have been prominent features of American politics since the nineteenth century. The Civil War was, in large part, a bitter conflict over moral values framed,

on both sides, by the language of religion. Late-nineteenth-century politics not only featured a Populist Party but was dominated by the three presidential campaigns of William Jennings Bryan, who defined the very meaning of populism. Yet moralism and populism, at least until very recently, rarely worked together. At the time of the Civil War, the majority of Americans did not have the right to vote (one reason the war was fought in the first place), placing severe limits on how populist the crusades around it could be. And Bryan's populist presidential campaigns, which took the form of crusades, were primarily concerned with economic issues, such as the free coinage of silver and the tariff. Only with the arrival of the culture war in the 1970s—accompanied by such democratizing features of American life as the increasing sophistication of polling and the spread of cable television—did moralism and populism work together to transform the very character of American democracy.

Both features of the new politics of democracy were, at least at first, fueled by the energies of the political left. This was certainly true of the culture war. *Roe v. Wade* (1973) or the U.S. Senate's rejection of Robert Bork (1987) is often cited as the moment at which the culture war began; both events symbolized the willingness of the left to put moral issues front and center in American public attention. For numerous liberal political activists, the culture war was equivalent to a good business plan; they could raise money and energize supporters by proclaiming their steadfast devotion to a woman's right to choose or their equally steadfast opposition to a theocracy led by a Jerry Falwell or a Pat Robertson. To this day, a preference persists on the left for culture war politics; the moment a Republican president nominates a conservative judge—especially one such as Samuel Alito, who, during his confirmation hear-

ings for a seat on the U.S. Supreme Court, refused to concede that *Roe v. Wade* was settled law—liberal groups swing into determined opposition.

In the longer run, however, the culture war turned out to be a gift to the right. Even though public opinion is frequently not as hostile to a woman's right to choose as those on the right convince themselves, conservatives are far more likely to win elections by emphasizing their religious faith and strong sense of right and wrong than they are by insisting on their relatively unpopular budgetary nostrums, such as increasing spending on Arctic oil drilling while reducing it for first responders.⁹ It was, after all, not only Democrats who brought up the subject of abortion during the hearings to confirm Samuel Alito; Republican Senators such as Tom Coburn of Oklahoma and Sam Brownback of Kansas did so as well, and truth be told, in their opposition to *Roe v. Wade* they showed far more passion than did Democrats, whose support for a woman's right to choose, especially in comparison with the Bork hearings a decade and a half earlier, seemed not only less demagogic but more perfunctory.

The passion of Senators Coburn and Brownback reflects a political reality in which Republicans have taken the lead in talking about stem cells, God, and the culture of life, while Democrats want politics to focus on such policy-wonkish issues as the minimum wage or global warming. Especially on Fox News, the television station most closely guided by conservative talking points, liberals are routinely portrayed as out to destroy Christmas, keep God out of the schools and off the coins, and wield the club of political correctness to deny conservatives their rights to free speech. Even foreign policy issues are treated by Republicans in culture war terms; instead of speaking as a realist in the aftermath of September 11, Presi-

dent Bush presented global conflict as a struggle between good and evil. And as befits a foreign policy steeped in moral language, he relied extensively on the emotion of fear to justify programs, such as unauthorized wiretapping or extensive executive power, that might otherwise be viewed as violations of civil liberty or attacks on the principle of separation of powers.

Such culture war appeals do not always work to the benefit of Republicans and conservatives. Despite the right's effort to rally the country around the cause of Terri Schiavo, a brain-dead Florida woman, few Americans seemed interested in transforming her tragic situation into a political football. No moral crusading, moreover, whether involving the right to life in domestic politics or the evils of terrorism in foreign policy, helped Mr. Bush as his popularity waned in his second term. Still, even if increasingly ineffective, culture war issues are unlikely to disappear so long as Republicans rely on their conservative Christian base to win elections, a reliance that shows no sign of receding.

The second distinguishing characteristic of the new politics of democracy, the reliance on the rhetoric and techniques of populism, also originally appealed to the left before being adopted by the right. Certainly few presidents have been as sensitive to the realities of polling, and the need to fashion policies to accord with what polling reveals about public opinion, than Bill Clinton. And he is by no means alone; future Democratic candidates will surely seek ways to frame issues by trying to make them more acceptable to the public; indeed, "framing" has become a buzzword attached to liberals as they seek to recover some of the political popularity they have lost.¹⁰ In this they have at least one advantage: Republicans and conservatives frequently manifest an undemocratic side by maintaining strong ties to corporate interests, by asserting

that there exists a “unitary executive” with the authority to ignore legislation duly passed by Congress, and by insisting to an unusual degree upon secrecy in government.¹¹ Americans are not exactly thrilled by the elitist side of Republican policies, and when that party responds to big business with unstinting largesse, it enables Democrats to claim, at least in economic terms, the populist language that Republicans ignore.

