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# Democratic States and Undemocratic Outcomes; The US Election in Perspective

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## ABSTRACT

*In recent times, democracy in the United States of America has been increasingly eroded by a variety of systemic inconsistencies. The 2020 election is the most recent in a long list of political failures, each arising from the deeply undemocratic outcome of practices touted as upholding democratic values. This paper hopes to analyse how the results (and conditions) of the election were indicative of (i) erosion of state legitimacy (ii) mounting partisanship and polarisation, or the party obsession with power and ideological control and (iii) gerrymandering; or the splitting of congressional districts to benefit a specific political party. This paper also aims to establish that fair election conditions are the backbone of a liberal democracy, and that so far as the conditions of America suffer from the aforementioned ailments, the 2020 election and indeed all future elections will become increasingly undemocratic, leading to the inevitable deterioration of America's political environment.*

## I. INTRODUCTION

The United States of America, perhaps since its very inception, was touted by many theorists as a near-perfect example of democracy. Tocqueville post a visit to the US in the 1830s, described America as benefitting from the “equality of condition”, something that would lead to a nation experiencing liberal democracy in its most pristine form (Cunningham, 2008). However, more contemporary scholars, perhaps as a side-effect of the historical policy preference for market progression and expansion of capitalist interests (LaFeber, 1999) at the expense of democratic ideals, have leaned towards a critique of American democracy, with the most vitriol aimed at party politics and election conditions. Indeed, a key question worth asking is if equal franchise in the US is (or will ever be) truly egalitarian in nature. The main proposition of this paper is that the 2020 election was fundamentally flawed; a coalition of a process of undemocratization that has been taking place since at least the Reagan administration (1981-1989) (LaFeber, 1999). Processes of election and government do not

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exist in a vacuum; they are affected by the political heavy-lifters; those with what Althusser refers to as those with State Power within a State Apparatus that has always worked for the benefit of the bourgeoisie (Althusser, 1971). Indeed, echoing Althusser, it does not matter who won this election (Joe Biden, with an electoral vote of 306, amidst a wave of controversy (Sherman, 2020)), because as one will see during attempts to define the concept of “democracy” in America, the election process functions under undemocratic conditions that inevitably lead to undemocratic results, regardless of how fair those processes first appear. This paper will attempt to explore these conditions and processes, demonstrating how they work to undermine the democratic validity of the 2020 election, and will, if unchecked, continue to affect the coming elections, leading to a complete disruption of American politics.

## **II. THE SO-CALLED DEATH OF AMERICAN DEMOCRACY; THE QUEST FOR A DEFINITION**

Democracy must first be defined in the context of this paper. This paper is concerned with contemporary explanations of what exactly democracy is; those that rely on an empirical realism of what democracy is and how it is achievable; not normative statements regarding what democracy should be, which is a criticism commonly levied against the proponents of classical democracy (rule by the people. This involves the idea of representative democracy, in which a citizen has the ability to vote in elections instead of the direct participation advocated by these classical theorists. Pomper (1967) advocates for individuals choosing candidates for office that will have the authority to make decisions and will take responsibility for the decisions made by those in the bureaucracy, decisions often made via discussions restricted to those of the “political stratum”. The brand of liberal democracy that exists in the US tries to ensure that those in power are not allowed to run amok, answerable to constitutional laws and institutions that restrict their authority (Cunningham, 2002).

The contemporary (or “revisionist”) theory of democracy this paper adopts is vulnerable to criticism on the grounds that it may justify the faults and many conflicts present in a democratic regime (Walker, 1966), by rejecting the normative end-goals of democracy like, for example, a people’s rule or the establishment of a collective goal. This critique is flawed; merely explaining how a present system works is not intrinsically an attempt to defend it. Additionally, revisionist explanations do not propose the modification or the removal of normative objectives; the pursuit of them still have value (Medding, 1969). This paper hence is based on Joseph Schumpeter’s definition of democracy; democracy as a system wherein

every citizen acquires the power to decide state officials, consisting of a sound electoral system (Schumpeter, 1942), further expanded upon by Robert A. Dahl's (1961) six conditions for a stable political environment;

well-nigh universal suffrage, a moderately high participation in elections, a highly competitive two-party system, opportunity to criticize the conduct and policies of officials, freedom to seek support for one's views, among officials and citizens, and surprisingly frequent alterations in office from one party to the other as electoral majorities have shifted. (Dahl, 1961, p. 311).

