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# The Politics of Democratic Resilience in the USA from its Founding to the Present Day

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One of the main characteristics of the current political debate – in Europe as well as in North America – is to lament the decline of democracy in a context where ‘illiberal regimes’ like Russia have turned into explicit threats on the international stage. In the US, the national lament was made even stronger with the rise of Donald Trump who, despite all the judicial actions against him, remains a looming presence. The aim of this chapter is not to add another element to the countless number of publications on ‘democratic decline’; rather, it aims at discussing the nature of democratic resilience in the US.

Currently, ‘resilience’ is a category that is very much in fashion, especially in the context of a Biden Presidency dedicated to the restoration of proper civic norms domestically and to the strengthening of an alliance of democracies at the international level. Resilience is a notion that originates in physics: it refers to the capacity for a material to absorb external shocks until it eventually breaks. In the field of social sciences, it has taken on another meaning, that is the ability to reinvent or to rebuild oneself. The US has been a prime example of such a ‘reinvention’ ability throughout its history. Even though the constitutional frame has remained the same since the 1787 constitution, the nature of American democracy and the practices that support it have thoroughly evolved. For instance, the Fourteenth Amendment adopted in 1868 and providing a common citizenship for both Blacks and Whites led to profound constitutional changes (the “incorporation” of constitutional rights); another example of such ‘reinvention’ would be the rise of the presidential branch with reformist leaders like Theodore Roosevelt, Woodrow Wilson and Franklin Roosevelt, which turned American democracy into the presidential regime that we still know nowadays where the President is the main engine of national institutions and drives the national debate.

Of course, the next question would be to ask when adaptation is about resilience or losing sight of the profound nature of the system. When do changes eventually alter and modify the very core of the regime? When does alteration become stronger than resilience? There are no easy and definitive answers to these questions, but there is one way to capture the tension inherent in American democratic resilience by relying on the ideas of the French philosopher Paul Ricoeur (1913-2005), whose popularity was boosted again in 2017 since French President Emmanuel Macron used to work for him as a student (1999-2001) and publicly stated he was a personal source of inspiration for him. Among a vast number of topics, Ricoeur touched on the issue of identity and foregrounded a distinction between two forms of identity by relying on the two Latin words to translate “the

same”: *idem* and *ipse*. The former designates objective characteristics that are structural and non-changing (*identité-mêmeté*), whereas the latter has to do with the way in which people speak about themselves, the subjective self or the *récit de soi* in Ricœurian terms (*identité-ipséité*). This opposition between *idem* and *ipse* nicely captures the inherent tension that exists when discussing American democratic resilience. As an *idem*, American resilience is to be understood as the preservation of permanent fixtures of the regime – like the Constitution – and this is the kind of analysis that is found mainly on the conservative side; as an *ipse*, American resilience is to be understood as a constant democratic experiment that keeps on reinventing itself (and which is politically more progressive). Both are actually relevant to some extent and account for the national pride of a country that never missed an electoral deadline (elections were held during the British invasion of 1812-14, in the middle of the Civil War and during both World Wars), thus constantly preserving accountability, while expanding the franchise very early, in the 1830s (at least for White men without property), amending the Constitution, expanding individual rights and creating a new balance between national institutions.

Historically, each of these developments has triggered its own brand of criticism, lamenting the new turn in political practices. This chapter is based on a selection of three of these ‘new turns,’ none of them being completely in the past; they still impact current political practices, thus making American politics an authentic palimpsest where the past, as William Faulkner said,<sup>1</sup> is “never dead. It’s *not even past*”:

- The founding and its ambiguities until the Civil War
- The ‘party regime’ in the late nineteenth century
- The rise of presidential power and contemporary challenges

### **The Republican Founding and Antebellum Developments**

The US was founded by people who were deeply influenced by the Whig ideas inherited from British intellectual and political debates since the seventeenth century. Many historians have highlighted decades ago the ideological dimension of the War of Independence between “Whiggish” colonists and Tory England (see the studies by Bernard Baylin, Gordon Wood, and John G.A. Pocock in the 1960s and 1970s). Their conclusions are straightforward: American insurgents were radicalized Whigs who resented the monarchical and centralizing impulses from the Center. They won the War of Independence and created a string of thirteen independent colonies that embodied strict Republican and Whig values. Alas, these newly independent republics proved unstable within a few years, so that a