Yet one of the most marked features of recent American politics is the extent to which populist language and tactics have worked to benefit the right. Reversing two hundred years of political rhetoric, liberals are denounced by conservatives as members of a privileged class, aristocratic in their tastes, contemptuous of the choices of ordinary people, determined to protect their effete lifestyles at all costs, and committed to obtaining their unpopular (and unworkable) objectives through the most undemocratic means available, while conservatives—or so the story continues—speak to the heartfelt convictions of ordinary people for a return to traditional morality, strong and stable families, and God-fearing American patriotism. In the new politics of democracy, even Straussian political philosophers, long known as unabashed elitists, call for democracy in far away places such as Iraq.¹² So widespread is this populist reflex that it has been adopted by the most undemocratic institution in the modern world; John L. Allen, a keen observer of the Vatican, has written of the degree to which then-Cardinal Joseph Ratzinger, later Pope Benedict XVI, “sees himself not as an inquisitor but as a tribune, protecting ordinary Catholics from intellectual abuse by self-appointed elites.”¹³

No wonder that George W. Bush, for all his talk of ignoring polls, was as relentless in following public opinion, and in allowing himself to be guided by it, as Bill Clinton. Republicans may be elitist when it comes to rewarding their privileged

constituencies or protecting the powers of the president, but when the focus is on emotional and moral issues, whether the subject involves crime, religion, or national security, they are as populist in their language as any nineteenth-century advocate for free silver. Republicans were able to gain control over all three branches of government in the early years of the twenty-first century for a reason; they became the more popular party because they became the more populist party. For conservatives these days, democratic sentiment has become the ultimate trump card for a political ideology that originated as a check on democratic sentiment.

The new politics of democracy constitutes a major turning point in American political history. My business is not predicting political contests, and I have no way of knowing whether conservatives will continue their political dominance or be voted out of office by an electorate that, in the wake of indictments, scandals, unchecked executive power, high energy prices, slow job growth, an unsuccessful war, and revelations of stunning incompetence in the wake of natural disasters, suddenly discovers that perhaps liberalism was not such a bad thing. (This book is being written before the Congressional midterm elections of 2006, in which the Democrats may—or, then again, may not—recapture one or both houses of Congress.) But whichever party governs the United States in the near future, the new politics of democracy is likely to dominate American public life for some time. Elections will be decided, media coverage determined, books written, and policies proposed, not on the basis of which coalitions of forces can bring ever newer groups of people to the polls based on their self-interest, but on the basis of which ones can mobilize those already present in the electorate by speaking to their longings (even as they seek to demobilize those likely to vote against

them). The old politics of democracy frequently lacked excitement even though it offered stability. The new politics of democracy is nothing if not exciting, even if the costs are frequent polarization, deadlock, vituperation, and extremism.

The new politics of democracy has been roughly forty years in the making. Conservatives were weak to the point of ridicule after Barry Goldwater's defeat and Lyndon Johnson's victory in 1964, while liberals were strong to the point of arrogance. By 2004 those positions had been reversed: conservatives could barely restrain their triumphalism, and liberals found themselves in the unusual role of being an opposition party.

So dramatic has been the shift from left to right that we sometimes forget that ideology was not the only thing that changed over those years; America's entire way of conducting its political affairs did as well. In 1964 the nominating conventions of both political parties were controlled by party regulars, not dominated by primary voters. Business and its money was a powerful force behind Republicans, but labor and its ability to turn out voters did its best to match that power behind Democrats. To advise them on matters both domestic and foreign, presidents from either party turned to the same East Coast establishment. The South, solidly Democratic, was overrepresented in Congress, but it did not generally determine the outcome of presidential elections; back in those days, it was actually possible for a senator from Massachusetts to be elected president. There were only three major television networks, and the men who ran them exercised significant control over what viewers saw and heard. A seniority system determined who chaired committees in Congress, and Congress conducted much of its business outside the glare of publicity. Bipartisanship was considered a sign of national states-

manship, not an indication of unforgivable disloyalty. Political scientists were in near-unanimous agreement that middle-of-the-road campaigns were the most likely to succeed. Ideology had been pronounced dead, as, by the way, had God.

