

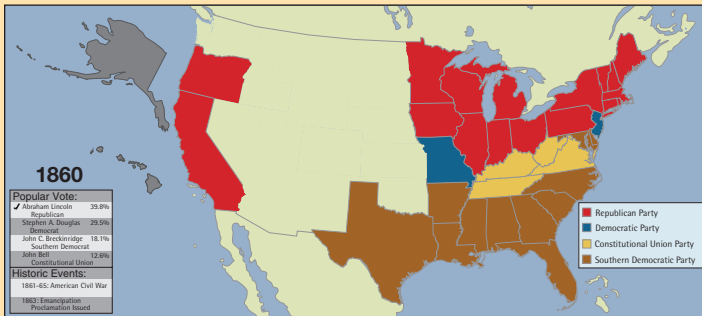
JOSEPH M. BESSETTE • JOHN J. PITNEY, JR

# AMERICAN GOVERNMENT & POLITICS 2E

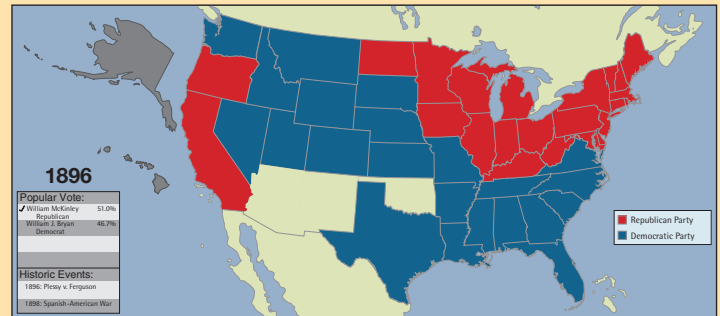
The title 'AMERICAN GOVERNMENT & POLITICS 2E' is rendered in large, bold, yellow-outlined letters. Each letter of the word 'AMERICAN' contains a different image: 'A' shows the US Capitol building; 'M' shows a close-up of the US flag; 'E' shows Barack Obama speaking; 'R' shows a close-up of the US flag; 'I' shows Barack Obama speaking; 'C' shows a close-up of the US flag; 'A' shows Barack Obama speaking; 'N' shows a close-up of the US flag. The word 'GOVERNMENT' also features varied images: 'G' shows Nancy Pelosi; 'O' shows a close-up of the US flag; 'V' shows a close-up of the US flag; 'E' shows a close-up of the US flag; 'R' shows a close-up of the US flag; 'N' shows a close-up of the US flag; 'M' shows a close-up of the US flag; 'E' shows a close-up of the US flag; 'N' shows a close-up of the US flag; 'T' shows a close-up of the US flag. The word '& POLITICS' features: '&' shows a close-up of the US flag; 'P' shows a close-up of the US flag; 'O' shows a close-up of the US flag; 'L' shows a close-up of the US flag; 'I' shows a close-up of the US flag; 'T' shows a close-up of the US flag; 'I' shows a close-up of the US flag; 'C' shows a close-up of the US flag; 'S' shows a close-up of the US flag. The '2E' is in a solid red font.

DELIBERATION, DEMOCRACY, AND CITIZENSHIP

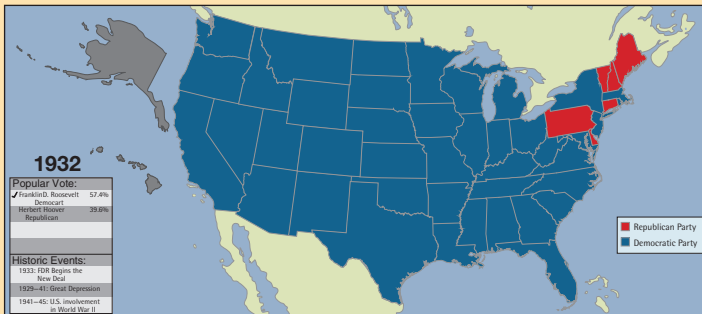
# Results of Key Presidential Elections Since 1840



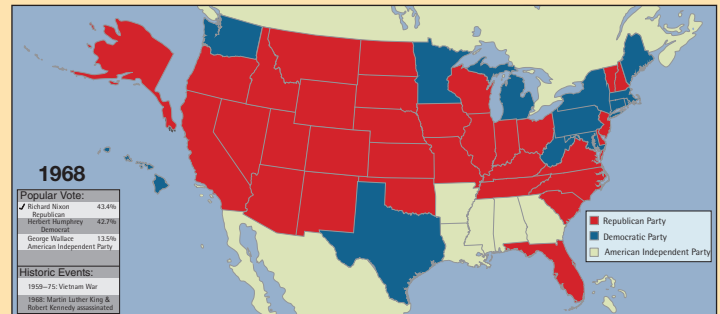
1860: In an election with four major candidates, Abraham Lincoln becomes the first Republican president by carrying most of the free states.



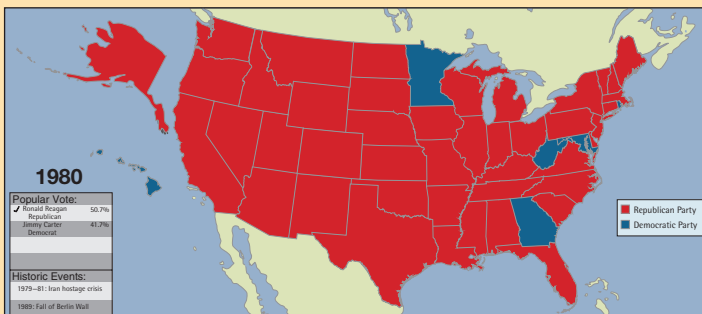
1896: After two decades of close divisions in the popular vote, this election marks the beginning of a GOP edge. No Democrat will win a majority of the popular vote until 1932. (Woodrow Wilson will twice win the electoral vote with less than 50% of the popular vote.)



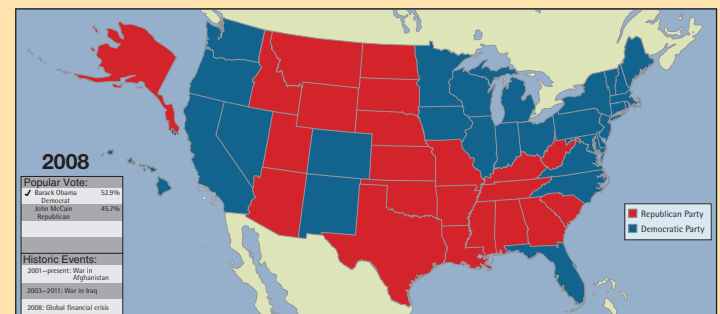
1932: Franklin Roosevelt's sweep solidifies the New Deal realignment. Democrats will win six of the next eight presidential elections and control both chambers of Congress for 44 of the next 48 years.



1968: Richard Nixon wins a narrow popular-vote margin in a three-way race. In each of the next nine presidential races, the winner will be a Republican or a Southern Democrat.



1980: Ronald Reagan wins the popular and electoral vote by substantial margins, besting incumbent Jimmy Carter in his native South. Republicans win the Senate for the first time since 1952.