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<sup>1</sup> In *Requiem for a Nun* (1951).

reform movement that called itself “federalist” (because it wanted to create a centralized federal power to provide the stability that was missing) pushed for a new constitution that is the one still in existence today. This constitution created a unitary executive (a President) and a firm central government with an explicit list of major powers. As such, the text was extremely criticized by opponents who stood for the old Whig ideas of the War of Independence and who, for lack of a better word, called themselves “anti-federalists.” Far from the consensual image illustrated in civic textbooks, the ratification debate was fierce. Anti-federalists considered that federalists built a new kind of aristocratic and monarchical regime on American soil. For these opponents, the new Constitution represented political reaction. Federalists were purely and simply organizing a counter-revolution.

Federalists, however, insisted that they created a republic in which the “People” of the Preamble<sup>2</sup> are the basis of political authority. All national institutions are elective (Congress, the Presidency) or dependent on election returns for their own membership (Supreme Court); the Preamble also clearly states that the people are in charge (“We The People Do Ordain and Establish”). At the same time, the Founders in Philadelphia, who represented the social elites of their time, created all sorts of mechanisms to screen the popular will and prevent excessive popular impulses, collectively known as “checks and balances.” Each national branch thus has the ability to block the decisions of the others. For instance, the Senate has longer terms than the House of Representatives, so that the upper chamber would cool the passions in the lower chamber; the President has a veto power over congressional bills and is also elected indirectly through an electoral college; finally, the Supreme Court can declare laws unconstitutional. National power itself is limited by a vertical separation of powers (federalism) that protects powerful state governments.

The antifederalist fears were allayed through two means: the ratification of ten amendments in 1791 (the Bill of Rights), which included the antifederalist criticisms and the choice of George Washington, a consensual republican hero, as the first President. During his two terms, Washington created proper Republican precedents (starting with his self-limitation to two terms). Thanks to both political maneuvers, the new Constitution quickly became a symbol of national unity and has kept this status to this day. However, the Constitution left a lot of issues unresolved, thus creating ambiguities that are still with Americans today and that nearly led to the end of the American democratic experiment in 1860 with the Civil War. Three main developments turned out to raise major issues and tested

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<sup>2</sup> The exact limit of who the “People” are is not specified in the Constitution. It is up to each state to decide on who has the franchise. In 1787, wealthy white men made up the “People” of the Preamble.

the resilience of the new institutional framework: the early rise of the Judicial branch, the development of political parties and, finally, the Southern secession.

As for the first point, it was striking to see that the Founders had not anticipated a Supreme Court that would play a pivotal role in politics. Article 3 set up a Supreme Court (whose number of members was not specified) that was tasked with preventing unconstitutional laws from being implemented. Its interpretation power was not detailed though and the first Chief Justice, John Marshall, used a minor case to successfully claim a vast construction power of all laws (*Marbury v. Madison*, 1803). The power of “judicial review” as Americans know it today was thus born a few years after the ratification of the Constitution. It was a brand-new role for the Supreme Court, which became the “storm center” of American politics, as David O’Brien aptly put it (see O’Brien). By the mid-nineteenth century, the Court started cancelling federal laws and its first try in 1857 illustrated the dangers of the exercise. Indeed, the Supreme Court, being unelected, is always in danger of deciding against a majority of the people, which is called the “counter-majoritarian” difficulty (see Bickel). In 1857, the infamous *Dred Scott* decision – giving a constitutional status to slavery – decisively contributed to the polarization of public opinion three years before the start of the Civil War. Decisions since then have been far less dramatic but nonetheless, the counter-majoritarian argument always looms large when the Court touches on sensitive issues: the constitutional status of the New Deal (*Schechter*, 1935), Black segregation (*Plessy*, 1896), Black emancipation (*Brown*, 1954), or abortion (*Roe*, 1973; *Dobbs*, 2022). This string of historic cases is the result of the 1803 decision and the vast power it provided the Supreme Court, a power that systematically comes with the inherent risk of being out of touch with public opinion.