The forces that broke open the consensus-oriented politics of the 1950s and early 1960s were associated with the left. Shaken by the assassinations of the Kennedy brothers and Martin Luther King, Jr., distraught by the war in Vietnam, convinced that the United States was doing a poor job overcoming its racial, sexual, and class divisions, the New Left's call for participatory democracy shattered the traditions and practices that enabled elites to run most of America's institutions relatively unchecked. Pushed by crusading liberal reformers, democracy expanded its reach. "Between the late 1950s and early 1970s," the historian Alexander Keyssar has written, "the legal underpinnings of the right to vote were transformed more dramatically than they had been at any earlier point in the nation's history."¹⁴ So democratic was the spirit of the time that courts ruled that homeless people had a right to vote, their place of residence defined as the park benches on which they slept. Within the course of one generation's experience, the United States went from imagining itself as a democracy in theory to becoming one in practice.

Yet if the original democratic energy came from the left, it would more than spill over to benefit the right. Over the longer haul, conservatives simply outthrust liberals. They developed better political networks. They won important wars of ideas. Their sense of purpose was stronger and their determination remarkable. If they could not take over institutions dominated by liberals and moderates, they created their own, run by conservatives. Churches that evangelized in search of new members with spirit and enthusiasm grew; those that em-

phasized theological liberalism and more staid forms of worship did not. With the (significant) exception of California, states that once had weak political parties and histories of direct democracy turned right; those that had more established parties run by elites stayed left. Regions of the country that were gaining residents became Republican; those losing them were more likely to be Democratic. In the wake of this great conservative success, liberals who believe in the necessity of political organizing look to the rise of the conservative movement to find what is missing on their own side of the political ledger.¹⁵

Democracy as it was practiced in 1964 was anything but perfect; there is not much to admire about senators from one-party states holding seats for life, urban political machines rife with corruption, East Coast Republicans unaware that the base of their party was shifting to the West and South, or widespread media censorship enforced by a lack of competition. In challenging that way of doing public business, the new politics of democracy shook up a system that had grown fat and lazy, and for that, Americans of all political persuasions should be grateful. Populist appeals, whether focused on economic issues, as they were in the nineteenth and twentieth centuries, or moral and religious ones, as they are in the twenty-first, bring with them distinct advantages; matters of deep concern to ordinary people cannot be swept under the rug by politicians intent on conducting inside-the-beltway business. No longer run by political barons protected by seniority, arcane rules, noncompetitive media, and a bipartisan willingness to divide the spoils, the United States is in many ways as democratic as it has ever been in its history. If democracy consisted only in the desire of people to express what is on their minds and the willingness of their leaders to respond to those desires, American democracy today would be a cause for celebration.

Populism, moreover, is here to stay. So successful have conservatives and Republicans been at claiming the populist mantle that Democrats and liberals feel little choice but to respond in kind; Bryan's populism, once derided by historians on the left because of the Great Commoner's stance during the Scopes trial, is now viewed sympathetically, his synthesis of economic justice and religious conviction offering an appealing formula for the contemporary Democratic Party.¹⁶ And it is not only in the United States where populism rules the roost; in 2005 voters in France and Holland made very clear the degree to which they opposed the plans for a European constitution advocated by their leaders. We live in democratic times, and this, as the British sociologist Frank Furedi has written, is bound to be uncomfortable for anyone claiming special wisdom, especially including intellectuals, who typically distrust populism because it allows so little space for them to use their presumably superior intelligence.¹⁷

Still, populism, whether in Europe or the United States, has always been accompanied by troubling tendencies toward demagoguery and emotionalism. In its left-wing form, populism flirted with anti-Semitism and anti-Catholicism and embraced, as the life of Bryan demonstrates, overt racism. In its right-wing form, as the political analyst Anatol Lieven has suggested, populism lines up naturally with xenophobia, Christian triumphalism, and anti-intellectualism.¹⁸ Intellectuals should not, therefore, feel barred from raising questions about populist democracy just because they live in states where the weather is cold, drink French wine rather than American beer, rarely watch television, and inevitably vote for losers. Because of both moralism and populism, the new politics of democracy raises uncomfortable questions about how well democracy is working.

