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Saving Democracy from Ourselves

DEMOCRACY AS A TRAGEDY OF THE COMMONS

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I.1 INTRODUCTION: DEMOCRACY AS A TRAGEDY OF THE COMMONS

THE CONTINUING SUCCESS of democratic governance institutions depends upon the willingness of those who govern—and in turn those who are governed—to restrain the pursuit of their own self-interest for the sake of preserving and improving those institutions.* The notion that citizens have moral obligations that flow from their participation and membership in democratic society is familiar to democratic theorists and political philosophers. My contribution is not primarily philosophical; I do not make much progress on whether these obligations are best justified by a notion of fair play or through a conception of citizens as members of a political society or a deliberative democracy.¹

Instead, I would like to clarify some important responsibilities of specific actors in modern societies from the consequentialist perspective of what they should to do if they don't want to lose their democracy. I explore the ethical responsibilities of three different kinds of actors in modern democracies: politicians, media professionals, and citizens themselves. Whereas we often think of the primary democratic obligation as obedience to law or perhaps participation in the democratic process—minimal levels of responsibility—I argue that healthy democracy requires us to act in ways that are substantially more demanding.

Think of a democracy as a common-pool resource like a fishery. We all benefit from the existence of democratic institutions. Indeed, our very lives and fortunes depend deeply upon their continued operation. As with a fishery, however, each of us has a powerful temptation driven by self-interest to take from the commons at unsustainable levels. If we fail to restrain ourselves, then we deplete the commons. Because we have not provided for it, it will no longer provide for us. Elinor Ostrom, the great scholar of common-pool resources, saw civic education as one key to solving democracy's collective-action problems:²

At any time that individuals may gain from the costly action of others, without themselves contributing time and effort, they face collective action dilemmas for which there are coping methods. When de Tocqueville discussed the "art and science of association," he was referring to the crafts learned by those who had solved ways of engaging in collective action to achieve a joint benefit. Some aspects of the science of association are both counterintuitive and counterintentional, and thus must be taught to each generation as part of the culture of a democratic citizenry.

This metaphor of democracy as a common-pool resource departs from some more familiar ways of thinking about our democratic responsibilities. By contrast, consider the kinds of duties that flow from a notion of fair play in a society governed by just democratic institutions. First, the image of "fair play" suggests that violators cheat each other when they fail to do their part—for instance, by not paying their taxes. Compliance is the usually the norm. For common-pool resources, such as a fishery or the carbon capacity of the earth, widespread violation may be even more common than compliance (we all probably drive too much). Second, the notion of "fair play" evokes a certain clarity. We know when we are playing fairly and when we aren't. Perhaps this is because there are clear rules in the form of laws and norms to guide us. Maintaining a common-pool resource, on the other hand, is a more ambiguous matter. It is often difficult to know what levels of fishing are sustainable or how much driving is too much, how to create and monitor that norm, and how to mitigate or repair the damage once it has been done. Third, the common-pool analogy introduces the notion of cumulative damage. When violators fail to do their part, they pollute a well of collective resources that has been built up over time through the joint activity of all. Those resources include citizens' trust in institutions, politicians' habits of compromise and deliberation, and regard for a system of democratic inclusion. The incremental effects of that pollution are difficult to detect and by the time the damage is evident, it may be too late to repair.

Finally, and perhaps most significantly, we rely largely on institutions and laws to enforce the requirements of fair play. Well-designed institutions and regulations are also necessary for the preservation of common-pool resources. But problems with common-pool resources often emerge not because of the widespread violation of laws and social norms. The temporal order is reversed: we often notice that common-pool resources are in danger of being depleted, and then we adjust our laws and norms to regulate social behavior in ways that protect those common-pool resources. When we, socially speaking, fail to produce those new laws and norms, we destroy the common-pool resource—whether a fishery, a forest, or climate itself. In the protection of common-pool resources, laws work with ethics and norms in two ways. First, changes in ethics and norms seem likely to precede changes in laws because popular sentiments seem apt to generate the political will for legal reforms. Applied to the case of democracy, it seems to me that institutional reforms such as campaign finance reform are unlikely without first increasing the popular, civic commitment to the health of our republic. Second, laws and norms work together to reinforce professional and civic behavior that sustains common-pool resources. Neither alone is likely to be sufficient. Reflect upon the considerations that prevent you from throwing an empty water bottle out of your car window. Perhaps they are a complex combination of your own internal code and taboos, social sanctions, compliance with anti-littering laws, and fear of detection and punishment by the highway patrol?

This chapter is occasioned by worrisome trends in the health of governance in the “mature” democracies, and in particular in the United States. These patterns include increasing political polarization at the mass and elite levels, disaffection of citizens from politicians and political institutions, incumbent entrenchment, legislative gridlock, and fragmentation of the public sphere. These changes have occurred arguably without severely or obviously violating basic democratic norms. Yet, the aggregate effect of these trends may have been to reduce governance in America to a hollow shell of democracy.

My argument begins with a basic account of democratic governance that many different kinds of democrats should be able to endorse. This account advances two kinds of legitimacy: procedural and output. The following section develops five sociopolitical “underwriting” conditions that I regard as necessary for the formal procedure to produce those two kinds of legitimacy. Those conditions are (1) commitment to process over outcome, (2) social coherence, (3) a spirit of compromise, (4) responsive government, and (5) epistemic integrity. The following three sections then describe how different kinds of actors in the democratic systems—politicians, media professionals, and citizens—have powerful self-interested motives to “pollute the commons” of democratic procedures and their underlying conditions. For the

most part, these polluting activities are not wrong in the sense that they violate the liberty of others or violate structural democratic norms. Nevertheless, these activities have severely eroded the quality of democracy and may eventually lead to its breakdown. Each of these sections offers the beginnings of a role-specific account of the ethical responsibilities—the civic duties—that these actors ought to embrace in order to make our democracy successful.

1.2 LOWEST COMMON DENOMINATOR DEMOCRACY

1.2.1 *A Basic Formal Procedure*

A very basic notion of democracy begins with four formal procedural components. First, democracy begins with a group of people—the demos—who compose a *political association*. *Pluralism* is the second component: those individuals have diverse values and interests that may conflict with one another. Members of the political association agree to advance their interests and regulate their interactions through a *government* that makes various laws and policies in ways that give citizens equal consideration. Finally, in part to ensure equal consideration, the individuals in the demos *participate as political equals* in making those laws and policies.