The second point is the rise of “factions” that quickly paved the way for political parties. The early Republican and Federalist factions of the 1790s were replaced by a second party system after the so-called “spoiled bargain” of 1824 that prevented Andrew Jackson from becoming President. Jacksonians thus created a brand new “Democratic Party” for the 1828 presidential contest that represented a change in the nature of political organizations. Unlike the first party system, where parties were elite networks, the Democratic Party had deep roots in civil society and was meant to mobilize voters in favor of Andrew Jackson. As Maurice Duverger explained in his famous typology of party organizations (1951), the American Democratic Party was the first example of a ‘mass political party’ entirely devoted to winning elections and supporting candidates. The Grand Old Party of 1854 followed the same path. This evolution was a major change considering that the Constitution was largely “anti-party,” as Richard Hofstadter explained in his classic 1966 article: indeed, the separation of powers prevents the kind of political accountability that is central to parliamentary regimes in most

Western European democracies. The coordinating task of political parties is always a challenge in the US so that “unified government” between Congress and the Presidency is no guarantee for a smooth collaboration between both institutions.

The third development is the rise of the South and the related questions of slavery and Black emancipation. Most of the well-known Founders (Jefferson, Madison, Washington, etc.) came from the South (Virginia in these three cases), and the constitutional text included clauses meant to protect the South and its “peculiar institution.” One of them was the federal nature of the Union and the creation of a Senate that was made up of two senators per state, whatever its population, thus preserving a voice for states in the South whose ‘free’ population was smaller than Northern states. By the 1830s, equality of representation among states had turned the Senate into a bastion for Southern states. Indeed, immigration consistently increased the population of Northern states (where major immigration ports were located), which translated politically into Northern majorities in the House of Representatives. The Senate also turned out to be a fundamental institution for Southern leaders in the context of Westward Expansion. The Frontier was indeed a highly loaded political question in that the creation of free states or slave states would determine the balance of power within the upper chamber; Southern leaders were thus determined to push for the creation of slave states and the preservation of the status quo in the Senate. Southern leaders could also call the Supreme Court one of their allies: when John Marshall retired, he was replaced with Roger Taney (from Maryland) who favored Southern interests in many instances, the most famous being the 1857 Dred Scott decision. Considering that the two institutions that were the less responsive to public opinion were heavily in favor of the South,<sup>3</sup> an increasing number of people, especially among abolitionists, worried that national republican institutions were slowly being hijacked by a minority of Southern leaders mimicking a kind of American-bred aristocracy. They altogether eventually joined forces in a brand-new Republican Party (1854), whose main goal was to restore the republican nature of the regime and expel Southern forces.

By the late 1850s, all three developments had joined to trigger the Civil War: the contradictions within the political system were so blatant that it broke down in the bloodiest war that the country ever experienced. But despite its cost in human lives, the War paved the way for a reinvention of American republicanism. For one thing, states were clearly relegated and the American nation was not doubted in its existence any longer: the vocabulary testifies to this change in that “United

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<sup>3</sup> Like today, Supreme Court Justices were nominated by the President and then confirmed by the Senate; the Senate, however, was elected indirectly by state assemblies till 1913 and not directly by the people of their state.

States” was henceforth used in the singular (“The US is”) and not in the plural (“The US are”). Besides, the War led to an ambitious constitutional reconstruction through Amendments Thirteen (1865), Fourteen (1868) and Fifteen (1870). Amendment 14 was by itself a new constitution for the country: by creating a common American citizenship for both Blacks and Whites, it initiated major changes in constitutional law (collectively known as “incorporation”) with massive consequences for American citizens, starting in the 1920s. In the late nineteenth century however, Reconstruction was largely limited to its constitutional dimension. It failed to initiate a new cycle of political and social reforms for American democracy. On the contrary, the last thirty years of the nineteenth century testified to a sort of paralysis.

