

[ADRN Issue Briefing]

## A Critical Juncture for American Democracy

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Although incumbent American presidents rarely lose, Joe Biden’s defeat of Donald Trump – the only president never to reach a 50% approval rating in national polls – was not really unexpected. What was unexpected was just about everything else that happened in the three tumultuous months that followed. The election itself was closer than polls anticipated, leading to political uncertainty. That uncertainty was heightened by the peculiar American institution of the Electoral College, which made the vote in a few closely-fought states, rather than the overall popular vote, decisive. Republicans also did better than expected in elections to Congress. This left control of the legislature in doubt until January, when Democrats narrowly won the two critical Senate elections held in the state of Georgia. Those Georgia elections took place against the backdrop of Trump’s astonishing and baseless efforts to contest the election. He sought to convince his supporters that his defeat was fraudulent, leading to the frightening spectacle of January 6<sup>th</sup>. A “stop the steal” protest in Washington, D.C., promoted by Trump and many of his supporters, turned its fury on Congress and stormed the capitol. The insurrection left five people dead. It left anxious observers everywhere wondering what had become of the world’s oldest democracy.

### *Three Crises in American Democracy*

Indeed, anxiety about the American political system has been building, with observers of American politics expressing growing concern about the prospect of “democratic backsliding” – a gradual erosion of democratic practices like that seen in Hungary, Poland and Turkey. That path might leave in place some of the trappings of electoral politics, but concentrates true authority in the hands of a single party or political figure. Trump himself clearly aspired to be such a figure, but he has lost his

hold on power. His successor, Joseph Biden, is an emphatically traditional figure, and has sought to project a calming presence. Yet the events of January 6<sup>th</sup> made clear that this is no ordinary transition, and it would be naïve to anticipate a return to ordinary politics. With a razor-thin Democratic majority in Congress – one that most analysts project is likely to last only two years – the need for the Biden administration and its allies to turn things around is urgent.

Understanding what might come next requires that we understand what has gone wrong. Some of the challenges bedeviling the United States are shared with other wealthy democracies. Like them, the United States has undergone a disruptive transition from an industrial manufacturing economy to a postindustrial knowledge economy. That transition has tilted opportunity and wealth toward those at the very top. It has concentrated growth in a select group of successful cities, while sucking economic vitality out of rural areas and small towns. Like the U.S., many wealthy democracies are experiencing increased immigration. Growing diversity combines with economic disruption in “left behind” areas to create large pools of voters (mostly white, older, less educated, and disproportionately male) who are open to a racialized right-wing populist politics of grievance.

This is a familiar story, applicable in many countries. Yet three interrelated political crises – of the nation’s right-wing party, of its constitutional design, and of its governance – make the situation in the United States especially dangerous.

## **1. The transformation of the Republican Party**

The first crisis concerns the remarkable transformation of the Republican Party. Over the last two and a half decades, the Republican Party has mutated from a traditional conservative party into an extremist party. It is dismissive of climate change, hostile to both the welfare state and the regulatory state, and fiercely committed to huge tax cuts for the rich and corporations—positions that make it an outlier even among conservative parties in rich democracies. Perhaps even more troubling, the party now displays characteristics of what scholars of comparative politics call an “anti-system party”—one that seeks to foment tribalism, distort or discredit elections, and subvert political institutions and norms. All in all, its posture increasingly resembles that of far-right parties like Marine Le Pen’s National Rally party in France, rather than conventional center-right parties like the German Christian Democrats or the British Tories.

The anti-system qualities of the contemporary Republican Party flourished under Donald Trump. He and his allies launched attacks on the foundations of democracy—the press, the courts, law enforcement, the political opposition—with virtually no pushback or even complaints from

within their party. These norm-exploding stances raised the specter of democratic backsliding of a kind that seemed impossible to imagine in the United States only a few years ago.

Yet while Trump gave these anti-democratic and tribalistic expressions new prominence and intensity, it is crucial to recognize that they were less a departure from the recent history of the Republican Party than a hastening of its march down an alarming path. Since at least Newt Gingrich's House speakership in the 1990s, Republicans in Washington have deployed aggressive strategies designed to disrupt government, delegitimize the party's opponents, and convince supporters that the alternative to Republican rule was terrifying. Republicans built, became dependent upon, and ultimately lost control to an "outrage machine" built around a formidable right-wing media apparatus and increasingly extreme movement groups like the National Rifle Association and the Christian Right. As the party embraced these efforts, its leading ranks gradually filled with ambitious politicians who accepted this new kind of politics, and recognized the power of the right wing to break them politically if they did not.