This account is meant to be basic enough to accommodate many different conceptions of democracy. For minimal democrats such as Joseph Schumpeter or Adam Przeworski,³ political equality requires little more than free and fair elections in which citizens have the opportunity to select the team of elites that will govern for some term. For aggregative democrats, the relationship between political equality and government is more demanding. Democratic procedures such as referendums, elections, and representation tally up the interests and preferences of individuals—respecting political equality because each counts for one and none for more than one—in order to generate social choices about policies for government to implement. In deliberative democracy, the connection between politically equal citizens and government is even more demanding. Citizens must constrain their public positions and preferred policies to those that they can justify to other citizens. Public deliberation requires citizens to offer other citizens—especially those with different interests and values—reasons why they too should accept their proposed laws and policies. Others must take these reasons seriously by modifying their own positions accordingly. Joshua Cohen writes that “Deliberation is reasoned in that the parties to it are required to state their reasons for advancing proposals, supporting them, or criticizing them. They give reasons with the expectation that those reasons (and not, for example, their power) will settle the fate of their proposal.”⁴ In a deliberative democracy, the institutions that connect citizens to one another and to

their government must facilitate this kind of public reasoning and then harness the actions of government to its results.

1.2.2 *Legitimacy: Procedure and Output, Normative and Sociological*

Ideally, these formal democratic procedures generate laws and policies that are legitimate in two ways. First, citizens accept their government as *procedurally legitimate* because they have enjoyed opportunities to participate in determining its policies as political equals. Second, citizens regard the actions—*the outputs*—of their government as legitimate because the government acts after duly considering the interests and views of citizens in electoral and deliberative processes.

Accounts of democracy offer different notions of “due consideration.” For minimal democrats, due consideration requires only that government be steered by the team of elites that prevailed in the last election. For aggregative democrats or pluralists, government ought to act according to the interests and preferences of citizens, perhaps as manifested through election results and fair bargaining processes. In doing so, laws and policies advance citizens’ welfare and desires in the political domain. For deliberative democrats, output legitimacy is secured when government acts in fidelity with the public reason that citizens exercise in a wide range of social and political arenas.

Many analysts of legitimacy make a critical conceptual distinction between *normative* and *sociological* legitimacy. Standards of normative legitimacy establish the conditions under which a democracy regime *ought* to be considered legitimate. For example, are citizens treated as equals? Do laws and policies result from appropriate consideration of interests (in aggregative accounts) or reasons (in deliberative accounts) of citizens? The question of *sociological* legitimacy, by contrast, asks whether citizens actually, as a matter of fact, regard their system of government as legitimate. Normative legitimacy does not necessarily confer sociological legitimacy and most citizens can (sociologically) regard their regime as legitimate even if that regime does not deserve (normatively) to be regarded as legitimate. In this conceptual bifurcation, political philosophers typically focus on normative legitimacy and political scientists and sociologists on the empirical dimensions of legitimacy.

The five “underwriting conditions” described in the next section are largely empirical conditions: for example, whether citizens regard the integrity of the governing process as more important than obtaining their preferred policy outcomes, whether society is divided against itself, and whether government is responsive to the views of citizens. Though empirical in character, these conditions underwrite both the normative *and* the sociological democratic legitimacy of a regime. That

is, the institutions of a regime are unlikely to operate in ways that are normatively legitimate—say, on an aggregative or deliberative account—unless the underwriting conditions obtain. Furthermore, most citizens are unlikely to actually regard their regime as legitimate in the absence of these underwriting conditions.

1.3 UNDERMINING DEMOCRACY'S UNDERWRITING CONDITIONS

Formal procedures will not by themselves successfully secure either procedural or output legitimacy. Certain vital normative commitments and sociopolitical conditions underwrite the success of those formal procedures. I believe that these conditions are being undermined by mass and elite actors across the American democratic system. Though these trends have been building for several decades, my focus on these empirical conditions is in part an effort to characterize and explain the bitterness of the 2016 American general elections and their aftermath. This section examines how five such conditions are crucial to sustaining democracy but now are in jeopardy. Those conditions are: (1) regarding democratic processes as more important than outcomes, (2) social cohesion, (3) governmental responsiveness, (4) the spirit of compromise, and (5) epistemic integrity.

1.3.1 The Priority of Procedure: Commitment to Democratic Process over Partisan Outcomes

Most fundamentally, democracy requires citizens and officials to abide by democratic procedures even if they fail to achieve their preferred policies or the results that they regard as supported by the best reasons. For all democrats, even minimalists, this commitment takes the form of the basic principle of ballots over bullets. That principle is what separates the most minimal democracy from a transition back to authoritarianism, in which one set of political elites refuses to accept the results of free and fair elections. When losing candidates congratulate winners and deliver gracious concession speeches, they perform rituals that demonstrate and consolidate their normative commitment to the democratic process over the outcomes that they fought hard to achieve.

When citizens fail to abide by this commitment, they no longer regard democratic procedures as sufficient to generate governmental legitimacy. This may be because they regard their preferred outcomes as more important than the procedures. They may regard the other side's views—or simply the other side—as odious and intolerable. In this case, they deny the political equality of other citizens because they refuse to regard others' input into the democratic process as equal to their own.

These failures amount to the erosion of a central tenant of democracy: the priority of procedure.

Public opinion research provides indirect evidence that the priority of procedure may be flagging in American democracy. The Pew Research Center reports that the percentage of Americans who regard the other party as a fundamental threat has been growing steadily over the last decade. In 2014, 35 percent of Republicans saw the Democratic Party as a “threat to the nation’s well-being” and 27 percent of Democrats regarded Republicans that way.⁵ Perceptions of the other political side have grown even more negative. In an October 2017 report, the Pew Research Center reported that “about eight in ten Democrats and Democratic-leaning independents (81%) have an unfavorable opinion of the Republican Party” and that “81% of Republicans and Republican leaners have an unfavorable impression of the Democratic Party.”⁶

For citizens who regard the other side as a threat to the political association itself, commitments to different parts of the basic democratic process outlined here—preservation of the political association versus abiding by the results of an election that regards citizens as equals—come into conflict when the other side wins.