### **The Post-Civil War Party Regime**

Politically, the late nineteenth century was characterized by the complete dominance of political parties. All national institutions were subordinated to party decisions, including both the Presidency and Congress. How can this configuration be explained?

Even though political parties were major institutions in all Western democracies at the time,<sup>4</sup> in no other country have they come to play such a decisive role. The reason for this omnipresence in the American context is to be traced back to the late 1820s, precisely when Andrew Jackson, Martin Van Buren and others created the Democratic Party. Once elected, Jackson launched an all-out war against traditional political elites. He kept on denouncing the ‘elites’ that had prevented his election in 1824. He claimed that these political elites were a pseudo aristocracy in the making; for him, this aristocracy had to be uprooted and he committed himself to doing precisely that once he was in charge. By removing top ranking civil servants after his election and replacing them with political friends and supporters, Jackson initiated what came to be known as the “spoils system.” This patronage was shrouded in a democratic rhetoric according to which a new majority had to have its say by replacing all civil servants. That evolution quickly became common practice: Jackson’s opponents took up the very same tactics when they returned to power and by 1860, when Abraham Lincoln was elected the first Republican President, presidential patronage was entirely part of the political mainstream. After the Civil War, things went even further. Patronage was not just a means anymore but had become the very end of politics. ‘Bosses’ operated ‘political machines’ in major urban centers and all elected officials, at both the national and local levels, routinely indulged in patronage, including the President, whose main duty was to be purveyor of jobs and advantages to his political allies. This

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<sup>4</sup> Political Science as an academic discipline was born precisely at that time to study the rise and consequences of party politics on democratic regimes.

constant 'struggle for patronage' paved the way for an increasing polarization between Democrats and Republicans, which was a key characteristic of politics at the time.

Unlike polarization nowadays, party polarization in the late nineteenth century had thus little ideological basis. More precisely, both Democrats and Republicans were divided into two branches, one being more conservative than the other, which explains why contemporary analysts voluntarily referred to both parties in Carrollian fashion as "Tweedledum and Tweedledee." Democrats gathered a very heterogeneous coalition of poor and racist Bourbon Democrats in the South (who resented the Republican Party for the War), recent European immigrants made up of White Ethnics (Irish, Poles, etc.) concentrated in major cities, and finally indebted farmers from the West. To some extent, Democrats at the time represented the "America from below," that is segments of society that stood at the margins of the new industrial order in the making under the supervision of Republican administrations. The Grand Old Party stood for those who were included and benefitted from this new industrial order. The Republican Party was made up of urban and WASP middle or upper-middle classes with some support among working classes (Italians) and Blacks.

By itself, this partisan configuration represented a hurdle for national institutions. And it was made even worse by a series of additional developments. For instance, the Presidency at the time was not the leading institution that exists nowadays. As a reaction to 'strong' Presidents during and immediately after the Civil War – Republican Abraham Lincoln and Democrat Andrew Johnson – most Presidents, starting with Ulysses S. Grant in 1872, returned to what they saw as the proper balance of power, namely a Presidency whose role was exclusively to implement the bills voted by Congress and not to lead the country politically. This understanding of executive power – known as the "Whig" theory of the Presidency – was dominant from 1872 to the early years of the twentieth century. This paved the way for what Woodrow Wilson critically termed "Congressional Government" in his 1885 book of the same title. He saw in this lack of presidential leadership a radical defect of the political system that accounted, among other things, for the omnipresence of lobbies and all sorts of grafts and peddling. Besides, the infamous racial compromise of 1877, restoring "home rule" for Southern states, allowed the former Confederate states to implement segregation under the supervision of so-called "Bourbon Democrats." Finally, another leading characteristic of the political order of the time was the part played by an activist and conservative Supreme Court that validated segregation (*Plessy v. Ferguson*, 1896) and prevented social regulation at the state level (*Lochner v. New York*, 1905).