2008: Barack Obama becomes the first African American president, the first Northern Democratic president since JFK, and only the second Northern Democrat (besides FDR) to win more than 51% of the popular vote.

# American Government and Politics

## Deliberation, Democracy, and Citizenship

Second Edition

**JOSEPH M. BESSETTE**

Claremont McKenna College

**JOHN J. PITNEY, JR.**

Claremont McKenna College



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**American Government and Politics:  
Deliberation, Democracy and Citizenship,  
2nd Edition**

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Production Service and Compositor: S4Carlisle  
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Text Designer: Rokusek Design

Cover Designer: cmiller design

Cover Images: Capital building: © Rudy  
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Library of Congress Control Number: 2012952602

Student Edition:

ISBN-13: 978-1-133-58789-7

ISBN-10: 1-133-58789-5

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# Dedication

This book, twelve years in the making, was made possible by the extraordinary patience and understanding of our families. And so with love and gratitude, we dedicate it to our wives—Lisa Minshew Pitney and Anne Nutter Bessette—and our children and stepchildren—Joshua Lawrence Pitney, Hannah Rose Pitney, Joseph Timothy Bessette, Rebecca Anne Bessette, Margaret Hanway Nones, William Couch Nones, and Elizabeth Calvert Nones.

We especially dedicate this second edition to the memory of loved-ones lost: John J. Pitney (1922–1987), Lawrence J. Friedman (1922–2010), Joseph A. Bessette (1923–2010), and Anne Nutter Bessette (1954–2011).



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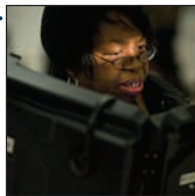
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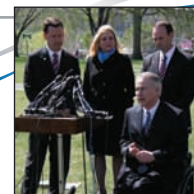
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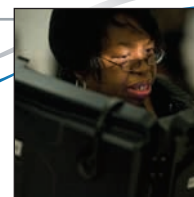


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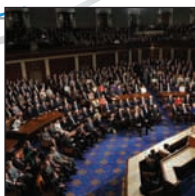
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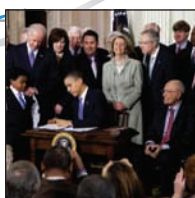


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# Preface

The basic premise of this textbook is that Americans believe in ideals greater than their own self-interests—especially the principles of freedom and equality articulated in the Declaration of Independence—and that as citizens, voters, and public officials, they often act on those ideals. When they appraise how government is performing and what they should do about it, they do not just think, “What’s in it for me?” They also ask themselves, “What’s the right or just thing to do?” or “What’s good for our community or for the country as a whole?”

As longtime students of American government and politics and as former government staffers in Chicago, Albany, and Washington, DC, we are hardly naive about the power of self-interest in government and politics. During breaks in our academic careers, we spent a total of 16 years working full-time in public affairs, including a big city prosecutor’s office, a mayoral campaign staff, a state legislature, the U.S. Congress, a national party committee, and a federal statistics agency. From our study and experience, we well recognize that to some degree politics is about “who gets what, when, and how” and that political actors often focus their energies on their private interests—what scholars call “maximizing their utility.”

A powerful strain of political science emphasizes self-interest, or “utility maximization,” above all else, minimizing the pursuit of justice or the public interest. Scholars in this tradition view themselves as realists and dismiss serious consideration of idealism as a “goody two-shoes” approach. We believe that this view is short-sighted and fails to do justice to the range of forces and motives that drive American politics. That is why we wrote this text.

As we shall explain in the chapters ahead, there is much that self-interest cannot explain. Every day, elected officials make decisions that do not directly advance their careers. Some take politically risky stands on such emotional issues as abortion and the death penalty, while many others spend long hours on issues that may have little electoral payoff, such as prison reform. Every day, public servants in uniforms and civilian clothes make sacrifices for their fellow Americans. Firefighters, police officers, and members of the armed forces put their lives on the line, while teachers and social workers often endure poor working conditions and heartbreaking frustrations. Every day, citizens make

*In our view, no description of American government and politics is complete without attention to the pursuit of both self-interest and public interest.*

judgments about how well their government advances justice or the broader public interest. In open meetings and in the privacy of the voting booth, they often support policies or programs whose benefits flow to others. In our view, no description of American government and politics is complete without attention to the pursuit of both self-interest and public interest.

The concept of “deliberative democracy”—which one of us began writing about three decades ago and which we elaborate in the first chapter—captures this sometimes messy combination of common good and self-interest, of collective reason and power politics. Deliberative democracy holds that democracy works best when people embrace the duties of citizenship and when informed citizens and public officials deliberate to identify and promote the common good. Citizenship, deliberation, and the relationship between the two are the themes of this book and they inform each of the following 18 chapters. We look at how public officials and ordinary Americans try to reason on the merits of public policy, and how they try to serve the public interest. No current American government textbook places as much emphasis on deliberation and citizenship.

We understand citizenship as both a legal status and as an idea that encompasses *civic virtues*. As we detail in Chapter 1, these virtues include self-restraint (or law-abidingness), self-reliance, civic knowledge, and civic participation and service. President Barack Obama captured this idea eloquently in his 2009 inaugural address. He honored men and women in the military “not only because they are the guardians of our

liberty, but because they embody the spirit of service—a willingness to find meaning in something greater than themselves.” Saying that this spirit must inhabit all Americans, he added that “there is nothing so satisfying to the spirit, so defining of our character than giving our all to a difficult task. This is the price and the promise of citizenship.”<sup>1</sup>

*Deliberative democracy holds that democracy works best when people embrace the duties of citizenship and when informed citizens and public officials deliberate to identify and promote the common good.*

Some argue that American politics is not deliberative enough; that much political rhetoric in the United States is little more than partisan sniping and that Congress and the president too often fail to identify and promote the public good. Here the ideal of deliberative democracy serves as a standard by which to judge the political system. After reading this textbook, students will be better able to appraise policies, institutions, and public figures. They will be equipped to deliberate on contemporary issues and to meet the obligations of citizenship.

## ORGANIZATION OF THE BOOK

This book has five parts, each consisting of several chapters. Part I, “Principles and Foundations of American Democracy,” examines basic ideas of the American system. As one might expect, it includes a discussion of the Declaration of Independence, the Constitution, and federalism, in Chapters 1 through 3, respectively. Nevertheless, it differs from other textbooks in its breadth of coverage of the principles of the founding and in its emphasis on *The Federalist* and other writings of the founding era.

Part I includes a unique chapter. Chapter 4, “E Pluribus Unum: American Citizenship and Civic Culture,” focuses on both the legal status of American citizenship and the deeper sense of national unity that ties together a large and diverse population. The chapter links citizenship to broader ideas about attachments and duties. It shows, for example, how the naturalization process highlights both the rights and obligations of American citizenship. The chapter describes the unique set of beliefs that Americans have about their relationship to government, their country’s place in the world, and their duties to one another. These beliefs show up in distinctively American traditions and include individualism, religion, patriotism, and community service. One can find these things in other countries, of course, but they have special force in American political life.