Citizens or political elites might regard existing procedures of democracy as so flawed that they confer little legitimacy on winning candidates or issues. Perhaps this is what Donald Trump had in mind when he argued throughout 2016 that “the system is rigged” against him owing to large-scale voter fraud. This echoed a note that John McCain sounded in the 2008 election, when he said in a presidential debate that the organization ACORN (Association of Community Organizations for Reform Now) may be “now on the verge of maybe perpetrating one of the greatest frauds in voter history in this country, maybe destroying the fabric of democracy.” But procedural criticisms are not limited to the political right. Liberals, too, believe that voting is rigged through voter suppression and disenfranchisement efforts. A large majority of Americans—85 percent in recent opinion polls—believe that “money has too much influence on elections.” In the same poll, two-thirds of respondents believe that “the wealthy have more influence on elections” and thus that the principle of political equality is widely violated.⁷ To the extent that citizens regard the existing procedures as flawed in this way, they regard their democracy as flawed. At the limit, political procedures do not deserve priority because they have lost democratic quality.

1.3.2 Social Cohesion

Social cohesion is a second condition of successful democracy. The procedural account just described requires that citizens constitute—and regard themselves

as constituting—a single political association. Even minimal democrats require some cohesion. In a divided society, different parties may stand for stable sectarian interests. In the limiting case, those sections are better off with independent governments rather than with one or other half of the population left out or, worse still, some minority in permanent political subjection. Aggregative democrats require a level of cohesion sufficient for citizens (and elites) to regard the interests and views of others as worthy of equal consideration. Deliberative democracy requires a greater level of social cohesion still—citizens must be able to appreciate the reasons offered by others and must be willing to alter their own views in light of those reasons.

Christopher Hayes describes how the political association of democracy can be divided in two different ways: horizontally and vertically.⁸ In the United States, horizontal social division takes the form of popular political polarization between left and right, liberal and conservative. Though political science research is not conclusive and many Americans still lie in the middle of the political spectrum,⁹ there is mounting evidence to show that Americans who care about politics are becoming more powerfully polarized. This is true at both the popular level—as measured in public opinion polls and voting behavior—and the elite level among political officials.

In the most familiar form of political polarization, divisions over policy positions—such as the conflict between lower taxes and better public services—intensifies. While that kind of social distance makes bargaining and negotiation more difficult, it does not pose a fundamental challenge to basic democratic governance. Political scientists such as Marc Hetherington and Shanto Iyengar, however, argue that there is a second variety of “affective polarization” that is even more noxious for democracy.¹⁰

Affective polarization is the polarization of political sentiments. When citizens are affectively polarized, they actively dislike those who hold opposing political beliefs. One measure of affective polarization is evident in opinion polls that ask citizens about the intensity of their likes (or dislikes) of members of the same (or different) political persuasions, viewed on a “warmth” scale where 50 indicates neutral feelings, 100 is very cold, and 0 is very cold. Over the last forty years, Americans have remained consistently warm toward members of their own party. However, their feelings about the other party—Democrats’ feelings about Republicans and vice versa—have cooled by 20 percentage points over the same period.¹¹

The 2014 Pew Research Center study cited earlier found that 30 percent of people who are consistently conservative would be upset if someone in their family married a Democrat and 23 percent of consistently liberal people would be very upset if someone in their family married a Republican.¹²

Affective polarization creates profound problems for democracy because, at the limit, it transforms a give-and-take liberal democratic politics into a Schmittian politics of friend versus foe.¹³ In a context that is affectively divided in this way, opponents' losses are not merely incidental; they are also constitutive of political victory. It becomes important to defeat alternative policy proposals not because they harm one's interests—they may even advance them—but simply because they are advanced by opponents. While the minimal account of democracy may be able to tolerate affective polarization, such polarization is incompatible with the mutual-gains negotiations that pluralism requires and with the exchange of reasons that is central to deliberative democracy.

In addition to horizontal polarization between left and right, there is likely an increasing vertical polarization that separates economic and political elites from everyone else. Increasing inequality of income and wealth provide the material basis for this vertical separation. Social scientists have not yet provided an updated account of contemporary American elitism as powerfully coherent as C. Wright Mills's *Power Elite*, but the accounts of journalists like Christopher Hayes and Chrystia Freeland,¹⁴ political scientists Benjamin Page and Martin Gilens,¹⁵ and economists like Thomas Piketty¹⁶ are beginning to paint a disturbing picture of an economic and political elite that lives very differently from the vast majority of Americans, that exercises enormous economic and political power, and whose members may share more in common with one another in terms of interests and political views in ways that transcend the ideological differences between conservatives and liberals.

The existence of such an elite clearly threatens the principle of political equality. It is difficult under the best of circumstances to insulate political decisions from the influence of unequal economic resources. That difficulty grows as inequality increases. Separately, when political officials come mainly from an elite socioeconomic class or aspire to join that class after they serve in government, those who govern the democracy are not of the people and government is not directed by the people. At best, they govern for the people. That basic fact poses problems from the perspective of descriptive representation. In terms of the formal democratic procedure described earlier, government by elites challenges equal consideration of interests. Growing social distance between elites and everyone else makes it difficult for those who govern to "climb the empathetic wall," as Arlie Hochschild put it in another context. It becomes difficult for them to know the interests and perspectives of those who inhabit entirely separate social worlds; and it becomes difficult to sense how the policies that governors promulgate, as well as the reasons motivating those policies, would be received by them. At worst, elites govern for themselves, making laws and policies that benefit other elites and, consequently, are unresponsive to the opinions or interests of the majority of citizens.¹⁷

1.3.3 *Spirit of Compromise*

A “spirit of compromise,” in the phrase of Dennis Thompson and Amy Gutmann, is a third important condition for the success of democracy.¹⁸ The fact of pluralism in society, and therefore among political officials, generates deep disagreements at every stage of the governing process. In complex contemporary political systems, collective action requires forging agreements because power and “veto points” are widely distributed within political and administrative organizations and across them. Without the skills or the will to reach agreements that overcome differences of principle and value, excessive discord paralyzes democracy.