Based on the above characterisation of democracy, the author postulates that the 2020 US election is symbolic of an evident erosion of democracy in the United States. Schumpeter's condition that all are given equal power to vote for the public official they prefer is no longer met; the electoral processes that played a key role in victories across the country both in 2020 and in the 2018 midterms actively excluded thousands of individuals across the country, in ways this paper will explore. Elections; the "highly competitive two-party system" have increasingly become little more than a power play, a way to push party agendas and ideology onto citizens culminating into gerrymandering and aggressive partisanship, not listen to the needs of the people. "Freedom to seek support" has been pervaded by lobbying and vested interests. "Freedom to seek support for one's views" has been abraded by a steep decrease in the state's perceived legitimacy. It is this reduction of election conditions once deemed "democratic", once deemed necessary, that this paper will seek to examine, by analysing how each one has affected the 2020 election.

### **III. LEGITIMACY BLUES; THE EFFECT OF SUFFERING STATE LEGITIMACY ON THE 2020 ELECTIONS**

According to the normative theorists like John Rawls (1993), legitimacy can be defined as the justification of political power in the eyes of the citizens. Beetham (1991) suggests that political legitimacy only holds if the people can justify its legitimacy in terms of their beliefs. Why is legitimacy so imperative to democracy? Essentially, the state apparatus is not so self-contained that it is able to withstand conflicts (both internal and external) and the wider perspectives of those it rules over (Beetham, 1991). For example, if, according to Dahl, a key part of democracy is a moderately high participation in elections, it naturally follows that if the population does not believe in the authority of the Electoral College it is likely that they will not vote in the election, meaning that America has already failed to meet one of the six conditions of democracy.

The 2020 election was a conglomeration of events and polls that suggests that the perception of the authority of state institutions is floundering, meaning that many Americans view electoral and state institutions as illegitimate. This paper has already established that the presence of the fair election conditions is key to democracy, and this section would like to explore how important it is that Americans believe that those conditions are indeed fair; and how this election has shown that they do not.

As the 2020 campaign progressed, numerous polls suggested that regardless of the results, the election was “rigged” and that many Americans would indeed view their new president as illegitimate. According to the Washington Post-Schar School poll, 31% of Biden supporters in Virginia said they would not accept a Trump victory as legitimate, while 26% of Trump voters said the same about Biden. Post Biden’s victory announcement, a POLITICO/Morning Consult survey found that trust in the Republican trust in the election system decreased severely, while Democrat faith soared. After the unofficial call on the seventh of November, 2020, 70% of Republicans now say they believe the election was unfair, up from the 35% of GOP voters that thought the same before the election, due to a mixture of mail-in ballot fraud and ballot tampering. Additionally, two-thirds of Trump supporters believe he should not concede to Biden. This is part in due to the rise of partisanship and polarisation; there is a loss in procedural integrity. If this is how Americans view the election, there is a clear challenge to the shared perception of legitimacy which as aforementioned, severely erodes the democratic framework.

Finally, this election is representative of the deterioration of a loyal opposition (Waldron, 2011), another principal key to the maintenance of political legitimacy and of democracy. This is the idea that those that lose out on political victories must still participate and trust in the party (and party supporters) that gain control of the state apparatus. The deep polarisation that has come to light during the 2020 election led to a flouting of democratic election processes on both sides which as aforementioned, has led to a loss of faith. Pulling back to Schumpeter’s and Dahl’s definitions of democracy, the idea that those that lose out in official elections still believe it and support those that win ensures the conditions of a competitive two-party system and citizen and bureaucratic support for dissenting views. The above polls and the accusations of election rigging, foreign collusion on both sides (according to a Monmouth University Poll that took place in August of 2020), and general mounting anger at opposing voters (refer to image in later section) all contribute to a loss in state legitimacy, and further indicative of an erosion of American democracy.