Many American government textbooks overlook these subjects, which is unfortunate. Because immigration has risen sharply in recent years, about one out of every eight

residents of the United States was born in another country. In some states, the ratio is much higher: in California, it is at least one out of four.<sup>2</sup> Accordingly, a large number of students are not yet citizens or have parents who are not yet citizens. For these students, questions surrounding the legal status of citizens and resident aliens are central to their lives, and for all people in the United States, whether they were born here or elsewhere, immigration remains a key public policy issue. Similarly, civic culture both touches students individually and shapes the country in which they live. Readers of this text will learn how the American tradition of community service has influenced issues ranging from tax law to welfare reform.<sup>3</sup>

Part II, “Rights and Liberties,” includes a chapter each on civil liberties and civil rights. Each chapter roots its topic in the founding principles and draws attention to how those principles unfolded over time. Chapter 5, “Civil Liberties,” includes an extensive treatment of the tension between civil liberties and the demands of war, with particular attention to the war on terrorism. Chapter 6, “Civil Rights,” elaborates key debates on major contemporary issues and focuses attention on whether the Constitution and laws should be “color-blind.”

Part III, “Democratic Politics and Public Deliberation,” looks at the structures that enable ordinary Americans to take part in politics. Although the topics are the usual ones found in most American government texts, as the titles of Chapters 7 through 11 suggest—“Public Opinion and Political Participation,” “Interest Groups,” “Political Parties,” “Elections and Campaigns,” and “Mass Media”—the treatment is strongly tied to our particular themes of civic responsibility and deliberation.

Part IV, “Governing Institutions,” has chapters on Congress, the presidency, the bureaucracy, and the courts. These chapters give special attention to deliberative processes, showing how presidents, bureaucrats, lawmakers, and judges reason on the merits of law and public policy. More often than many people acknowledge, the decisions of public officials are the product of reasoned judgments about the public interest, not simply the result of political pressures.

Part V, “The Issues of American Politics,” looks at public policy in the fields of social welfare, economics, and national security. Responsible citizenship requires knowledge of the content of American public policy and the issues at stake in major policy debates. In American deliberative democracy, public opinion about social welfare, economic regulation, and national security both informs and constrains deliberation by the governing institutions. As Abraham Lincoln once wrote, “In this and like communities, public sentiment is everything. With public sentiment, nothing can fail; without it, nothing can succeed.”<sup>4</sup>

## INSTRUCTIONAL FEATURES

Most chapters have the following boxed features:

*Myths and Misinformation* examines beliefs—often widely shared—that turn out not to be true. Deliberation hinges on good information and accurate history, and these boxes try to sweep away some of the misconceptions that get in the way. For example, we examine legends about what political candidates are supposed to have said of claimed (Chapter 10) and protests against nonexistent legislation (Chapter 12).

*International Perspectives* compares the United States with other nations and consider the viewpoints of people across the globe. In some respects, there are similarities; but the boxes show many ways in which this country differs from the rest of the world. For instance, we consider how other countries look at the influence of religion in the United States (Chapter 5) and the role of political parties in parliamentary systems (Chapter 10).

*The Impact of Social Media and Communications Technology* is new to this edition and provides students with examples of how media sources influence politics, policy decisions, political parties, individuals, and day-to-day government activities. This boxed

feature addresses topics such as the impact of Facebook on voter mobilization (Chapter 7) and the potential impact of the massive Wikileaks document release on national security (Chapter 18).

Each chapter also includes the following features:

- Chapter outline
- Chapter learning objectives
- Critical thinking questions called “Major Issues” at the beginning of each section that frame the material
- Chapter summary
- “Test Your Knowledge” quiz
- Glossary of key terms
- Suggestions for further reading
- Web sources

## UPDATED CHAPTERS: WHAT'S NEW IN THE SECOND EDITION

*American Government and Politics: Deliberation, Democracy, and Citizenship* gives special attention to political developments since 2010. To include descriptions and analyses of recent events and policy changes, we have updated the narrative. Topics given special attention include, by chapter:

### Chapter 1: Deliberation and Citizenship in Service of Freedom and Democracy

- Coverage of the “Arab Spring” of 2011 and the prospects that freedom and democracy will spread in North Africa and the Middle East.
- An assessment of the ways in which social media empower citizens in tyrannical regimes and can contribute to democratic revolutions.

### Chapter 2: The American Constitution

- Streamlined treatment of the events leading up to the Constitutional Convention and the debates that occurred there, with a sharpened contrast of the differences between the three major plans presented to the delegates.
- An overall reduction in the length of the chapter to highlight the key information and issues.
- A new focus on the importance of written media—newspapers and pamphlets—in the ratification debate to encourage thinking about how the forms of communications technology affect political deliberation.

### Chapter 3: Federalism

- Analysis of the federalism implications of the Affordable Care Act of 2010 and the subsequent 2012 decision of the Supreme Court.
- Discussion of developments in issues such as gun control, same-sex marriage, and higher education.

### Chapter 4: Citizenship and Civic Culture

- Demographic information from the 2010 census.
- Examination of recent action on immigration, including the controversial Arizona law and the Supreme Court decision striking down some of its provisions.
- New survey results on religion, patriotism, and other aspects of American civic culture.

**Chapter 5: Civil Liberties**

- Coverage of new Supreme Court cases on religious groups at public universities, the right of religious organizations to hire and fire ministers, demonstrations at military funerals, student protest activities at school-sponsored events, videos depicting animal cruelty, violent video games, and the placement by police of GPS devices on automobiles to track criminal suspects.
- Treatment of the religious freedom issues raised by regulations of the Obama administration on mandatory health insurance coverage of birth control drugs and sterilization operations.
- A new section on the right to keep and bear arms.
- Updated coverage of civil liberties issues raised by Obama administration actions in the war against al Qaeda.

**Chapter 6: Civil Rights**

- Updated information on EEOC actions to enforce laws that prohibit discrimination against the elderly and the disabled.
- New material on how federal laws require schools to accommodate the needs of students with disabilities.
- Updated information on the legal status of same-sex marriage in the United States and on the opening of military service to openly gay men and women.

**Chapter 7: Public Opinion and Political Participation**

- New public opinion data on economic, environmental, and other issues.
- Discussion of an innovative “deliberative poll” in California.
- Analysis of the role of social media in political mobilization.

**Chapter 8: Interest Groups**

- Discussion of American Crossroads and Crossroads GPS, outside-spending groups that Karl Rove helped organize.
- A look at the Internet both as a medium of interest group pressure and an object of government regulation.

**Chapter 9: Political Parties**

- New data on generational changes in party identification.
- Discussion of recent legal changes affecting the role of parties in candidate selection.
- Examination of how parties use the Internet and how they raise money in the post-*Citizens United* world.

**Chapter 10: Elections and Campaigns**

- Discussion of Super PACs and other outside spending groups.
- Analysis of new election procedures such as instant-runoff voting.
- A look at the early stages of the 2012 campaign.

**Chapter 11: Mass Media**

- Explanation of how a major news organization botched early coverage of the Supreme Court decision on health care.
- Analysis of how the new media continue to reshape the news business.
- Fresh data on media ownership and audiences.