Paralyzed government truncates the democratic process. Different conceptions of democracy regard the purpose of political participation differently: exercising influence to determine an aggregate outcome, offering reasons to adjudicate just policy, providing inputs for equal consideration, or merely selecting which team of elites to rule. Without a spirit of compromise, government can achieve none of these purposes and so lacks procedural legitimacy.

On the dimension of output legitimacy, paralyzed government renders society hostage to status quo laws and policies. Because the world does not stand still awaiting democracies to get their acts together, status quo laws are arbitrary from the point of view of addressing social problems and needs. Paul Pierson and Jacob Hacker analyze this phenomenon as “policy drift.”¹⁹ In the face of new challenges from industrial transformation, financial crisis, a changing environment, and new security threats, prior laws and policies fail to produce the results that their supporters intended. The drift of public policies away from the concrete circumstances they were meant to address amplifies their unintended and increasingly arbitrary consequences.

Experts debate how today’s severe paralysis and gridlock compares to the past.²⁰ But public perceptions are unequivocal. In 2016, public approval ratings of Congress had hit all-time lows, ranging between 13 and 18 percent of survey respondents over the year.²¹ Gridlock, inability to compromise, and partisanship consistently register as the top reasons that Americans cite as problems with Congress.²²

1.3.4 *Government Responsiveness*

Government responsiveness is a property of well-functioning democracy. Responsiveness means that laws and policies grow from the participation of equal citizens. For pluralists and aggregative democrats, government should be responsive to the interests and preferences of citizens, as expressed through voting and other democratic processes. For deliberative democrats, government should be responsive to reasons generated from robust public deliberation. Lack of responsiveness removes both procedural and output legitimacy.

Unresponsive government indicates that there are defects or blockages in different parts of the formal democratic procedure. It may be that some voices in the participatory process enjoy outsized influence and so violate political equality. Or, it may be that the policymaking machinery of government is disconnected from processes of popular participation and instead is driven by expertise, political elites, or influential economic actors who operate independent of the democratic process.

Political scientists Martin Gilens and Benjamin Page have argued that the laws and policies of American government have been unresponsive to large majorities of the American population for some time.²³ In *Affluence and Influence*, Gilens finds that for public policies on which there are systematic differences according to socioeconomic status—such as social security and health care—government generally acts in accordance with the opinions of people at the top 10 percent of the income distribution. Government is not particularly responsive to people at the bottom 10 percent of the income distribution. Indeed, he finds that public policies aren't even responsive to opinions of the bottom four-fifths of the income distribution.

Many Americans also perceive that their government has become very unresponsive. The National Election Study found that in 1964, 64 percent of respondents thought that government was “run for the benefit of all the people,” while just 29 percent said that the government was “pretty much run by a few big interests looking out for themselves.” At that time, 77 percent of the public said they could “trust the federal government just about always or most of the time.” In 2015 surveys, 76 percent thought that government is run “by a few big interests” and just 19 percent said the government is run “for the benefit of all.” Just 19 percent also said that they can trust the federal government just about always or most of the time.²⁴

1.3.5 *Epistemic Integrity*

Epistemic integrity is a fifth sociopolitical condition for the success of democratic procedures. Some form of instrumental rationality is an ingredient in every account of democracy. Epistemic integrity is the condition that allows citizens and officials to reach understanding about the world to exercise that instrumental rationality.

Even in most minimal forms of democracy, citizens ought to be able to know roughly what different leaders stand for and be able to assess how they have acted retrospectively.²⁵ In the pluralist or aggregative mode, Dahl's epistemic requirement is the condition of “enlightened understanding”:

each citizen ought to have adequate and equal opportunities for discovering and validating . . . the choice on the matter to be decided that would best serve the citizen's interests.²⁶

But individual understanding is insufficient for democratic legitimacy. Even without a full-blown deliberative ambition, public discussion, dispute resolution, and effective action require those in a democracy to agree upon a basic stock of facts, inferences, methods of inquiry, and adjudication to settle differences in many of those facts and inferences. That agreement, in turn, requires general acceptance of methods of scientific, scholarly, journalistic, and policy inquiry. It also requires the experts and professionals designated to lead the inquiry to possess a certain integrity. In particular, citizens must be confident that the purveyors of inquiries serve citizens in their desire to reach public understanding rather than advancing the sectarian interests of political partisans, economic elites, or simple self-aggrandizement. In other words, citizens must be confident that experts are not merely propagandists.

Many factors conspire to undermine the epistemic integrity in American democracy. Perhaps most salient are several high-stakes cases in which experts got it very visibly wrong. I'm thinking first of the widely reported and widely accepted claims by Bush administration officials in the early 2000s that Saddam Hussein's regime in Iraq possessed weapons of mass destruction. That claim was the lynchpin of a public case for the connections between Iraq, terrorism, and fundamental threats to the security interests of the United States. It was the foundation of the case for invading Iraq. Subsequent analysis has shown that media coverage closely tracked officials' positions without casting much skepticism about either the factuality of the claims or the structure of the argument.²⁷ Those claims turned out to be false.

The second high-stakes case was the financial crisis of 2007–2008. In the early 2000s, most economic policy experts—including most significantly the heads of the Federal Reserve—and professionals at credit-rating agencies thought that the housing market was sound. However, a small minority of economists saw trouble on the horizon.²⁸ That financial crisis has been regarded by many as the greatest economic loss since the Great Depression in terms of its impact on financial markets, employment, and housing.

The third high-stakes case was the near consensus among pollsters, journalists, political professionals, and academic observers, first, that Donald Trump would not be the Republican candidate for president and, second, that he would lose the U.S. general election of 2016 to Hillary Clinton. These highly visible empirical errors, especially the first two, led to policies that harmed many millions of Americans. Perhaps more important, all three coincide with a certain rationalizing self-interest: the foreign policy agenda of the Bush administration, justification of regulatory and financial arrangements that suited financial policymakers and large industry actors in the 2000s, and bias (I'm talking here of empirical judgments about political realities

rather than normative assessments of candidates) against an insurgent Republican candidate who prominently declared his loathing of conventional media and mainstream politicians of both left and right.