The most troubling of those questions is whether the quality of democratic life has improved as the quantity of democratic life has expanded. Democracy, it is important to remember, does have qualitative dimensions as well as quantitative ones; its health is measured not only by how many are eligible to vote but by how many actually do, how much knowledge they bring to their decisions, how responsive they and their leaders are to the common good, whether their participation leaves them feeling satisfied or frustrated, the degree to which the decisions their leaders make are wise, the extent to which those leaders promote policies that advance social justice and strengthen the common good, and the ways in which politicians can be held accountable for the decisions they reach. Before we can pass judgment on the state of American democracy, we must address not only how far it reaches but whether the way it operates brings out the best in Americans and their society.

In the chapters that follow I will review evidence accumulated by political scientists which suggests that, when it comes to the quality of its performance, American democracy is not doing well at all. Voters, for one thing, know very little about politics, a fact that may not have mattered much when politics was more consensual but matters greatly when politics is more ideological, campaigns more expensive and nasty, and policies as polarizing as they are popular. There are, as well, serious problems of accountability in American political life; even criteria once viewed as the bare minimum necessary to hold political leaders accountable for their decisions, such as competitive elections, are withering away. In the absence of effective accountability, legislation in Congress is increasingly passed without input from the minority party and in ways contrary to

traditional rules about deliberation and debate, while the executive branch, oblivious to the concept of the separation of powers, acts as if, once an election is over, its decisions are no longer subject to review. A well-functioning democracy requires the existence of strong institutions such as political parties and interest groups, yet the tendency of Americans to view such institutions with suspicion paradoxically fuels partisanship, encourages rampant corruption, and strengthens the hands of political elites. To avoid endless cycles of partisan retaliation, political systems are dependent on the existence of neutral bodies such as courts, the media, or administrative experts, yet neutrality is also a fast-disappearing feature of contemporary American political life; in the extreme case, the distinction between politics and policy vanishes completely as the art of governance is used to promote the goals of the party that governs. And as politics, in the absence of neutral referees, becomes a war of all against other, those who suffer most are those with the fewest resources, severing a link between democratic ideals and the pursuit of social justice with potentially serious implications for the long-term stability of society at home and a global system of international understandings abroad.

If this evidence accumulated by political scientists is taken seriously, as I believe it ought to be, Americans should be as proud of their democracy's expansion as they are concerned about its actual operations. "Although the formal right to vote is now nearly universal," Alexander Keyssar concludes, "few observers would characterize the United States as a vibrant democracy, as a nation where the equality of political rights offers release to a host of engaged and diverse political voices."¹⁹ To America's great credit, democracy exists, and any American can take advantage of its benefits. And to America's great shame, all

too many Americans have become passive spectators in the hurly-burly of democratic politics, unwilling to play much of a role in its operations, yet ever ready to complain when it fails to meet their needs.

As important as it may be to address questions of democratic performance, the new politics of democracy does not make it easy. In earlier periods of American history, factory workers and immigrants, frequently helped along by labor unions and urban political machines, rushed to become voters, and it became the task of society's more respectable and conservative sectors to point out how corrupt those organizations were and to urge reforms that would ensure their honesty. Based on majority rule, the old politics of democracy did not bypass entirely those conservatives who spoke for privileged minorities. Such conservatives were the conscience of the country. It was up to them to insist that democracy could retain a place for nonpartisan expertise and administrative responsibility, no matter how unpopular those ideals might be, in a world of patronage and graft, no matter how widespread those realities had become.

Under the rules of the new politics of democracy, by contrast, conservatives receive such pronounced benefits from their populistic and moral crusades that they are not about to engage in any reforms likely to bring voters to the polls irrespective of their political views, insist on neutral rules applicable to all, limit the ubiquity of negative campaigning, hold politicians accountable for their decisions, or overcome cynicism toward Washington and its way of conducting the people's business. The enthusiastic endorsement by conservatives of a majoritarianism they once disdained has changed the tone of American politics. If the price to be paid for political influence includes turning away from such traditionally conservative

ideals as the rule of law, the weight of tradition, commitment to principle, skepticism toward popular culture, fiscal and judicial restraint, and the use of political office as a bully pulpit, contemporary conservatives will gladly pay it. Efforts to stand above the fray or to take the long view, after all, are a product of a period in which conservatives, outflanked by the ability of their liberal opponents to bring ever-larger numbers to the polls, typically lost most of the elections they contested, and no one—at least not these days—enters politics in order to lose. The recently discovered ability of conservatism to attract large numbers of voters to its side resolves a long-standing tension within the right between its insistence on high standards and its willingness to cut corners; nearly all traces of the former have disappeared as the latter becomes the operating principle of presidential and legislative politics. Conservatism no longer stands as a bulwark against instant gratification, and because it does not, the conservatism we lack is a greater threat to democracy than the conservatism we have.