**Chapter 12: Congress**

- Discussion of impact of the 2010 GOP takeover of the House.
- The effect of the 2012 congressional elections on leadership positions in the House and Senate.
- Analysis of how technology increases transparency in Congress.
- New information on the great variety of occupations represented by the members of Congress.

**Chapter 13: Presidency**

- Examination of the impact of divided government in the second half of President Obama's 2009–2013 term.
- Expanded analysis of President Obama's use of signing statements, executive orders, recess appointments, executive privilege, and other tools of presidential power.

**Chapter 14: Bureaucracy and the Administrative State**

- Discussion of recent scandals and their implications for control and oversight of administration.
- A look at the role of public employee unions in policymaking.

**Chapter 15: Judiciary**

- Coverage of the importance of the Supreme Court's 2012 decision on the Affordable Care Act.
- Updated information on the Supreme Court workload.
- Treatment of the impact of social media on how the Supreme Court is covered and whether justices themselves should use social media to educate the public about the workings of the Court.

**Chapter 16: Social Policy and the Welfare State**

- Updated information on the nature and extent of social welfare programs in the United States.
- Major new section on the passage of the Affordable Care Act of 2010 and the continuing controversy over its implementation.
- New material on how American civic values affect social programs in the United States.
- Updated coverage on the expansion of school-choice programs.

**Chapter 17: Economic Policy**

- Expanded analysis of how the federal government is coping with economic stagnation and mounting debt.
- Updated discussion of the tax burden and its relationship to income inequality.

**Chapter 18: National Security and Foreign Policy**

- A look at Obama administration policies in Libya, Afghanistan, and Iraq.
- Recent data on global attitudes toward the United States and American attitudes toward international relations.

**NEW TO THE SECOND EDITION**

Statistics and citations throughout have been carefully updated, and dozens of new photographs have been added. All the graphs and tables present the most current data available. In addition, Chapters 4 and 5 from the first edition have been combined, reducing the

overall length of the book. New material on important developments of the past two years includes the following: the connection between the “Arab Spring” of 2011 and the principles of freedom and democracy that inspired the American founders (Chapter 1); the impact of the Supreme Court’s decision on the Affordable Care Act, known to many as “Obamacare,” on American federalism (Chapter 3); demographic data from the 2010 census and how it connects to immigration, citizenship, and assimilation, as well as new survey results on religion, patriotism, and other aspects of American civic culture (Chapter 4); coverage of new Supreme Court cases on a range of important civil liberties issues, including freedom of religion, freedom of speech, and police behavior (Chapter 5); updated information on the legal status of same-sex marriage in the United States and on the opening of military service to openly gay men and women (Chapter 6); coverage of innovative “deliberative polls” to promote citizens’ deliberation on public issues (Chapter 7); discussion of the importance of new Super PACS in American politics (Chapter 8); examination of how political parties now use the Internet to get out their message and raise money (Chapter 9); analysis of new election procedures such as instant-runoff voting (Chapter 10); analysis of the growing influence of social media in American politics (Chapter 11); discussion of the impact of the 2012 GOP takeover of the House and of how technology is increasing the transparency of Congress (Chapter 12); analysis of the controversy over President Obama’s assertion of independent presidential power through military actions, signing statements, executive orders, recess appointments, and assertions of executive privilege (Chapter 13); the growing impact of public employee unions in policymaking (Chapter 14); coverage of the importance of the Supreme Court’s 2012 decision on the Affordable Care Act (Chapter 15); extensive treatment of the passage of the Affordable Care Act by Congress in 2010 and the continuing controversy over its implementation (Chapter 16); expanded analysis of how the federal government is coping with economic stagnation and mounting debt (Chapter 17); and coverage of Obama administration policies in Libya, Afghanistan, and Iraq (Chapter 18).

## SUPPLEMENTS FOR INSTRUCTORS

### **Instructor's Edition for Bessette & Pitney's *American Government and Politics, 2e***

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# Acknowledgments

We are deeply indebted to a host of individuals for stimulating our interest in this project, moving it along at crucial stages, and ushering it to completion. James Headley, then of Bedford/St. Martin's Press, persuaded us some years ago that there was a place for a new American government textbook that emphasized deliberation and citizenship. Later, under the capable hands of Marilea Polk Fried at Bedford and then David Tatom at Wadsworth, the book began to take shape. In these early stages we benefited from the editorial assistance of Adam Beroud, Melissa Mashburn, Stacy Sims, and Beth Welch.

More recently, Carolyn Merrill of Wadsworth guided the book through completion with a steady and firm hand. For the first edition, we worked especially closely and productively with Jen Jacobson Blumenthal of Ohlinger Publishing Services. We are now equally indebted to Lauren Athmer of LEAP Publishing Services, Inc., for ushering this second edition to completion. Others who have assisted with the myriad of tasks that such a project entails include Lori Hazzard, Marcy Ross, Sarah Bonner, Laura Hildebrand, Joshua Allen, Angela Hodge, Elizabeth Kendall, Megan Lessard, Tracy Metivier, and Lydia Lestar. We have been impressed throughout with the dedication and professionalism of the Cengage/Wadsworth staff.

We are especially grateful to the approximately 150 reviewers, many anonymous, whose helpful comments shaped the final product. Carolyn Merrill did an outstanding job in identifying reviewers and persuading them to assess and critique our various drafts. One reviewer, Michael Burton of Ohio University, agreed to read and comment in detail on every chapter of the first edition. Our thanks to Mike and all the others for sharing their insights and expertise. The book is much stronger as a result of the first edition.

Friends and colleagues who provided helpful comments or assisted in other ways include William Connelly, Zachary Courser, John Gardner, Lloyd Green, Fred Lynch, Jim Pinkerton, Jeremy Shane, and Steven Schier. We especially thank Jay Speakman for preparing the first draft of Chapter 18: National Security and Foreign Policy.

We have also been assisted by several students at Claremont McKenna College and the Claremont Graduate University. These include Andrew Bluebond, Christiana Dominguez, Rhett Francisco, David Frisk, Matthew Glover, Takako Mino, and Anna Eames. Many more students in our sections of "Introduction to American Politics" at Claremont McKenna College provided helpful comments on draft chapters.

Finally, we would like to thank Tom Karako for preparing the original Test Bank in the weeks after receiving his PhD at the Claremont Graduate University and Jennifer Walsh of Azusa Pacific University for writing the Instructor's Guide for the text.



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Millions of Americans have signed up for military service, even knowing that they could end up here in Arlington National Cemetery.

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# Deliberation and Citizenship in Service of Freedom and Democracy

# 1

## OBJECTIVES

After reading this chapter, you should be able to

- Explain the difference between a “deliberative” democracy and one based entirely on self-interest.
- Define *democracy* and describe the various forms it can take.
- Analyze the Declaration of Independence by identifying and describing its key principles.
- Describe how the principles of the Declaration have influenced American history.
- Identify the major characteristics of liberal democracies and contrast liberal democracies to other kinds of political systems in the modern world.
- Explain the knowledge that citizens should have to be able to contribute to decisions about the common good in the United States.