At the popular level, affective polarization and the decline of social cohesion also erode epistemic integrity owing to a psychological pattern called “motivated reasoning.” People tend to process evidence in ways that confirm their prior commitments. In the political context, partisans looking at the same information or making sense of the same experience may come to very different conclusions about who gets the credit or even whether the experience is positive or negative.

Marc Hetherington has shown, for example, that Democrats and the Republicans evaluate the same period of economic performance very differently depending on which party is in power. Under the Bush presidency of 2000 and 2004, for example, Republicans regarded the (same) economy as performing much more strongly than did Democrats.²⁹

As political polarization becomes more pronounced, so too do these motivations of biased reasoning grow stronger. The contemporary media environment likely reinforces this tendency. In this age of the pervasive informational choice in digital news, many Americans consume news and information from sources that reinforce their own beliefs and filter out disconfirming evidence. These self-selected digital social networks create self-confirming echo chambers.³⁰ And, in the course of their ever more sophisticated efforts to bind us to them, internet platforms like Google, Facebook, and Twitter deploy algorithms to tailor the information each of us sees so as to best please us, which likely ends up reinforcing our prior views rather than correcting our errors or making us wiser.³¹

The erosion of these five conditions for the success of democracy has brought large, long-term changes to American politics and perhaps other democracies. If that erosion continues, the processes by which we govern ourselves will be reduced to a hollow shell of democracy. In time we may lose even that. Though some of the causes are structural and institutional, politics, structures, and institutions are themselves the consequences of our own choices writ large. The rest of this chapter lays out some norms and ethics that begin to rebuild these conditions and strengthen the democratic process. In *Theory of Justice*, Rawls argues that some individuals in a democracy have a natural duty to support just institutions while others, by virtue of their roles, take on specific obligations to support those institutions.³² Think of the following sections as elaborating upon what some of those duties and obligations are in light of the basic formal account of democracy and the sociopolitical conditions discussed earlier.

1.4 POLITICIANS AS CAMPAIGNERS

At a briefing after the 2012 U.S. presidential election, campaign managers from both the Romney and the Obama campaigns bragged about their sophisticated use of voter data to micro-target their supporters. I had the opportunity to ask some of them whether they thought that such tactics, because they slice up the electorate into tiny, self-contained slivers, might be good for their candidates but bad for our democracy. “Interesting point, Professor, but our job is to get our guy elected, not save American democracy,” they both agreed. Indeed, these campaign managers may well have viewed refraining from perfectly legal and effective campaigning methods out of a worry that they might harm democracy as an unethical breach of responsibility to their principals.

Four years later, the Clinton campaign’s communication director, Jennifer Palmieri, told Trump Campaign Manager Kellyanne Conway that “I would rather lose than win the way you guys did” at a different campaign debriefing event. She may have meant that she regarded the conduct of the Trump campaign as violating her individual moral commitments. But, she may also have meant that she regarded the conduct of her opponent’s campaign as wrong because it harmed American democracy.

Political campaigns are a central component of representative democracy. Their conduct in some measure constitutes the realization of the formal procedure of democracy: public consideration of alternative policy paths and the participation of citizens as political equals in choosing among them. That conduct also affects the robustness of democracy’s five underwriting conditions discussed in the prior section.

Political campaigns will often have reason to act in ways that benefit their candidates but harm democratic procedures and their underwriting conditions. In the metaphor of the tragedy of the commons, political campaigns face constant temptations to overfish or unsustainably pollute. Often, these harmful actions will be perfectly legal. Even so, they should refrain from doing so and act to strengthen the procedures and underwriting conditions when they can do so without too much cost to themselves.

For example, campaigns (both before an election and after it) should reaffirm the underwriting commitment to democratic processes over partisan gain. At the limit, this imperative requires campaigns to accept the determination of inevitably imperfect procedures and close calls. Al Gore’s gracious concession speech to George Bush in 2000, on the day after the Supreme Court ruled 5–4 in favor of Bush, illustrates this principle dramatically:³³

I say to President-elect Bush that what remains of partisan rancor must now be put aside, and may God bless his stewardship of this country. . . Neither he

nor I anticipated this long and difficult road. Certainly neither of us wanted it to happen. Yet it came, and now it has ended, resolved, as it must be resolved, through the honored institutions of our democracy. . . . Now the U.S. Supreme Court has spoken. Let there be no doubt, while I strongly disagree with the court's decision, I accept it . . . And tonight, for the sake of our unity as a people and the strength of our democracy, I offer my concession.

But privileging procedure over outcome requires attention to less visible and dramatic harms to democratic processes and conditions, as well. For example, campaigns may seek not just to mobilize their own supporters but also to demobilize those of their opponents. Efforts to depress turnout can take the form of targeted communications that, for example, “nudge” would-be voters into staying home because they anticipate long lines at polling. Campaigns should refrain from activities that reduce political engagement because such action prioritizes their own success at the expense of participation and political equality in the democratic process.

The overweighted influence of money in politics is one major reason that many Americans lack confidence that the democratic system instantiates the commitment to political equality or that it will be responsive to popular interests. Political campaigns should do what they can to mitigate these concerns subject to the constraint that they need not unilaterally disarm in the political contest for resources.

Following the arms-control analogy, campaigns might seek pacts with their adversaries to mutually regulate the resources they seek. Prior to the general election campaigns of 2008, both John McCain and Barack Obama had committed to accept the limits of public financing if the other party's candidate also agreed to do so.

But then Senator Obama became the first presidential candidate of a major party to forgo the public financing system that was created in 1976.³⁴ By some news accounts, the Obama campaign decided to abandon that commitment after Obama's powerful fundraising capacity became apparent.³⁵ Campaigns might pursue competitive strategies that rely less on contributions from powerful groups and wealthy individuals who “max out” on campaign contribution limits. Bernie Sanders in 2016, for example, relied on a very high portion of small-donor contributions. Donald Trump's campaign in that year relied on internet outreach that was far less expensive than paid television advertising. Even without limiting the amounts or sources of their financing, political campaigns could help restore public confidence by voluntarily disclosing the sources of their support and funding beyond legal disclosure requirements.