Taken together, all these developments – party configuration, congressional government, Whig Presidency, segregation and judicial activism – pointed in the

same direction: a political system that was out of sync with the larger social and industrial changes that characterized the country. Or so it was criticized by the powerful reform movements that emerged from 1892 to the 1900s. Agrarian reformism was the first to make an impact on the national stage. It slowly made its way from the 1870s to 1892, when it finally became a national party – the People’s Party – and adopted its own platform. By 1896, it had become an ally of the Democratic Party but failed to impose its ideas. Nevertheless, another reform movement emerged in its wake. It was an urban movement made up of middle-class leaders who, unlike the Populists of the 1890s, deeply impacted both national parties: on the Republican side, Theodore Roosevelt took up many of their ideas, soon followed by the Democrat Woodrow Wilson. The Progressive movement set the tone for national politics from the 1900s to the First World War and implemented its principles of democratic restoration against the downward slides of congressional government. This took the shape of several initiatives: party reforms (rise of primary elections to fight against party bosses), constitutional reforms (direct elections of Senators, national income tax, right to vote for women), direct democracy at the state level (especially in the Western states with recalls, propositions, referendums), dismantling of big corporations (and the first campaign finance laws) and a merit-based hiring of civil servants (to limit the impact of the spoil system).

### **The Rise of the Presidential Institution and Contemporary Challenges**

For us, the major impact of Progressivism was in the institutional dynamic that it created. To achieve many of the ends listed above, Progressives relied on a renewed presidential power. Far from sticking to the old Whig theory of the Presidency, they advocated a Presidency meant to act as a “spokesman for the people” as Theodore Roosevelt put it. In other words, the President was not supposed to be exclusively subservient to the will of Congress. He was, first and foremost, the leader of the country and imposed the will of the majority that elected him against constitutional checks and balances. Theodore Roosevelt (1901-1909) and Woodrow Wilson (1912-1920) were the first two architects of American presidentialism. But the main builder of the modern Presidency was Franklin Roosevelt (1932-1945). His program of reform was implemented thanks to the creation of a presidential institution dedicated to the supervision of the brand-new Welfare State that constituted the core of the New Deal. Since then, the US has become a presidential regime where the national rhythm of politics is the result of presidential action and not congressional initiatives.

This major evolution was labelled a form of “plebiscitary” politics (see Lowi, *Personal President*) whereby the President relies on their popularity to promote changes. The disruptive force of the Presidency initially did marvels. It made it

possible for Franklin Roosevelt to face the economic crisis and to lead the country throughout the Second World War. Later, his successors Harry Truman and Lyndon B. Johnson could, respectively, manage the Cold War, strengthen the Welfare State and promote Black emancipation (Great Society).

But this new balance also imposed a series of new costs on the political regime and they all count as current challenges for American democracy. All institutions are impacted. First and foremost, political parties are downgraded (see Milkis): the charismatic legitimacy of the national leader is a direct competitor to partisan structures. It is also a reason why electoral turnout becomes weaker after the 1930s, especially for midterm elections. The high turnout levels of the nineteenth century, when the influence of political parties was at its top, have definitely become a thing of the past. Congress suffers a similar fate by becoming a secondary institution that largely reacts to presidential initiatives; the “first power” according to the Constitution has become a subordinated institution. The Supreme Court itself is not left untouched. Indeed, the Supreme Court becomes an explicit tool for furthering the program and ideas of the President who succeeded in appointing new Justices. Of course, this had always been the case, but with far less intensity when the President stuck to the Whig conception of his own powers during most of the nineteenth century. Finally, the rise of the Presidency directly impacted federal relations. Since presidential power resulted in the creation of a Welfare State made up of a great many national programs – Medicare or Social Security for instance – that contributed to a high degree of centralization that Theodore Lowi characterized as the “United State” in 1978 (see Lowi, “Europeanization”).

Such a powerful presidential institution distorts the constitutional checks and balances inherited from the Founding Fathers. Historically, it first paved the way for the creation of a Welfare State and national regulations. But this positive emulation reached its end by the mid-1970s when Arthur Schlesinger published *The Imperial Presidency* (1974). The Watergate scandal shook the foundation of the political system and illustrated the risk of overreach that characterized the Presidency. Schlesinger explained that the President is now in a position to confiscate constitutional powers attributed to Congress in the name of “inherent” powers for the Executive. According to Schlesinger, this is especially the case for war powers but also the budget power and the nomination process. This is a huge qualitative leap when compared to ‘strong’ Presidents in the nineteenth century: Andrew Jackson or Abraham Lincoln never claimed to have inherent powers placing them above the other branches.

