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Claremont McKenna College

How to Vote Well: Rebuilding Barriers to Demagoguery and Incentivizing
Responsible Leadership in the American Republic

Submitted to Prof. Emily Pears

By Harper Rubin

for

Senior Thesis

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Introduction:

In light of recent troubling trends towards anti-democratic politicians in government, a study of public leadership seems timely.¹ The United States' current flirtation with demagoguery on the right and populism on the left is a good place to start. The founders of the American republic were thoroughly concerned with demagoguery. They believed that the greatest threat to democracy in the fledgling nation would come from the people themselves. Demagogues achieve power from the bottom up. They start by preying on divisions and resentment in the populace and end by overturning important democratic norms and institutions designed to protect the interests of the people. The public, unfortunately, has repeatedly proven itself susceptible to the siren-song of demagoguery.

History provides endless examples of the public falling prey to malign leaders who use their popularity with the masses to garner influence and power. In ancient Greece, a politician named Cleon discovered he could direct his speech to the masses of spectators at the Athenian assembly instead of to his fellow legislators. He fashioned himself as a friend of the common people and an enemy of the Athenian aristocracy. Intellectuals and political elites hated Cleon but they could not seem to topple him. Aristophanes, a successful playwright, excoriated and mocked him in his plays to no avail. Pericles, a well-respected Athenian politician and general, became his political adversary and was removed from office after Cleon accused him of mishandling the state's money. But Cleon proved to be a formidable politician. During the Peloponnesian war, he convinced Athens to reject peace with Sparta and pursued an aggressive strategy which resulted in a few military victories, an attempt to brutally execute the entire male

¹ "The Global Expansion of Authoritarian Rule." n.d. Freedom House. Accessed April 20, 2022. <https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>.

population of the island of Mytilene and, eventually, his death at the hands of a peltast at the Battle of Amphipolis. In the end, Athens lost the war to Sparta.

The principle of democratic republicanism is that by forcing leaders to be accountable to the people through elections, their decisions will track the interests of the public rather than a handful of oligarchs and aristocrats. The legendary journalist H.L. Mencken somewhat facetiously summarized the danger of relying on public opinion, stating “Democracy is the theory that the common people know what they want, and deserve to get it good and hard.” If the people elect bad leaders or they are ignorant of their true interests, democratic decisions will be unjust and prompt bad outcomes.

Unfortunately, publics are not good at knowing what is in their best interests.² The task of creating democratic government, then, is not just to make it responsive but to make it outperform the people for which it works. Knowing that people would eventually elect bad leaders, the American founders, for instance, designed a series of institutions to withstand rash public sentiments, demagogues and misinformation. They designed those institutions to constrain representatives’ ambitions and incentivize responsible leadership. But even perfect institutions are not a failsafe barrier to demagoguery. Institutions must be backed by a public that is willing to uphold the principles for which those institutions stand.

The necessity of strong public opinion was not lost on the American founders. James Madison’s assertion in Federalist 48 that mere “parchment barriers” would not be sturdy enough to ensure that the separate powers of government would not encroach on one another and lead to the domination of one branch over the others is proof that the founders were aware of their reliance on the public even as they feared it would be insufficiently wise to effectively run the

² Achen, Christopher H., and Larry M. Bartels. 2017. *Democracy for Realists*. Princeton University Press.

country.³ In Federalist 51, Madison wrote that “a dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”⁴ The founders’ prized institutions needed strong foundations in the public even as those institutions were meant to instill the proper democratic principles and values in the people.

Therein lies the problem. The public is susceptible to bad leadership and poor decision making. People need strong institutions to help them preserve democratic government. And yet the institutions designed to protect against these threats are dependent on public opinion in the first place. Therefore, the public must, on some level, willingly allow itself to be controlled. In order to solve this dilemma, the founders made American republicanism a two-way street. While the people are the only sovereign power, the government’s authority comes from the Constitution -- not whatever the public happens to want at the moment. Institutions are relied upon to refine and instruct public opinion but the public must have a baseline respect for the importance of upholding those institutions. This perpetual interplay between the people and the government holds the government accountable to the people and the people accountable to the principles and values of the republic.

Recently, though, our institutions have shown signs of decay. The 2020 elections saw false allegations of fraud and an attempt to overturn legitimate results. Officials in President Donald Trump’s administration committed serious violations which blurred the lines between government and politics.⁵ On January 6, 2021, rioters, urged on by President Trump and some of

³ Hamilton, Alexander, James Madison, and John Jay. 2009. “Federalist No. 48.” *The Federalist Papers*.

⁴ Hamilton, Alexander, James Madison, and John Jay. 2009. “Federalist No. 51.” *The Federalist Papers*.