1.5 POLITICIANS AS PUBLIC OFFICIALS

After the acrimony of campaigning, victorious politicians become officials invested with public power and even greater responsibility to strengthen the conditions for democracy to be successful and to refrain from damaging those conditions. But the temptation to damage democracy may be even greater because holding public office brings increased power to advance partisan interests at democracy's expense.

Politicians face strong temptations to deploy political power to advance their partisan interests at the expense of fair democratic processes. One version consists of efforts to entrench one's faction by altering procedures to increase the likelihood of future political victory. Partisan legislative redistricting is one common form of such manipulation.³⁶ But there are many other ways to amplify incumbency advantage, such as manipulating the franchise or using the power of law and regulation to protect one's own sources of campaign financing at the expense of others. Other laws and policies can strengthen or weaken the social organizations of one's own base or one's opponents, for example, by making it easier or more difficult for labor unions to sustain themselves or by endowing financial and policy advantages to religious organizations.³⁷

Political officials are often tempted to manipulate policymaking processes for momentary advantage by shifting powers to parts of government they happen to control at some particular moment. U.S. presidents are tempted to use executive orders to accomplish goals for which they cannot enlist Congress. Conversely, hostile legislatures have sought to remove power from the executive.³⁸ Institutional consistency seems a plausible ethical principle to regulate such efforts: when in power, do not seek a distribution of authority that you would not accept when out of power.

In their excellent treatment of the topic, Amy Gutmann and Dennis Thompson argue in *The Spirit of Compromise* that democracy in America has suffered because the competitive strategic dynamics of permanent campaigning, which are antithetical to compromise, have intruded pervasively into processes of governing. Popular affective polarization—an effect of political leadership to which those leaders are now also subject—certainly exacerbates the resistance to compromise in the current American context. While public displays of principled tenacity and mutual mistrust—Gutmann and Thompson's account of the “uncompromising mindset”—may bolster popular partisan support, this official behavior undermines public confidence by paralyzing government and so rendering it incapable of responding to citizens' needs and solving social problems.³⁹ Though political officials may suffer decreases in support from the most ardent partisans, maintaining the conditions for successful democracy requires a greater embrace of the spirit of compromise.

As leaders and public exemplars, political officials have a responsibility to reinforce the epistemic integrity of democracy. While disputes about evidence and the likely consequences of policy choices are inevitable, valuing epistemic integrity means at minimum avoiding making claims that they know to be false, or largely false, even when it will advance their political aims. Better still, public officials should seek to minimize the range of evidentiary disagreement with adversaries by seeking out and embracing the methods, experts, and claims that they can both agree upon, even when they disagree about their implications for public policy.

1.6 OLD AND NEW MEDIA

Though old and new forms of media in the United States for the most part take the organizational form of private corporations, they create the infrastructure of the public sphere. Citizens learn about each other, their world, politicians, and government through the media. The difficulty is that the self-interest of media organizations and journalists can lead them to strategies and actions that undermine conditions for successful democracy.

For example, media studies have shown that since the 1970s—after public opinion polls became widely available—coverage of campaigns and elections has focused predominantly on the competitive, so-called horserace dimension of politics. In the 2016 general election, this pattern may have hit a new high with the horserace and controversy consuming some 60 percent of coverage while policy discussions occupied just 10 percent.⁴⁰ This relative imbalance threatens the condition of epistemic integrity owing to its omissions. The frame of the horserace focuses public attention on one important part of politics, but deemphasizes other important components, such as policy positions and accountability for prior performance. The horserace frame of so much political coverage also makes compromise more difficult in the governing stage.⁴¹

The 2016 general election also exposed a different problem with regard to professional media that relates to social cohesion. In a society that is vertically divided between elite and mass, and horizontally polarized between right and left, media may serve these different quadrants unevenly. From this perspective, one awkward feature of the 2016 presidential election is that the winner—Donald Trump—received endorsements from only 27 newspapers while Hillary Clinton received some 500.⁴² It may be that media organizations and journalists are disproportionately clustered in the left-elite quadrant of Christopher Hayes's doubly polarized America. There may be some credence to the notion held by some of Donald Trump's supporters that much traditional media neither understand nor respect them.

Despite these problems, one saving grace of professional journalism in America is its thick sense of professional responsibility to make democracy work by strengthening its epistemic integrity in ways that favor government responsiveness. One plank of that professional ethic is the drive to get the facts right and to present all sides of a story. A second plank is the professional mission to speak truth to power. As the code of ethics of the Society for Professional Journalism puts it: "Be vigilant and courageous about holding those with power accountable."⁴³ Because of this sense of the role of professional journalists in democracy, introspection regarding missteps in coverage of the 2016 elections began in earnest even before Election Day.

The novel and profound challenge of the media and democracy is that information and public discussion are increasingly shifting to new media, such as Facebook, Twitter, Google, and an array of news sites. The self-interest of these organizations is clear: like the newspapers of old, they are financed through advertising and so seek more users and more attention from each user. This self-interest leads to decisions that harm the epistemic integrity and social cohesion of democracy. Unlike newspapers and network news of the twentieth century postwar era, however, these organizations lack a thick sense of ethical responsibility to democracy.

To be fair, internet platforms like Google, Facebook, and Twitter do seem to have a thin sense of responsibility with regard to three components. The first is openness. Unlike traditional news outlets, the new media are in principle open to anyone who wishes to express a view or tell a story. The second is neutrality. Within very wide boundaries, these platforms do not prefer any particular user or view over any other. The third, speculatively, is a latent Millian faith that the best ideas will emerge from the media marketplace that they create. The trouble with these three components is that the internet platforms are not just a marketplace in the Millian sense; they also operate in a conventional market in which their business models depend upon enabling those with resources to promote their stories or products. Furthermore, the platforms tailor themselves to maximize user engagement in order to provide a more robust market for their advertisers.