#### **IV. POLARISATION, RISING PARTISANSHIP; THE EVIL UNDERBELLY OF DEMOCRACY AND THE 2020 ELECTION**

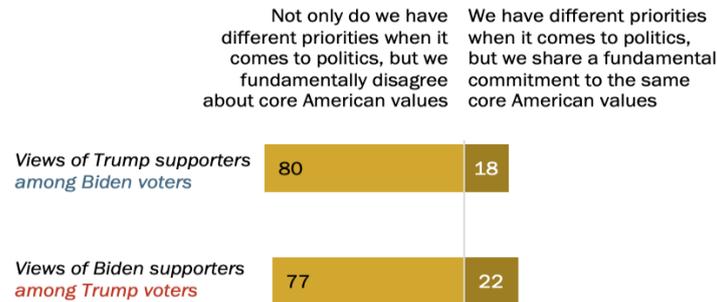
This essay thus far has established that fair elections are critical to a healthy democracy, particularly because they act as an inbuilt mechanism that allows citizens to hold their leaders accountable for their actions. Dahl's six conditions for a functioning democracy includes the presence of a strong two-party system, so it follows that a certain level of polarisation, that is, the ideological differences between political actors (Lupu, 2015) and the resulting partisanship; the ideological attachment one has to a party (Lupu, 2015) is inevitable. In a vacuum, a certain level of party polarisation is beneficial; it bolsters party brands, fosters competition between political actors, and clarifies voters' choices, all key to electoral and democratic stability (Lupu, 2015). Mass partisanship can assist in strengthening the trust people have in the electorate (Rose and Mishler, 1995). However, several polls and political theorists suggest that the past seven elections have taken place in the "most polarised era of American Politics" and that the 2020 election is the latest in a broad trend of America's move to democratic instability (Bitecofer, 2020). This is a key example of this paper's thesis; something considered a cornerstone of democracy; partisanship can, in certain conditions, have highly undemocratic results.

Though such polarisation is the effect of events that have taken place for a long time before this year, it is worth noting that the 2020 election took place in a year marked by conflict. The summer of 2020 saw many countrywide protests over police brutality and systemic racism, alongside the Covid-19 pandemic that has been politicised by the Trump administration in particular; mask-wearing, contact-tracing opinions about public health have become indicative of a deep ideological divide (Bitecofer, 2020), increasing partisanship on both sides. Polls conducted by the Pew Research Center show that the 2020 election was not about each party's policies or politics; in October, about 8-in-10 registered voters said their disagreements with the opposing side were about "core American values", while 9-in-10 said that an opposing victory would mean "lasting harm". Ideology has become unchanging and antithetical to democracy itself (Carothers and O'Donohue, 2019). The rigid two-party system touted as a symbol of democracy now becomes dangerous; the election now seems to be a zero-sum gain and a loss can mean the end of political participation, or at least deep-seeded resentment for the winning side, both in terms of those actively running for office and their supporters. This is more apparent in this election because over the years, identity markers like race, religion and ideology have aligned with partisanship more so than they did

in past periods (Carothers and O’Donohue, 2019). This also means that another facet of democracy many classical theorists would consider paramount; a collective good, is no longer feasible.

**Only about one-in-five Trump and Biden supporters say they share the same core American values and goals**

*% of registered voters who say ...*



Notes: Based on registered voters. No response answers not shown. Source: Survey of U.S. adults conducted Sept. 30-Oct. 5, 2020.

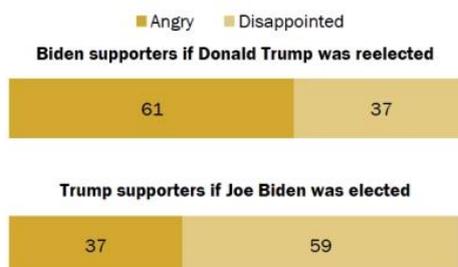
PEW RESEARCH CENTER

Source: “2020 election reveals two broad voting coalitions fundamentally at odds.” (Deane and Gramlich, 2020)

As aforementioned, many Americans due to such a stark political and ideological divide are highly likely to view the victor of the 2020 elections as illegitimate and highly unrepresentative of their coalition. The poll below evidently displays how emotionally invested voters are in their candidate and what they represent; feelings of partisanship are higher than ever. This also suggests that whoever wins, they will not be representative of a large part of American society.

**Biden supporters far more likely than Trump supporters to say they’d be angry if their candidate loses**

*Among registered voters, % who say they would feel \_\_\_ if the opposing candidate was elected in November*



Notes: Candidates’ supporters include leaners. Excited and relieved responses (<4%) and no answer responses not shown. Source: Survey of U.S. adults conducted July 27-Aug. 2, 2020.

PEW RESEARCH CENTER

Source: “Election 2020: Voters Are Highly Engaged, but Nearly Half Expect To Have Difficulties Voting.” (Dunn, 2020).

This only breeds further polarisation and fuels the divide, breaking down democracy at the seams.

This all goes to show how harmful polarisation and its resulting partisanship can be to democratic rule if not properly corralled. It threatens political legitimacy, already established to be critical to American politics, undermines electoral institutions and lambasts voter representation. The attitudes of voters in the 2020 election all suggest that unless something is done to combat polarisation, every coming election will have the same divisive results, threatening American democracy as we know it.