## OUTLINE

Introduction  
Democracy  
Freedom and American  
Democracy  
Democracy and Freedom  
in the Modern World  
Citizenship and Deliberative  
Democracy  
Summary



## INTRODUCTION

Political scientists typically view politics as the balancing of interests. One famous definition of politics is: “Who gets what, when, how.”<sup>1</sup> According to this image, people and groups participate in politics to get something for themselves:

- Citizens ask their elected representatives for money for local projects (often called “pork”).
- Interest groups vie for grants and tax breaks.
- Politicians seek reelection and power.

The resulting picture is a vast web of bargains and games, where the players weigh costs against benefits and then make their moves accordingly. When they speak of higher principles, such as justice or the common good, they are just trying to trick others or cover their own tracks.

As political scientists, we have spent many years studying the literature of the “who gets what” tradition. As former government staffers in Chicago, Albany, and Washington, DC, we have touched the grubbier edges of practical politics, and because of this study and experience, we think that self-interest explains a good deal about political life. But we have also learned that it does not explain everything.

Lawmakers regularly make decisions that do not directly advance their careers, such as voting on obscure bills that have no effect on reelection. Executive officials often work long hours to advance the public interest, even when no personal benefits result. Federal judges work hard to get the law right in dozens, perhaps hundreds, of cases each year, even though such diligence has no effect on salary or tenure, since all serve life terms.

Americans—public officials and citizens—believe in more than their own self-interests, and they often act on those beliefs. They believe in and often seek to promote a broader “public interest,” which includes principles of justice, the rights of others, and the good of the larger community (often called the “common good”). Yes, people disagree about the public interest, and self-interest often colors their disagreements, but unless you stretch the idea of “self-interest” beyond all sensible meaning, it fails to account for the ideals and passions that drive so much of American politics. As two military analysts write of the self-interest assumption: “The refusal of some theorists to acknowledge the possibility that people might act on the basis of motivations such as duty, honor, or community spirit flies in the face of history and, perhaps, personal experience. Those who have committed themselves to serve their communities or to defend their country in war may be entitled to find this proposition offensive.”<sup>2</sup>

The pursuit of the public interest, or common good, works in several different ways. First, it affects all kinds of direct political activity from voting to high-level decision making. When judging candidates for national office, a voter will often consider how they will serve the entire nation. In his book *Profiles in Courage*, John F. Kennedy wrote of politicians who defied public opinion for the sake of principle: “Some were ultimately vindicated by a return to popularity; many were not.”<sup>3</sup> Later, in his inaugural address, Kennedy famously said, “Ask not what your country can do for you; ask what you can do for your country.” If Americans cared only about self-interest, they would have found that passage incomprehensible, not inspiring. A few weeks later, Kennedy established the Peace Corps by executive order, and thousands followed his call to serve a good greater than themselves.

Second, public policy depends on voluntary compliance with the law. Enforcement is necessary, and compliance is imperfect, as a few minutes on the roads will remind us. But studies show that fear of punishment is not the main reason for law-abiding behavior.<sup>4</sup> Americans generally stay close to the law’s boundaries because they think it is the right thing to do.

Third, a successful and healthy political community requires voluntary activity beyond compliance. Government social services would fail without the private safety net of charity and voluntarism. For most of American history, the military has relied on voluntary enlistment. That reliance is remarkable, because joining the military means a willingness to lay down one’s life on a battlefield. Nobody has a rational self-interest in violent, painful death. In fact, the United States came into being as an independent nation because thousands of young men voluntarily risked life and limb (25,000 died) between 1775 and 1781.

So while this book will address the “low politics” of self-interest and bargaining, it will keep returning to the “high politics” of *citizenship* and *deliberation*. These and related terms deserve some discussion.

## Citizenship and Deliberation

**Citizenship** is a legal status that accords full membership in a political community, but it is also an idea that encompasses **civic virtues**. These virtues are essential elements of good citizenship and include the following:

- *Self-restraint*, the control of selfish impulses for the sake of the law or the public good
- *Self-reliance*, the achievement of goals through the efforts of individuals, families, and voluntary associations
- *Civic knowledge*, an understanding of government processes, public issues, and social conditions
- *Civic participation and service*, activity for the public good, ranging from voting to enlisting in the armed forces

Underlying these specific virtues is *patriotism*, both an emotional and a rational attachment to the nation. Some writers equate patriotism with mindless approval of government policies. Here we use it in a different sense, denoting a public spirit strong enough to inspire sacrifice. As we shall see in subsequent chapters, patriotism in the United States is grounded on beliefs about natural rights, human equality, and self-government. It is a key element of American civic culture.

**Deliberation** consists of reasoning on the merits of public policy, searching for the public interest or common good. Citizenship and deliberation have an intimate connection. Long ago Aristotle defined a citizen as anyone “who has the power to take part in the deliberative or judicial administration of any state.”<sup>5</sup> Most Americans would likely agree that citizens in a democracy have an obligation, a **civic duty**, to contribute to deliberations about the common good. Such contributions can range from informal postings on Internet message boards to formal testimony before congressional committees.

Americans also expect their governing institutions to deliberate about the public interest on their behalf. They expect the members of the House of Representatives and Senate to reason together in committees, during floor debate, and informally to fashion laws that promote the nation’s well-being. They expect the president and his advisers to think long and hard about how to secure the nation’s interests in a dangerous world. And they expect the nine members of the Supreme Court to deliberate together about the meaning of the nation’s Constitution and laws, free from personal interest or bias.

Nevertheless, some argue that American politics is not deliberative enough. Critics fault Congress for taking legislative shortcuts at the expense of policy discussion. Political rhetoric in Congress and elsewhere sometimes seems to be little more than name-calling and partisan sniping. In televised campaign debates, candidates often recite prepared sound bites instead of exchanging views. Campaign ads often cast more heat than light.

Although genuine reasoning on the merits of public policy sometimes seems lacking, deliberation is common enough and consequential enough that we can describe American government as a **deliberative democracy**, however imperfect. As we will show, those who built America’s governing institutions sought to promote rule by reasoned and informed majorities operating through representative institutions. When American democracy does not work as well as it should, the ideal of deliberative democracy provides a standard for judging the political system.

## Theories of American Democracy

The study of American government as a deliberative democracy is a relatively new approach within political science. Until the middle of the twentieth century, political scientists emphasized constitutions and laws when analyzing government. They gave short shrift to actual political behavior. But the decades after World War II ushered in a “behavioral



**Citizenship**—a legal status that accords full membership in a political community.

**Civic virtue**—a virtue that is an essential element of good citizenship, including self-restraint, self-reliance, civic knowledge, and civic participation and service.

**Deliberation**—reasoning on the merits of public policy, searching for the public interest or common good.

**Civic duty**—any obligation that citizens owe to the broader political community.

**Deliberative democracy**—a democracy whose institutions are designed to promote the rule of reasoned and informed majorities, usually through representative institutions.





**Logrolling**—when legislators (or others) trade support for one another's proposals.

**Group theory**—the view that a large number of diverse groups control government and politics and promote policies to serve their particular interests. (Also called “pluralist theory.”)

**Pluralist theory**—the view that a large number of diverse groups control government and politics and promote policies to serve their particular interests. (Also called *group theory*.)