The presidential framework inherited from the 1930s has constantly hovered between these two poles, reformist disruption on the one hand and overreach on

the other. After Watergate, the scandal resulted in a power shift in favor of Congress, as illustrated by the numerous pieces of legislation adopted in the second half of the 1970s that were all meant to tame potential presidential excesses.<sup>5</sup> Starting in the 1980s, and again after the terrorist attacks of 2001 and the Bush Presidency, the presidential institution was rebuilt (see Rudalevige).

Contemporary presidentialism, however, takes place in a very different partisan environment from its first version between the 1930s and the 1970s. Over the past fifty years, the US political stage has witnessed the rise of a vast polarization movement, so much so that some analysts (see Brewer and Maisel) talk about a new party system even though the party labels have remained the same for over one hundred fifty years. Indeed, the political upheavals of the 1960s paved the way for a re-sorting of political forces: the Republican Party succeeded in its “southern strategy” (see Phillips) and captured the overwhelming majority of Southern Whites over a thirty-year period. Consequently, “Bourbon Democrats” disappeared and both parties have become more clearly associated with a distinct ideology. The Republican Party has become a clearly conservative vessel while the Democratic Party is a coalition of centrist and progressive forces. This evolution took place at a time when parties decided to change their internal organization by promoting ‘in-party’ democracy. The Democratic Party initiated the move after the disastrous 1968 Chicago convention and the Republican Party followed suit a few years later. Parties increasingly relied on Primary elections and Caucuses to designate their candidates, in an effort to shift power back to ‘regular’ voters. But these reforms actually empowered activists of all kinds and various donors (see Polsby; see La Raja), who all share the same ideological goals and tend to reject pragmatism and compromise. In other words, “party democracy” did not favor the “median voter” (see Downs) but rather the most ideologically committed elements of the voting coalition, on the Right as well as on the Left.

The outcome to these party processes that played out over several decades are visible in the various forms of polarization plaguing contemporary American politics. In Congress, polarization created a near-constant state of gridlock (especially for confirmations and budget issues) explaining a regular decrease in legislative productivity.<sup>6</sup> In periods of “divided government,” the paralysis is near complete, whereas a “unified government” creates a supine Congress that exerts a limited control over the administration. In the Senate especially, the constant use of filibuster has turned the upper chamber into a legislative cemetery. As a result, the

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<sup>5</sup> Early examples would include the War Powers Resolution of 1973 and the Congressional Budget and Impoundment Act of 1974.

<sup>6</sup> The Pew Research Center has data on that count here: <https://www.pewresearch.org/short-reads/2021/01/21/nothing-lame-about-this-lame-duck-116th-congress-had-busiest-post-election-session-in-recent-history/>.

popularity rate of Congress has often been under 10% over the past fifteen years.<sup>7</sup> Polarization also has a geographical dimension and is visible at the state level. Most states now have a clear partisan label, so that each presidential administration can expect a certain group of states to contest their decisions in courts – this was for instance the case between Barack Obama and Texas or between Donald Trump and California. The common practice of “gerrymandering” – that is the drawing of district lines that heavily favor one party or the other –, which was admitted as unavoidable by the Supreme Court (*Rucho v. Common Cause*, 2019), has turned the overwhelming majority of districts into bastions where incumbents cannot be defeated. Finally, polarization is also a matter of increasing separation between electorates. In his book *Post-racial or Most-Racial?* (2016), Michael Tesler brilliantly documented that under Obama, virtually all political questions became even more racialized than they already were. The Obama Presidency made race more salient and both parties became more divided along racial lines. The Republican Party became essentially the Party of White men and Evangelicals (the largest religious group in the US, representing one quarter of the total population), while regularly making inroads among Hispanics and Asians. Taken together, the Republican Party has become less diverse than the general population, while the Democratic Party has gone the other way, to become more diverse than the country as a whole. The story of the 2020 presidential election followed this pattern. The Republican candidate won the white vote (54% to 44 %), and the Democratic candidate won the overwhelming majority of the African American vote (90% to 8%), the Asian American vote (67%) and the Latino vote (63% – down from 71% in 2016). According to the progressive consultant firm Catalist, over 85% of Trump’s voters were White voters, with or without a college degree, while around 70% of non-White voters supported Joe Biden (and they made up close to 40% of his electorate; see Catalist). So, for better or for worse, the Republican Party is an overwhelmingly White party and the Democratic coalition is much more racially diverse.