All of which leaves the task of focusing on the qualitative problems of the new politics of democracy to others, including independents who respect process and tradition, moderates seeking a return to a more bipartisan era of cooperation, and liberals who find themselves on the losing end of America's political popularity contests. The last of these will not find it easy to raise questions of democratic quality for two reasons. One is that liberals and Democrats received disproportionate benefits from democracy's qualitative failures in the past, just as Republicans are receiving them today. It was not the lofty rhetoric of an Adlai Stevenson or John F. Kennedy that brought Democrats to the polls in the 1950s and 1960s but the machinations of political bosses like Chicago's Richard Daley. Democratic candidates for president, such as Lyndon B. Johnson,

were hardly above negative campaigning and Texas-style electoral shenanigans. One-party politics in the South helped the Democrats control Congress at that time, as did tight rules of procedure and organization that prevented the minority party from exercising much influence. To criticize Republicans now in no way exonerates Democrats then. If American democracy is insufficiently robust, there is plenty of blame to go around.

A second reason why liberals may be hesitant to take on qualitative issues inherent in the new politics of democracy involves the inevitable charge of sour grapes. When liberals did well under modern political conditions, conservatives love to point out, they had no complaints about the system, but now that their candidates so frequently lose, they are suddenly worried about gerrymandering, fund-raising, and negative campaigning, techniques they not only used themselves when in power but perfected as they went along. Democracy requires that the losers accept the winners as legitimate. For liberals to complain about the rules after they begin to lose under them manifests not a desire to improve democracy but an effort to escape its authority. Those searching for evidence that liberals are elitists in sheep's clothing would find in a sudden preoccupation with democracy's qualities all the proof they require.

These are persuasive reasons for a liberal not to take up questions raised about democracy's performance because of the political success of conservatism. Yet in the end, I am not convinced by them.

Conservatives these days may benefit from democracy's qualitative failures more than liberals, but the harms of badly performing democracy are too extensive to be confined only to one political ideology. Those who vote for conservatives may want to believe that taxes can be cut while government spending increases—their leaders, waving magic wands of their own,

have not given them reason to think otherwise—but there is a reality out there that trumps every time the political ignorance on which such fantasies are built. Americans concerned with lax moral values can be persuaded to vote for conservative candidates, yet in a political system dependent on raising huge amounts of cash, many of those for whom they vote turn to morally dubious sources—casinos encouraging gambling, pharmaceutical firms selling sexual potency, broadcasters profiting from pornography—that inevitably create cycles of popular disappointment and frustration on the right to match the unhappiness on the left with Democratic politicians who have been forced to move to the center in search of money and votes. Cynicism toward politics helped conservatives when liberals were in power, undermining, as it did, the willingness of the public to support such ambitious legislative reforms as Bill Clinton's health care reform, but when conservatives come to power filled with plans to alter Social Security or to transform the tax code, the same cynicism comes to the aid of liberals dedicated to stopping them. Negative campaigning helps elect conservatives, so much so that it will increasingly be used by conservatives against each other in their internal factional warfare, and struggles over the future leadership of the Republican Party. Any group of Americans with ideas about how their country ought to be run has a stake in improving democracy's quality, not just liberals. However much culture war politics and populism help Republicans as a party, it is not always clear that they benefit conservatives as an ideology, and one of the most fascinating emerging splits in American politics features unhappy advocates of small government and civil liberty dismayed by the tendencies of modern Republicans to produce huge deficits and an all-powerful executive branch.