**Elite theory**—the view that government is controlled by a relative handful of elites in government, business, the professions, and the media who often think alike and work together to promote their mutual interests.

**Rational choice theory**—a theory of politics based on the premise that citizens and public officials act rationally to serve their personal interests.

## FOCUS QUESTION

Does the concept of a “public interest,” or “common good,” have real meaning; or are these just terms that people use to justify political preferences that serve their personal interests?

**Duties of citizenship**—the obligations that citizens owe to one another or the community as a whole, such as obeying the law.

revolution” within political science. New studies appeared that measured public opinion and voting behavior and linked them to broader theories of American democracy. Scholars examined why men and women sought to serve in government and how they behaved once they got there. Political scientists especially highlighted the power of organized interest groups in influencing legislators and bureaucrats.

The leading interpretations of Congress at the time reduced lawmaking to bargaining among groups, with legislators trading support for each other's proposals (a practice called **logrolling**). As one of the leading works on American politics noted, “The very essence of the legislative process is the willingness to accept trading as a means.”<sup>6</sup> Interest groups were the fundamental elements of American politics, and vote trading was the only way to accommodate their competing desires. In the end, there was no *public* interest, just *group* interests: “In developing a group interpretation of politics, therefore, we do not need to account for a totally inclusive interest, because one does not exist.”<sup>7</sup>

Not all political scientists accepted the accuracy of the **group theory** of politics, also called the **pluralist theory** of American democracy. Some believed that the decisive influences in American politics were not interest groups, which often gave voice to the desires of large numbers of Americans, but rather a relative handful of elites in government, business, the professions, and the media. These elites often thought alike and worked together to promote their mutual interests. Some scholars developed an **elite theory** of politics as an alternative to pluralist theory. More recently, many social scientists, adopting methods used in the study of economics, have focused on how voters and public officials act rationally to achieve their interests. Citizens, legislators, and executive officials are all presumed to be “rational actors” who use government and politics to “maximize their utility.” Thus, this approach is called **rational choice theory**.

Under this view, citizens vote for candidates whom they believe will directly benefit them (usually economically); and individuals seek office for the salary, perquisites, distinction, or personal power, but not from a desire to serve the public. Once elected, legislators focus their efforts on getting reelected and discover that the best way to do this is to “bring home the bacon” from Washington or to help constituents deal with the bureaucracy. Consequently, the members of Congress “display only a modest interest in what goes into bills or what their passage accomplishes.”<sup>8</sup> Another scholar concluded that “the general, long-term welfare of the United States is no more than an incidental by-product of the system.”<sup>9</sup> When applied to political executives, such as the president of the United States, rational choice theory emphasizes gaining, keeping, and wielding power, often with little regard for whether or how this benefits the broader political community.

The deliberative democracy approach to American government and politics does not reject the insights of these earlier theories but denies that they tell the whole story.<sup>10</sup> Here is a capsule summary of the theme of this book—a theme that we will use to shed light on the topics covered in the following chapters:

Americans believe in more than their own self-interests. They often act politically on those beliefs by exhibiting the civic virtues of self-restraint, self-reliance, civic knowledge, and civic participation. Through their own efforts and those of their elected leaders, they often search for the public interest, or common good, by reasoning on the merits of public policy. Here the public interest includes ideals such as justice and rights. We present this approach as part of what happens in American government and politics every day. Another part of politics is not so lofty: citizens, groups, and politicians use politics to promote their narrow self-interests. American politics is a messy combination of common good and self-interest, of collective reason and power politics. We believe that democracy works best when the people embrace the **duties of citizenship** (obligations that one owes to other citizens or the community as a whole) and when informed citizens and public officials deliberate to identify and promote the common good.

Consider, for example, the effort by the Congress and executive branch to fashion a national response to the growing economic crisis in the first weeks of Barack Obama's presidency in 2009. Strong opinions divided Democrats from Republicans, members of the

House from those in the Senate, and legislators from executive officials. Yet only a hardened cynic would say that the key players had no concern for the nation's well-being and sought only to advance their private interests. At the same time, many charged that Congress rushed ahead with massive new spending without detailed and careful deliberation. Indeed, some legislators complained that they did not even have time to read through the final version of the bill before they had to vote. Similarly, when Democrats and Republicans split over the president's ambitious health care proposal, which passed in 2010 with no Republican votes, few doubted that the partisan split reflected genuine differences of view as to how best to promote the health and well-being of Americans (see Chapter 16).

Consider also the Obama administration's decisions regarding how to fight the war on terror inherited from the George W. Bush administration. Within a few weeks of taking office, the new president took steps to revise or undo several Bush policies. Through executive orders and other actions, the president suspended military trials of suspected terrorists (though these were later reinstated), prohibited waterboarding and other coercive interrogation techniques, ordered the CIA to close secret detention facilities abroad, announced that the American detention facility at Guantánamo Bay in Cuba would close within a year (which congressional opposition eventually prevented), decided that most American troops would be removed from Iraq within 18 months, and authorized that an additional 17,000 troops be sent to Afghanistan.

Although Presidents Obama and Bush (and their advisers) reached some different judgments about how best to fight the war on terror, few would argue that self-interest explains their decisions. The American people expect their presidents to be the custodians of the nation's security and would be appalled to learn that a president had made key security decisions to promote his personal or political advantage.

By analyzing American government as a deliberative democracy, we are able to recognize the role that reasoning about the public interest plays in national policy making, to spot deficiencies in the deliberative process, and to evaluate how well our governing institutions meet their high responsibilities.

In this book, we will examine the core concepts, principles, practices, and institutions that constitute American government and politics, paying close attention to the role of the individual citizen and the processes of deliberation that influence public policy. In this chapter, we will lay the groundwork for that discussion by explaining the concepts of democracy and freedom, by showing how they inspired and guided the founding of the United States, by elaborating the founding principles as set forth in the Declaration of Independence, and by placing American democracy within the broader context of liberal democracies in the modern world. We conclude by detailing the kinds of civic knowledge we seek to convey in this book.

## DEMOCRACY

### MAJOR ISSUES

- What does "democracy" mean, and what different forms can it take?
- What kind of democracy did the founding generation choose for the United States?
- What institutional and political arrangements does every genuine democracy require?

This book is about American democracy. **Democracy** means simply "rule by the people." The term comes from the ancient Greek city-states of about 2,500 years ago, in which the free adult male citizens met periodically in the "assembly" to debate and vote on such matters as taxes, domestic legislation, choice of public officials, foreign alliances, and even war and peace. In Athens, the largest of the city-states, up to 10,000 or more would gather. The major alternative to democracy was oligarchy, which usually took the form of rule by wealthy families. (The box below lists other forms of political rule in the ancient world.) Outside the Greek city-states, monarchy was common.

**Democracy**—a form of government in which the people rule themselves either directly or through freely elected representatives.

## Types of Rule in the Ancient World

Aristocracy	Technically, rule by "the best," but usually understood to mean rule by the nobility
Democracy	Rule by the people
Monarchy	Rule by one, such as a king
Oligarchy	Rule by the few, usually wealthy families
Plutocracy	Rule by the wealthy
Theocracy	Rule by religious leaders who seek to enforce the will of God
Timocracy	Rule based on principles of honor or ownership of property
Tyranny	Selfish rule by a single individual or small group with absolute power, unrestrained by the law or other institutions

**Direct democracy**—a form of government, originally found in ancient Greece, in which the people directly pass laws and make other key decisions.