## **V. GERRYMANDERING; AN EXAMPLE OF HOW A DEMOCRATIC PROCESS CAN HINDER DEMOCRACY**

It is now worth analysing an example of a process that is undoubtedly key to voter representation in elections (both primaries and general); the division of the 435 congressional districts. The division takes place every ten years, based on the population counts as reported by the decennial Census, with the aim of every district being equally as populated as other state districts as possible.

Due to the aforementioned effects of polarisation and the emphasised relationship between partisanship and identity-markers, this seemingly straightforward process has become a tool for political parties to choose their voter base through a process known as gerrymandering; where the majority party in the state legislature draw district lines to obtain a political advantage. This “packs” many opposition voters into particular districts (meaning that the governing party will win in surrounding areas) and “cracks” the rest into minorities in others (ensuring they are outnumbered in each), which ensures that the majority party will gain a majority in the House of Representatives that is disproportionate to their voter share (Maxfield, 2020).

Since the 2010 Census, both the Republican and Democratic parties have been accused of rigging the maps of states under their control. For example, in the maps considered in the court case *Rucho v Common Cause* (*Rucho*, 139 S Ct), the North Carolina map gave Republicans 10/13 congressional seats, while Maryland’s put 7/8 districts under Democratic control. After the 2016 election, a report from the Brennan Center for Justice (Royden and Li, 2017) found that in the 26 states that make up 85% of congressional districts, Republicans gained 16-17 seats in Congress from partisan bias. There are two key issues these rigged

maps present; they waste minority party votes and hinder the representation of the populace (they increase the “efficiency gap” (Stephanopoulost and McGhee, 2015); a method suggested by both authors to see the packing and cracking involved in a map plan. The efficiency gap represents the difference between each parties’ wasted votes divided by the total cast votes.) Second, they work to increase polarisation in state legislatures, which has already been established to significantly impact American democracy. Perceived “easy wins” for majority parties who are able to gerrymander their maps in the general election leads to higher competitive primaries and produces more partisan, radical candidates because majority candidates must now appeal to a more extreme party base and not the ideological centre in general elections (Catanese, 2014). Additionally, gerrymandering encourages voter apathy because the outcome appears predetermined (Catanese, 2014), and as aforementioned, high voter participation is key to healthy election conditions, which is critical to democracy.

Gerrymandering is particularly important in light of the 2020 election because it is the start of the next redistricting cycle. As of the fourth of December, 2020, Republicans have gained trifectas in two states; New Hampshire and Montana, while Democrats, despite hopeful victories in 2018, did not flip a single state. The below table shows the break-up of state legislators (including third parties incumbents) that were affiliated to either Democratic or Republican parties.

| Partisan balance of all 7,383 state legislative seats |   |   |   |
|---|---|---|---|
| Legislative chamber                                   |  |  |  |
| State senates   | 874   | 1,084   | 14  |
| State houses  | 2,565   | 2,784   | 62  |
| <b>Total:</b>   | <b>3,439</b>  | <b>3,868</b>  | <b>76</b>   |

Source: Partisan composition of state legislatures. (Ballotpedia 2020).

This means that it is Republicans who will likely lead redistricting in the coming decade. 31 states still rely on state legislators to draw congressional districts and state legislative lines in 30 (Brennan Center for Justice), meaning that the partisan effect of gerrymandering will be felt for years to come, even past the Biden presidency, continuing to fuel polarisation and threaten the American democracy.

## VI. THE WAY FORWARD

American politics has always been marked by conflict and tenuous ideological differences. However, recent decades are testament to how the institutions and mechanisms of the state have increasingly been perceived as illegitimate, something that decisively increases polarisation, partisanship, and impairs electoral conditions, thereby marring the American

democracy. The tenets and processes of democracy are fair only in a vacuum; when they take place in such a perverse political environment characterised by power and ideological bias, they have decidedly undemocratic outcomes, each displayed in the 2020 election. To help alleviate the deterioration of democracy in America, it is important that the American body politic focuses on ensuring that the election administration system is strong enough to guard against attempts to delegitimise it, perhaps through the establishment of a Federal Elections Agency that has the authority to enforce election laws and has enough resources and members, unlike the current Federal Election Commission and the Election Assistance Commission (Norris, 2016). Additionally, more attention must be given to the efforts of political parties to use the democratic system for their own gain. For example, the erection of redistricting commissions in all 50 states, especially in the light of the *Rucho* decision ruling out federal oversight over gerrymandering. Managing the many issues plaguing American democracy is not an easy task, but the cognizance of these suggestions will hopefully lay the road for future improvement.

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