Three factors of this new media environment threaten the social-coherence condition of democracy: fragmentation, self-selection, and algorithmic homophily. Audiences on the internet are necessarily more fragmented than those during the broadcast era. Even though a small number of internet platform companies dominate, each creates a structure of many-to-many communication that is profoundly more variegated than the one-to-many logic of the broadcast era of newspapers, television, and radio. Fragmentation itself might not pose a problem for democracy if it merely enabled people to pursue a wide range of cross-cutting interests that created many overlapping groups. That vision could be the media mirror of a pluralist ideal.

But that intersecting pluralism does not appear to be the new media reality. Instead, fragmentation seems to have facilitated political polarization. Media fragmentation enables individuals to self-select into groups—on social networks or distribution lists—with similar interests and worldviews.⁴⁴ Compounding this dynamic, algorithms and machine learning processes that channel information to individuals' social media feeds and search engine results that are suited to our individual tastes and preferences. The criteria according to which these mechanisms operate are not publicly known. They likely seek to maximize our engagement as measured by the time that we spend on particular pages; the frequency with which we click links; and how often we forward items to others, view associated advertising, and complete purchases. The net effect of these algorithms, in turn, is likely to channel information that pleases us—perhaps by confirming our views—and is similar to those in our homophilic social networks rather than exposing us to other perspectives or correcting our errors.

As the “fake news” scandals of 2016 have shown, the social information networks, the echo chambers they create, and the incentive for advertisers and platforms to reap “clicks” can conspire to powerfully undermine the epistemic integrity of political deliberation.⁴⁵ Though mainstream news media are far from error free, it is quite plausible that the forces of professional journalists ethically driven to produce accurate reporting, combined with large, general audiences with diverse views, have created a more epistemically favorable environment than the new media environment of self-confirming echo chambers and information purveyors with a much wider range of motives.

Perhaps the biggest challenge to sustaining epistemic integrity in the new media environment is to convince those who own, design, and operate internet platforms that they have substantial obligations to our democracy. The notion that the choices they make have profound impacts on the health of our democracy on dimensions like social cohesion and epistemic integrity is likely to be unwelcome because of the responsibilities that would entail. The idea that their current choices are harming democracy would be even less welcome. Acting on those responsibilities might well require costly changes to business practices, as do shifts to improve environmental quality or labor practices.

How might the new media moguls come to embrace a thick and demanding sense of their responsibility to democracy that constrains their private, profit-oriented prerogatives? Large newspaper and radio organizations underwent a similar transformation in the mid-twentieth century. The report of the Hutchins Commission was a milestone in that transformation. In 1942, Henry Luce of Time, Inc., convened the commission which was chaired by University of Chicago President Robert Hutchins and joined by, among others, Charles Merriam, Reinhold Niebuhr, Harold Lasswell,

and Arthur Schlesinger. While the original notion was to examine freedom of the press, the commission's report emphasized the responsibility of the press to democracy and society. Then, as now, the technologies and organization of communication were changing dramatically, and those changes brought great danger:⁴⁶

The problem is of peculiar importance to this generation. The relation of the modern press to modern society is a new and unfamiliar relation.

The modern press is a new phenomenon. It can facilitate thought or thwart progress. It can debase and vulgarize mankind. It can endanger peace. It can do it accidentally, in a fit of absence of mind. Its scope and power are increasing.

These great new agencies of mass communication can spread lies faster and farther than our forefathers dreamed when they enshrined freedom of the press in the First Amendment to the Constitution.

With the means of self-destruction now at their disposal, men must live, if they are to live at all, by self-restraint and mutual understanding. They get their picture of one another through the press. If the press is inflammatory, sensational and irresponsible, it and its freedom will go down in the universal catastrophe. On the other hand, it can help create a new world community by giving men everywhere knowledge of the world and one another, by prompting comprehension and appreciation of the goals of a free society.

Thus the commission concluded in no uncertain terms that freedom of press understood as negative liberty alone would lead to democratic disaster. Instead, they recommended that the press accept great responsibilities to provide the information and space for discussion required by successful modern democracy:

The press is a private business but affected by a public interest; The press has an obligation to elevate rather than degrade public interests; The press itself should assume responsibility of service the public needs; We suggest the press look upon itself as performing a public service of a professional kind; We recommend that mass communication accept the responsibility of a common carrier of information and discussion; The press should finance attempts to provide service of more diversity and quality for tastes above the level of its mass appeal.

Without some functional equivalent to the democratic professional ethics of twentieth-century journalism updated for the new media context, the dynamics of information and news on internet platforms will continue to undermine the

underwriting conditions for successful democracy. Developing that code will be a complicated undertaking that should itself be an exercise in democratic deliberation and public reasoning. One task of such an ethic is to increase the accuracy of information that citizens receive. Another is to overcome informational and perspectival balkanization so that citizens can encounter those who occupy points in public space that are distant from their own.

1.7 CITIZENS

The self-interest of citizens themselves can erode the conditions for successful democratic governance. Theorists of democracy—from Aristotle, Rousseau, and Mill, right up to Amy Gutmann and Bill Galston—have noted the importance of civic education and democratic habits. Perhaps part of the desiccation of our democratic culture—the emphasis on private over public or structure over agency—is that those types of discussions about civic virtue and the responsibilities of citizens are less common now. Bill Galston and E. J. Dione write that “citizenship in America is radically unbalanced: it is strong on rights but weak on responsibilities . . . citizens are asked to pay their taxes and obey the law—and show up for jury duty when summoned. That’s about it.”⁴⁷ It is time to renew our public consideration of what citizens ought to do to make democracy work and how to inculcate those responsibilities.

Rather than resulting from a deductive exercise that begins with a larger theory of democracy, my conclusions about what citizens owe to democracy grow out of the need to reestablish the particular sociopolitical conditions for democratic success discussed in the first part of this chapter. The view of civic responsibility that emerges from this largely consequential reasoning is more demanding than those who focus on informed voting, but much less demanding than civic republican, deliberative democratic, or participatory views of active citizenship.

The first of these responsibilities is to actually participate in the democratic process. Only 55 percent of eligible voters bothered to turn out to the polls in the 2016 presidential election. Turnout in state and local elections and mid-term elections is significantly lower. Among the relatively developed OECD (Organization for Economic Cooperation and Development) countries, the United States ranks very near the bottom of the list—at 31 out of 35 countries—in voter turnout.⁴⁸ Many institutional reforms—from automatic registration, to mail-in voting, to mandatory voting—would increase these participation rates.⁴⁹ Apart from these institutional fixes, a critical normative starting point is that citizens regard it as part of their civic responsibility to participate in elections and other democratic processes.