**Representative democracy**—a form of government in which the people choose their leaders through free elections in which candidates and political parties compete for popular support and in which elected officials are held accountable for their conduct.

When the people directly make the key decisions, we call this **direct democracy**. The alternative, which is much more common in the modern world, is **representative democracy**, where the people elect officials to make the laws and other important decisions on their behalf.

## The Democratic Tradition in the United States

The principles and practices of democracy did not spring forth suddenly at the nation's birth in 1776. When the British settled the American colonies, they brought with them democratic ideals and practices. Particularly in New England, the citizens governed themselves to a considerable degree from the very beginning. The Mayflower Compact of 1620, through which the Pilgrims formally organized themselves into a political society, was the beginning of self-government in New England:

We whose names are underwritten . . . having undertaken for the glory of God, and advancement of the Christian faith, and the honor of our king and country a voyage to plant the first colony in the northern parts of Virginia, do by these presents solemnly and mutually, in the presence of God and one another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation, and furtherance of the ends aforesaid; and by virtue hereof, do enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, and officers, from time to time, as shall be thought most meet and convenient for the general good of the colony, unto which we promise all due submission and obedience.<sup>11</sup>

Although the settlers had emigrated from a land where the king and lords wielded enormous power, they assumed the right to govern themselves in their new local communities. This principle of local self-government spread throughout the colonies.

In New England, the adult male citizens met periodically in "town meetings" to debate and vote on common concerns. (This form of direct democracy, now open to all adult residents, still exists in some small New England towns.) Nineteenth-century philosopher and poet Ralph Waldo Emerson celebrated this type of government in 1835, on the 200th anniversary of Concord, Massachusetts. Emerson praised "this open democracy" in which "every opinion had utterance." Here, citizens learned to govern themselves by laying taxes, choosing their deputies to the state legislature, disposing of town lands, establishing schools, and providing for the poor. The success of these governments, Emerson believed, gave "assurance of man's capacity for self-government."<sup>12</sup>

Whatever the virtues of direct democracy at the local level, it was not possible for the people throughout a colony to assemble and pass laws. Instead, they elected representatives to an assembly, which in most of the colonies shared power with a governor appointed by the king. These assemblies imposed taxes, fashioned the criminal code, adopted policies

toward religion, and addressed many other matters. Often, the assemblies clashed with the royal governors for control of policy.

These early efforts at self-government in the colonies were not full-fledged democracies in the modern sense of the term. All the colonies restricted the vote to men who owned some specified amount of property, either in real estate or the cash equivalent. In some colonies, free black men could vote along with whites, but in others they could not. John Adams, one of the most influential of the American founders, expressed a common view when he wrote that those without any property would be “too dependent on other men to have a will of their own . . . [and would] vote as they are directed by some man of property.”<sup>13</sup> Because all voting at this time was done publicly—secret ballots were not common in the United States until the 1880s—the wealthy could intimidate those dependent on them for their livelihood to vote as they wished. Nonetheless, property qualifications for voting were modest enough that the percentage of free males who could vote ranged from a low of 50% in some colonies to as high as 80% in others.<sup>14</sup> (We return to the issue of voting qualifications later in the chapter.)

Despite these restrictions on voting, by 1776 democratic principles and practices were deeply rooted in the American colonies.


## Why the Framers Chose Representative Democracy

From its inception, American national government has been exclusively a representative democracy. Unlike the ancient Athenians, Americans cannot make their own national laws, decide whether to go to war, choose military leaders, or form alliances with other countries. Of course, in 1787, when the Constitution was written, there was no real choice: direct democracy at the national level was not an option because the nation was too large and transportation too primitive for the citizens to gather together to debate and vote. Citizens would have to go through representatives to make their views known. The American founders called this kind of government a **republic**, where the people rule themselves through elected representatives, and distinguished it from a “pure democracy,” where the people “assemble and administer the government in person.”<sup>15</sup>

The founders believed that direct, or pure, democracy was not only impractical for the new nation but also dangerous. James Madison, the Virginian who is sometimes called the “Father of the Constitution,” explained why in *The Federalist Papers* (also called *The Federalist*), essays he coauthored urging the ratification of the Constitution in 1787 and 1788. “In the ancient republics,” Madison wrote, “where the whole body of the people assembled in person, a single orator, or an artful statesman, was generally seen to rule with as complete a sway as if a scepter had been placed in his single hand.”<sup>16</sup> Although ultimate power resided with the people, too often skilled orators were able to manipulate public opinion to their own views.

Another problem was that majorities in the Greek democracies sometimes used their political power to oppress minorities and violate their rights. Madison called this the problem of **majority faction**. As he explained in his famous tenth essay in *The Federalist*, a faction is a group of citizens “who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.”<sup>17</sup> Direct democracies cannot solve the problem of faction because majorities can easily have their way. History shows that such democracies have been “spectacles of turbulence and contention” and “incompatible with personal security or the rights of property.”<sup>18</sup>

Madison argued that representative democracy, or republican government, had two great advantages over direct democracy. First, if properly designed, it could “refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.”<sup>19</sup> Elected representatives should neither defer to public opinion nor simply replace public views with their own judgments. Instead, they should “refine and enlarge” public opinion with their own wisdom, patriotism, and love of justice.



**Republic**—as the American founders used the term, equivalent to a representative democracy.

**Majority faction**—defined by James Madison in *Federalist 10* as a majority of the people brought together by a common passion or interest adverse to the rights of other citizens or to the permanent and aggregate interests of the community.

In effect, representatives would deliberate *for their constituents*, giving voice to “the cool and deliberate sense of the community” that ought to rule in free governments.<sup>20</sup> “[I]t may well happen,” Madison explained, “that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.”<sup>21</sup> A properly designed representative body of elected and accountable officials would generally make sounder judgments about the public good, while remaining true to underlying public desires, than would the people themselves acting directly.

Another advantage of a representative democracy is that it can extend over a much larger territory than can a direct democracy. Consequently, it can include “a greater variety of parties and interests,” making it less likely that a majority will come together to oppress a minority.<sup>22</sup> Madison believed that a majority would seldom come together in such a large country, except on principles “of justice and the general good.”<sup>23</sup> Contrary to some modern interpretations, those who designed American democracy did not reduce politics to the mere clash of interests.

To achieve justice and the general good, political leaders would sometimes have to defend the people “against their own temporary errors and delusions.”<sup>24</sup> Alexander Hamilton, coauthor of *The Federalist Papers* and Madison’s close ally in the ratification struggle, wrote that although “the people commonly *intend* the public good,” they do not “always *reason right* about the *means* of promoting it.” At these times, public officials have a “duty . . . to withstand the temporary delusion in order to give [the people] time and opportunity for more cool and sedate reflection.”<sup>25</sup> Note that Madison and Hamilton were advocating a *temporary* resistance to unwise public desires, not long-standing opposition. They wanted the leaders to give the people a chance to deliberate more fully, to engage in “more cool and sedate reflection.”<sup>26</sup> Ideally, “reason, justice, and truth” would eventually “regain their authority over the public mind.”<sup>27</sup>

## FOCUS QUESTION

Can a representative democracy be a genuine democracy? Can the people truly rule themselves if the governing power is held not by them directly but by elected officials?