Far from vanquishing these forces within the Republican Party, Trump's defeat seems to have strengthened them. Even after the insurrection of January 6<sup>th</sup>, a large majority of House Republicans took the astonishing step of voting not to accept the results of several states (and millions of voters) despite the lack of any credible evidence of fraud. Roughly two-thirds of Republican voters say Biden's victory was illegitimate. With Trump determined to continue exerting influence over the party, there seems to be little appetite among Republican elites to change course. Efforts at compromise are certain to generate reprisals from right-wing media and the party's electoral base. Given these incentives, there is little reason to anticipate anything other than scorched earth opposition to Biden's presidency.

## **2. The Antiquated Constitutional Order**

The likelihood that Republicans will oppose Biden tenaciously raises the significance of the second crisis: the nation's antiquated constitutional order. The increasingly rickety structure of American political institutions contributes both to the worrisome evolution of the Republican Party and to the steadily eroding quality of American governance. Always sluggish, the peculiar structure of American government has left the country more vulnerable to extremism and less and less capable of responding to emerging challenges. One aspect of the problem is an unusually high threshold for passing legislation. National laws must clear *four* distinct hurdles – approval of the House, the Senate, the President (unless Congress overrides a veto), and acquiescence by the nation's powerful

courts. Each of these hurdles creates a distinct challenge. The difficulties have grown as the two parties are increasingly polarized since no single party is likely to control all four veto points. The result, most of the time, is stalemate – except over small things, or when events absolutely force some kind of cooperative action. The Senate’s “filibuster” rule, which requires most legislation to gain the support of 60 of the 100 senators, makes the problem of gridlock far worse.

American institutions have a second worrisome feature: increasingly, they promote minority rule. The U.S. electoral system rewards parties whose supporters are dispersed across large swaths of sparsely populated territory. As the parties have increasingly polarized along geographic lines – Democrats the urban-based party and Republicans based in rural areas, outer suburbs, and small towns, this institutional bias has favored Republicans. They have been able to flout majority sentiment while sustaining, or even expanding, their political power. In recent House elections, Republicans’ share of congressional seats has exceeded their share of the two-party vote by roughly five percent. The Senate, with its huge bonus for people living in low-population states, is far worse. Republicans have represented a majority of *voters* in the Senate for only two years in the last twenty, but they have had a majority of *senators* for half that period. Republicans have also lost the popular vote in seven of the past eight presidential elections – a losing streak without precedent in American history. Yet the archaic Electoral College has twice awarded Republicans the presidency even as they lost the popular vote. It almost did so again in 2020. These “minoritarian” advantages compound. Thanks to the skew of the Senate and the Electoral College, Republican-appointed justices now have a 6-3 majority on the nation’s powerful Supreme Court. In the states, Republicans have taken advantage of a similar rural bias to gain disproportionate power over election laws and increase their edge in the House by drawing favorable Congressional district lines.

This Constitutional crisis, in short, has fed the partisan one. It has emboldened the Republican Party even as Republicans have moved rightward, heightening the party’s ambivalence about democracy itself. The concept of majority rule has lost legitimacy in the Republican Party. Trump’s campaign never really tried to gain majority support – counting on the Electoral College’s bias to save him. And Trump’s cries of fraud were just more extreme versions of a steady drumbeat (often with strong racial overtones) within the party claiming that Democrats only win elections because of fraud. There is a direct line from years of these allegations to the “stop the steal” insurrection of January 6<sup>th</sup>. Rather than recoiling from that horrific event, however, Republicans in many states are using the “controversy” about the election as an excuse to advance proposals to make it more difficult for Democrats, and racial minorities in particular, to cast ballots in future elections.