Second, citizens owe it to themselves and to their democracy to hold serious and consistent views about politics and policy. Epistemic integrity and government responsiveness require that. A version of this norm is the willingness to do one's part for public policies, especially those one favors. Illustrating this inconsistency, a 2004 survey showed that the majority of young people supported the U.S. invasion of Iraq, but only a small minority were themselves willing to fight in that war.⁵⁰ On the cognitive level of consistency, Suzanne Mettler shows that Americans fail to recognize the government services they use and the benefits they receive:⁵¹

A 2008 poll of 1,400 Americans by the Cornell Survey Research Institute found that when people were asked whether they had "ever used a government social program," 57 percent said they had not. Respondents were then asked whether they had availed themselves of any of 21 different federal policies, including Social Security, unemployment insurance, the home-mortgage-interest deduction and student loans. It turned out that 94 percent of those who had denied using programs had benefited from at least one; the average respondent had used four.

Much of the blame for these mistakes lies in the "submerged" way in which many policies are designed to conceal the role of government and in the broader decline in public regard for government. But citizens have a democratic responsibility to exercise the cognitive effort needed to understand their own experiences with policy and the benefits they derive from it.

Finally, social cohesion and the popular basis for political compromise require citizens to reach across the horizontal and vertical chasms that now separate America along mass/elite and left/right lines. Deliberative democrats have emphasized the importance of understanding other worldviews through civic education and public processes.⁵² Pursued earnestly, however, reaching out to people in the other Americas to achieve mutual understanding, respect, and a modicum of solidarity is costly on psychological, social, and perhaps political and economic dimensions. Psychologically, efforts to understand other perspectives require resisting powerful tendencies toward confirmation bias and motivated reasoning. One consequence of affective polarization is that seriously entertaining the perspectives of the other side can come at high cost to social harmony.⁵³ Think here of the lonely experience of the Clinton supporter in many Oklahoma communities and the Trump supporter in Cambridge, Massachusetts, or Palo Alto, California.

While the challenge of bridging ideological divisions has been a longstanding problem in liberal political theory, I have focused less bridging the gaps between economic, political and cultural elites and everyone else. Perhaps that is because

many ideal democratic theories embrace an egalitarianism in which those categories are unjustified and should not exist. But they do exist and will persist in modern democracies for the foreseeable future. Recent political events in the United States and Europe suggest that this socioeconomic division between elite and mass may have become as significant as the ideological division between left and right.

Bridging that gap requires a commitment to understanding the lived experiences of very different others. One path is through literature; I'm thinking here of work by Ta-Nehisi Coates and Arlie Hochschild, as examples.⁵⁴ A better path is through direct interaction. Iris Marion Young wrote about the democratic virtues of city life, in which "City dwellers frequently venture beyond such familiar enclaves, however, to the more open public of politics, commerce and festival, where strangers meet and interact."⁵⁵ But that was a quarter-century ago. Now, geographers and sociologists highlight the problems of spatial polarization along both ideology and class lines. In principle, however, digital communication technologies can facilitate citizens' serendipitous encounters with different others, both communicatively and virtually, if not through physical proximity. In reality, for the reasons discussed earlier, those technologies have exacerbated polarization rather than have bridged it. Different technological designs would help reverse this commitment, but bridging these divides also requires a normative commitment by citizens to open themselves up to such differences and even to seek them out.

If we stipulate that elites are here to stay, part of the effort to construct this bridge should investigate what elites owe to nonelites for the sake of social cohesion, democracy, and justice. Rob Reich and Emma Saunders-Hastings, for example, are examining the norms that ought to guide and restrain philanthropists such as Bill Gates and Mark Zuckerberg with respect to their beneficiaries.⁵⁶ Work in corporate social responsibility explores what the owners and managers of economic enterprises owe to workers and communities. And, following events such as the mass rejection of European Union membership in Britain and several other countries, and Donald Trump's presidential victory, political elites and political entrepreneurs are revisiting the ways to bridge the chasm that separates them from their constituencies.

1.8 CONCLUSION

Many modern democracies now face crises of legitimation, performance, and nonresponsiveness. We all bear some responsibility for those crises because we—in our various professional, public, and private roles—have in the course of pursuing our various self-interests degraded the conditions that make democracy successful. Yet, almost everyone in the wealthy North Atlantic societies—and many

beyond—shares a general commitment to democracy as their preferred system of governance.⁵⁷ But taking that commitment seriously requires projecting it into more specific responsibilities for various actors in contemporary democratic systems. I have tried to begin that exercise of normative specification here.

One obvious objection to this line of reasoning is that civic and professional ethics—even when clarified—will be too weak to constrain the forces of self-interest that have led us to damage democracy in the first place. For that, we need more potent institutional reforms like campaign finance, popular or independent redistricting, and media regulation. This ethical project does not preclude such institutional reforms. Indeed, successful democracy requires good institutions and robust civic responsibility. They go hand in hand. A widespread shared understanding of the democratic ethical responsibilities of politicians, media actors, and citizens may pave the way for institutional reform. Absent such commitment, democratic institutional reform may be a quixotic project of civic activists and public-spirited lawyers who are doomed to drown in the tides of decadent self-interests, indifferent to the health of democracy.

Practically, how can we accelerate the public conversation about what democracy requires? That acceleration will likely require opportunity and capacity. Crisis creates opportunity—the sense that democracy is in crisis is now acute. In the United States, it is likely the case that the majority of voters voted against the candidate they disliked rather than for the candidate they supported in 2016. How can it be that our democratic institutions cannot produce two more popular candidates in a country of 300 million? Fortunately, the capacity for ethical and moral reflection is widely distributed in society. That expertise is not the sole province of professional philosophers. We can begin to unleash that capacity when we stop blaming one another, agree that we get the democracy that we deserve, decide to become worthy of a better democracy, and then work together to rebuild it.

NOTES

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