### Direct Democracy in Modern American Politics

Despite the complete absence of direct democracy from American national government, some kinds of direct democracy exist today in the United States. As noted earlier, in some small New England towns, citizens still gather to debate and decide such matters as the town budget, property tax rates, public school financing, police and fire protection, and street repair.

A more common form of direct democracy is the use of initiatives and referenda, allowed in about half of the states, mostly in the West. Through these devices, citizens make their own laws. Although the terms are often used interchangeably, an **initiative** allows the citizens to draft a proposed law or constitutional amendment and place it on the ballot if enough registered voters sign petitions requesting it. A **referendum** is a proposed law or constitutional amendment, usually written by legislators, that is sent to the people for a vote. For both initiatives and referenda, the measure becomes law if a majority of voters approve. (A few states require supermajorities, such as three-fifths or two-thirds, to pass some measures, such as tax increases.) Between 1898, when South Dakota became the first state to allow its citizens to make laws directly, and 2007, citizens placed 2,236 initiatives on the ballot in 24 states and passed 908 (41%).<sup>28</sup>

These devices of direct democracy owe their origin to the **progressive movement** of the late nineteenth and early twentieth centuries that attacked political corruption and the failure of government to address social ills. Progressives sought to empower citizens to combat “political machines” and unresponsive government. Many of their proposals were never enacted, but initiatives and referenda remain their lasting legacy.

### Applying the Definition: Rule by the People

Not every nation that calls itself a democracy allows the people to rule. A striking example is North Korea, whose official name is the Democratic People’s Republic of Korea. Yet, as one of the few remaining Communist countries in the world, North Korea bars opposition parties, free elections, or any kind of public opposition to the regime. To isolate its people, the government prohibits them from owning cell phones, accessing the Internet, or even

**Initiative**—a proposed state law or constitutional amendment that appears on the ballot for a popular vote if enough registered voters sign petitions so requesting. (See also **Referendum**.)

**Referendum**—a proposed law or constitutional amendment, usually written by legislators, that is sent to the people for a vote. (See also **Initiative**.)

**Progressive movement**—a political reform movement of the late nineteenth and early twentieth centuries that attacked political corruption and the failure of government to address social ills.

listening to foreign radio stations.<sup>29</sup> How, then, can the leaders of North Korea possibly consider it a democracy? They do so because they claim that the government serves the true interests of the people—even though the people have no say in the decision-making process.

This understanding of democracy is a far cry from what is perhaps the best short definition, penned by Abraham Lincoln at the end of his Gettysburg Address of 1863: “government of the people, by the people, for the people.” Democracy requires more than that some ruling elite govern *for* the people. Democratic government must also emerge out *of* the people and be exercised *by* the people.

This is the principle of **popular sovereignty**: that all political power derives from the people. The United States was the first modern nation to embrace it. As the Declaration of Independence famously states, “Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.” And, as the Preamble to the Constitution announced in 1787, “We, the people of the United States . . . do ordain and establish this Constitution for the United States of America.” Today, many nations in the world ground their governing institutions on the principle of popular sovereignty, and others give it at least lip service.

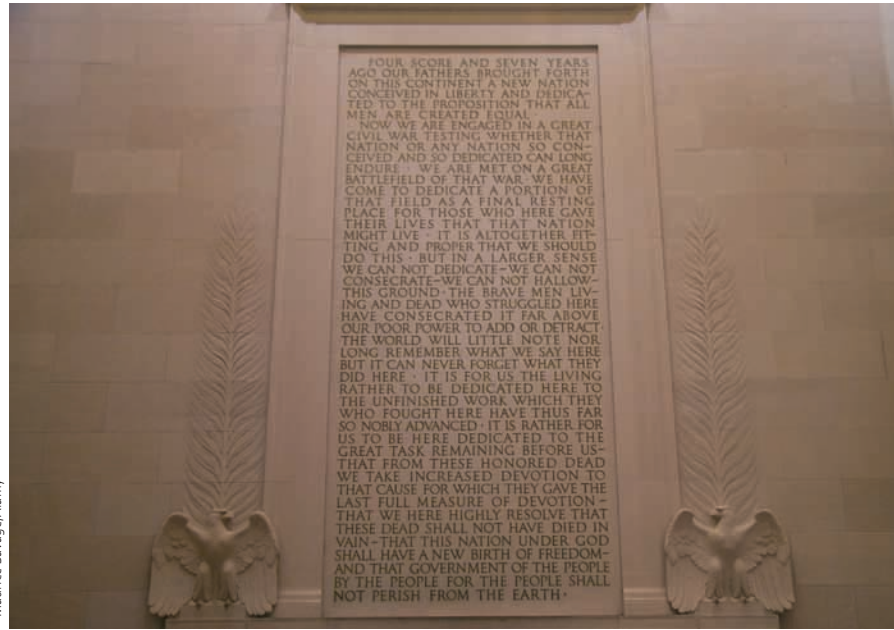
## Free Elections and Democratic Accountability

In a genuine democracy, the people can form political parties to advance their goals, try to persuade their fellow citizens through a free press and media, and vote for candidates of their choice without fear or intimidation. No government that denies these freedoms is a true democracy, even if it carries out elections of some sort. If government bans opposition parties or denies them access to the airwaves to spread their message, it undermines true self-government.

Also, democratic peoples use open communications and free elections to hold their officials accountable for their actions. “Every magistrate,” Hamilton wrote, “ought to be personally responsible for his behavior in office.”<sup>30</sup> Elected officials are directly accountable when they present themselves for reelection. Top appointed officials are indirectly accountable to the people through their elected superiors.

Democracies can face danger from elected leaders who subvert the system to prolong their power. An infamous case is Adolf Hitler, who democratically gained power in Germany in the 1930s but then made himself an all-powerful “Führer” and dictator. More recently, a U.S. State Department official warned of “those who would use the democratic process to come to power, only to destroy that very process in order to retain power and political dominance. While we believe in the principle ‘one person, one vote,’ we do not support ‘one person, one vote, one time.’”<sup>31</sup> It is not enough to elect leaders one time. Democracy requires a process of ongoing accountability to the people.

Democracy, then, refers broadly to the *means*, or mechanisms, of government by which the people rule themselves. It requires free elections in which candidates and political parties compete for popular support and in which public officials are held accountable for their conduct. The term *democracy* does not, itself, specify the *ends* or purposes of government. These can differ from one democracy to another, and they can change over time. We begin with the goals of American democracy and then examine democracies elsewhere.



The words of Abraham Lincoln’s Gettysburg Address, delivered on November 19, 1863, are etched on the wall of the Lincoln Memorial in Washington, DC. The speech contains perhaps the best-known short definition of democracy: government of the people, by the people, for the people.

**Popular sovereignty**—the principle that all political power derives from the people.