### 3. Erosion of the Governing Capacity

The crisis of the Republican Party and American institutions is reinforced by a third, less obvious crisis: a staggering erosion of the nation's governing capacity. Over the past generation, the ability of the United States to harness governmental authority for broad public purposes has been in steep decline. Polarization and gridlock have shackled government. Moreover, this dwindling capacity has emerged even as the need for effective governance in a complex, interdependent world has grown. It was the United States that triggered the "Great Recession" of 2007-2009 by letting its financial regulations wither. As the dangers of climate change have become obvious the United States has been immobilized; it now leads the world in promoting climate denialism and protecting the fossil fuel industry. Once the unquestioned leader in higher education and the promotion of science, the United States has been steadily falling down the global ranks of educational attainment. Perhaps most revealing, the U.S. stands out among rich democracies in trends in life expectancy – a key measure of broad social prosperity. In relative terms the U.S. has been losing ground to other rich democracies for decades. In recent years, the decline became not just relative but absolute. Driven by a rise in what economists Anne Case and Angus Deaton call "deaths of despair" – suicides, drug overdoses and alcohol abuse – life expectancy has actually *fallen* in the United States since 2014. And given the very poor performance of American government in responding to the COVID-19 pandemic, life expectancy is expected to fall even further.

All of these trends have fed on one another, creating a kind of doom-loop of growing extremism, poor governance, and skepticism about American democracy. The Democratic Party certainly deserves some of the blame here: both the Clinton and the Obama administrations did too little to address the dislocations caused by trade or the growing geographic divergence in economic outcomes. But the biggest barrier to serious action has been the Republican Party. Effective governance is elusive not because the problems Americans face are insuperable, but because the Republican Party has radicalized in reaction to economic and social trends and the nation's aging political institutions are poorly equipped to handle an anti-system party with broad support.

Indeed, Republican leaders from Newt Gingrich to Mitch McConnell have learned that obstructionist tactics that alienate voters from government are good politics. In the absence of competent government, places left behind by economic and cultural change have proved fertile terrain for fear-mongering by right-wing media and, increasingly, Republican campaigns. And as the GOP has alienated the racial and ethnic minorities that make up a growing share of the electorate, it has found itself drawn to strategies that undermine not just effective governance but

also representative democracy itself.

### ***Challenging Prospect for American Democracy***

President Biden's election thus represents a critical moment. Given enough time, Democrats might gain the upper hand, and electoral incentives might force Republicans to repudiate their destabilizing course. The Republican Party is deeply unpopular with rising demographic forces in the country. It has turned to a polarizing and increasingly anti-democratic strategy precisely because the groups at the heart of its coalition know that they are in a race against time. South Carolina Senator Lindsay Graham – once a fierce Trump critic but now, like most in the party, a dutiful follower – once warned “we’re not generating enough angry white guys to stay in business for the long term.”

Sadly, the United States does not have time to wait, and the forces that have driven the United States into such a perilous state will not be dispersed easily. To its credit, the Biden administration seems to recognize the urgency, and is moving quickly to use the power at its disposal to address many of the challenges just described. Biden has emphasized that his top priorities are to address the pandemic, the economic downturn, climate change, and racial justice. Yet the antiquated American political system makes serious reform extremely difficult under the best of circumstances, and these are far from the best of circumstances. Biden can anticipate monolithic Republican opposition in Congress and the conservative media. The Senate filibuster will enable Republican senators to block any legislation except a few (albeit important) budgetary measures. Republicans are well aware that relentless legislative obstruction has delivered them political gains in the past. The Democrats' tiny majority in the Senate also means any disagreement within the party could derail their efforts. Finally, Biden will also face an extremely conservative Supreme Court. Before these judges, even popular and essential reforms passed by any Democratic-controlled Congress would face a highly uncertain fate.

These daunting obstacles highlight the precariousness of this moment. The stakes could hardly be higher in what remains the world's most powerful nation. The United States is at a crossroads. One fork in the road leads to a democratic future, in which the Republican Party must adapt to remain competitive in a multi-racial society, and jettisons its ethno-nationalist appeals for a program that attempts to address the genuine challenges American citizens face. The other fork leads to something like what we have witnessed in Hungary under Victor Orban: further backsliding from democracy, voter suppression, the rigging of electoral districts, harassment of the press, and

the use of a partisan judiciary and politicized law enforcement to reward allies and punish enemies. Donald Trump has lost the election, but we likely have not seen the end of his brand of politics. ■

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