In addition, as the war in Iraq ought to constantly remind us, democracy is too important a matter to be addressed through “gotcha” talking points. Had Americans in 2004 reelected the party that took their country into that war based on a solid understanding of the threat they faced and after a thoughtful consideration of the war’s costs and benefits, we would be correct to conclude that the lives lost and shattered by the war, however tragic for the individuals and families involved, were justified in the name of a national objective; no better system than democracy has ever been invented for determining what those national objectives are and how they should be realized. But this is not what Americans did. Significant numbers of Americans voted for the war party based on the factually incorrect premises that Saddam Hussein was responsible for September 11 and that he possessed threatening weapons of mass destruction. Others agreed with some of their leaders who claimed, against all principles of democratic accountability, that support for the country’s troops did not permit critics of the war to have a hearing. Key information concerning the degree to which political ideology substituted for good intelligence in the build-up to the war was not revealed until after the reelection of those responsible for it. The actual details of the fighting—bad decisions, dead bodies, the strength of the insurgency—were not reported by the media or were reported too late to have much of an impact. A poorly functioning democracy honors those who sacrifice their lives for it less well than a richly working one. Politics involves serious stuff; trivializing it demeans all those affected by its affairs.

Nor, finally, is it wrong to have second thoughts about democracy’s performance after watching it perform. Liberals have all too often believed that if democracy comes into conflict with liberty—if, for example, large majorities oppose gay marriage or believe that the words “under God” should remain

in the Pledge of Allegiance—the courts must step in and protect individual rights against majoritarian passions. Their defense of individual rights can be persuasive and moving, but removing issues about which people have strong feelings is also dangerous business, one that can easily lead, in Jack Balkin's strong words, to “elitism, paternalism, authoritarianism, naïveté, excessive and misplaced respect for the ‘best and the brightest,’ isolation from the concerns of ordinary people, disdain for popular values, fear of popular rule, confusion of factual and moral expertise, and meritocratic hubris.”²⁰ Whatever one thinks of opponents of gay marriage or supporters of the Pledge, they make their case with passion and determination, and it has been based on sincere reflection, moral principle, and appeals to fact. In any democracy worthy of its name, their concerns must be heard and registered.

The picture is quite different, however, when parties to a democratic disagreement take advantage of public ignorance to get their way, lie about their intentions, sneak provisions into legislation after public votes have already been taken, suppress information vital to public debate, and refuse to take responsibility for their actions, all of which, alas, have emerged as features of American democracy as currently practiced. Raising questions about democracy's performance after one's favorite candidates start to lose with depressing regularity may seem to violate democratic norms. But one violates them even more by not addressing transgressions of the rules of democratic life out of the mistaken conviction that those who lose under flawed rules sacrifice their standing to question them.

Improving the performance of American democracy will not be easy; the left, which says it would like to do so, lacks the power, while the right, which has the power, lacks the incentive. Yet America needs a democracy protection movement

just as it has an environmental protection movement. It is not just a matter of an electoral college that leads candidates to ignore states in which a large majority of Americans live, campaign finance practices that resemble extortion more than they embody free speech, media that protect those in power rather than hold them responsible for their mistakes, and a Constitution that gives every voter in Wyoming roughly thirty-eight times the influence of every voter in New York State, although all those things are nondemocratic enough. Even if every vote in presidential elections counted equally to every other one, and even if, by some miracle, the political and ideological composition of the U.S. Senate reflected the political and ideological composition of the United States, significant problems of quality control in American democracy would remain.

The natural environment is hearty—often heartier than prophets of environmental doom acknowledge—and it is likely to continue to regenerate itself despite America's relative indifference to its health. Much the same can be said for democracy in America. It has had a long and successful history and it is still here after civil war, two world wars, and the Great Depression. Surely it can and will triumph over its current fascination with morality and populism.

The question Americans face is not whether their society will be democratic but what kind of democracy it will be. And that is very much an open question. Under the twin pressures of culture war issues and populist politics, American democracy is undergoing significant changes that, unless corrected, threaten to undermine some of America's most cherished values, including the liberal values that encourage robust debate, rely on the separation of powers, and recognize the need for a loyal opposition. There is a decided sickness in the American

body politic these days which, if not cured, will produce an increasingly angry and divided political class, in the process alienating ever larger numbers of ordinary Americans who will turn away in disgust.

To avoid that fate, Americans are going to have to change their political ways. It is not the case—I wish it were—that voting out Republicans and voting in Democrats will automatically improve the quality of democratic life. Nor will the problems of democratic performance be solved if Congress cleans up its lobbying practices in the wake of the Jack Abramoff scandal, once again turns to campaign finance reform, and resists efforts by the executive branch to aggrandize its power. To begin the process of healing their damaged political environment, Americans will have to pay more attention to the way their elections take place, their laws are passed, and their expectations are shaped. If they do not, American democracy, which in its greatest moments inspired people throughout the world, will lose its luster, destroy the hopes of its founders, and no longer stand as a model for other societies to emulate.