These two blocs increasingly consider each other as ‘enemies,’ rather than as mere ‘adversaries,’ which is known as “negative polarization.” This stems from the alignment of partisan identities and other social identities. The degree of resentment toward the opposite party goes way beyond political disagreement. Party identifications have become channels for different forms of intolerance and resentment. The complexity of identity politics today is that party affiliation has turned into what Amy Chua calls “tribes” (see Chua) and Liliana Mason calls “mega-identities” (see Mason) because they channel so many aspects of Americans’ lives. Religion, for instance, can be a strong source of identity that is heavily correlated to voting behavior and more aligned with the partisan divide. These

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<sup>7</sup> Gallup trends are available here: <https://news.gallup.com/poll/4732/supreme-court.aspx>.

strong identity markers are solidified, some would say calcified, by a media environment that reinforces the “echo chamber” phenomenon. In other words, the US has been witnessing the most consistent alignment of race, party, and ideology since 1965 (see Zhang and Cain; see Richomme).

### **Concluding Remarks**

Throughout its history, American democracy has had many opportunities to testify of its resilience. The same constitutional framework accommodated different regimes, and popular government was never endangered, even considering the 2021 assault on the Capitol. But is it possible to identify one – or several – cause(s) for this resilience?

This overview of two centuries of American history has illustrated that political, institutional, and partisan configurations actually play a fairly limited part or, more precisely, that the very same factors played out very differently depending on the context. For instance, the constitutional rigidity inherited from the Philadelphia Convention currently appears to be one of the most solid pillars protecting democracy; but in the mid-nineteenth century, the English observer Walter Bagehot, in *The English Constitution* (1867), decried the rigidity of American institutions as one of the causes for the Civil War. The Founders also considered that states would be the proper safeguards of republicanism, an opinion updated by Justice Brandeis when he wrote in the 1932 *Lieberman* decision that states were “laboratories of democracy”; historically however, the greatest threats to individual freedoms came from states, starting with slavery and segregation in the nineteenth century and continuing to this day, with Republicans’ attempts at the state level to restrict the right to vote. Political parties devoid of a strong ideological identity were criticized in the late nineteenth century because they made it impossible to nurture a political accountability similar to the British Westminster model. One century later, with sharply polarized political parties, many analysts seem to rediscover the virtues of bipartisanship (see Ornstein and Mann). Finally, all the filters created by the Founding Fathers to protect republicanism (the Senate or the Electoral College for instance) are currently regarded as obstacles for the proper functioning of a majoritarian democracy: the Electoral College is heavily tilted in favor of Republicans (who dominate small and rural states) so that they won all of their presidential contests since 1992 while being in the minority in terms of votes (except for 2004); the Senate is apportioned in such a way that it currently gives some 30% of the population 70% of the votes (here again, in favor of Republicans).

Considering this, maybe the key element accounting for democratic resilience in the US has less to do with institutions and more with the individual integrity of actors. The little-known *55 Federalist Paper*, penned by James Madison, Alexander

Hamilton, and John Jay emphasized the permanent need for a civic virtue to operate the brand-new institutions properly (see Wu). As such, the Trump Presidency between 2016 and 2020 was kept in check by the ‘virtue’ – or put differently, by the mere professionalism – of key actors like federal prosecutors, top-military generals and state secretaries. In other words, the famed checks and balances never operate by themselves and require more than the mere institutional configuration carefully planned out by the Founding Fathers. To that extent, American democracy is no different than its Western counterparts.

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