⁵ “OSC Issues Hatch Act Report Documenting Violations by 13 Senior Trump Administration Officials, Including at the 2020 Republican National Convention.” 2021. U.S. Office of Special Counsel.

his allies, broke into the Capitol Building and attempted to stage a coup.⁶ Well over a quarter of the public, meanwhile, believe the 2020 election was stolen.⁷

This thesis diagnoses why so many of the institutions the American founders relied on to educate the public and protect against bad leadership are starting to falter and how we can fix them. More broadly, it explores how we can get the public to elect good leaders. In order to figure out solutions to these issues, I return to the first principles of American government to decipher how it has shifted away from the founders' visions, often not in the right direction.

In chapter 1, I establish criteria for good political leadership. The criteria I construct will determine what the public should look for in a representative and how a representative should conduct herself. I also explore why representatives in the American republic should adhere to the public's perception of its own interest by acting as a delegate rather than judging what the public's objective interest might be as its trustee.

In the first part of chapter 2, I lay out the institutions and norms the founders established to protect against demagogues and irresponsible leadership and how these institutions and norms relied on a civically educated and democratically engaged public to function. In the second part of chapter 2, I explore how and why these institutions and norms have changed and how those changes have created vulnerabilities in government for demagogues to take advantage of. I also explore the role of mass communication technology in dismantling some of the natural barriers to demagoguery that founders relied on when they designed American institutions.

In chapter 3, I provide an overview of several different solutions to address changes and decay in our institutions. These solutions will target three areas that must be reformed to better

⁶ "One Year since the Jan. 6 Attack on the Capitol." 2021. December 30, 2021.
<https://www.justice.gov/usao-dc/one-year-jan-6-attack-capitol>.

⁷ "PolitiFact - No, Most Americans Don't Believe the 2020 Election Was Fraudulent." n.d. @politifact. Accessed April 23, 2022.
<https://www.politifact.com/factchecks/2022/feb/02/viral-image/no-most-americans-dont-believe-2020-election-was-f/>.

resist demagoguery: first, I address how we can elevate public opinion to make the public more resistant to demagogic appeals and teach it to look for leaders with the qualities I establish in chapter 1. Second, I address the unruly state of our election systems and campaign regulations which have incentivized candidates to act irresponsibly. Finally, I provide institutional solutions to address how new communication technologies have incentivized representatives and political leaders not to do their jobs.

Chapter 1: What is a good political representative?

The success of representative democracy can be judged on two counts: responsiveness and good governance.⁸ Responsiveness and good governance are pursued in the interest of producing good outcomes. To avoid a political debate over the nature of what a good outcome is, let us say that it is the effect of a policy that promotes, as James Madison put it, “the happiness of the people” in a just way.⁹ An example of a good outcome could be a social program that helps people out of poverty or a law that protects private property as long as both of those things produce the most good possible in a way that promotes the continuity of democratic government. In short, good outcomes should promote common prosperity without sacrificing the integrity of democracy.

A government may produce good outcomes *because* it is responsive. An intimate connection with the people causes democratic government to address the issues that affect the greatest number of citizens as opposed to interests with the most resources. Responsive government, however, does not *always* track what is in the best interest of the people. Sometimes, it is at odds with good outcomes. The people may not recognize their own interests. Voters can be duped by sophists and demagogues. Citizens may be blinded by too narrow a conception of what is in their interest and ignore the interests’ of others to their own detriment. In these cases, governments must still be responsive even at the expense of good outcomes to ensure that citizens continue to trust in democratic institutions. After all, without the consent of the people, democratic government loses its legitimacy and, consequently, its authority. And while there is undoubtedly debate over the merits of democracy as opposed to other forms of

⁸ Guerrero, Alexander A. 2014. “Against Elections: The Lottocratic Alternative.” *Philosophy & Public Affairs* 42 (2): 135–78.

⁹ Hamilton, Alexander, James Madison, and John Jay. 2009. “Federalist No. 62.” *The Federalist Papers*.

government, I will make the relatively safe assumption in this essay that democracy promotes the best outcomes and no act of the government should come at the expense of its continuity.

In order to maintain their legitimacy while protecting against the public's propensity for poor decision-making, democracies rely on representatives who are both responsive and who educate public opinion.¹⁰ Unfortunately, we cannot always rely on representatives to perform the latter part of their duty. History is rife with examples of demagogues rising to power over a swell of well-intentioned citizens desperate for a change. These demagogues may play the role of representative but they do only part of the job. And if they claim to serve the common people, they do not serve them in a way that promotes good outcomes. What, then, beyond responsiveness should people look for in a political representative?

In this chapter, I will determine what qualities a good representative should have. In the first part, I will argue that the primary role of the representative is to legislate while emphasizing the importance of a representative's rhetoric as tools for refining public opinion. Then, I will establish the norms and criteria that representatives should embody to promote productive deliberation. Finally, I will argue that American institutions demand that representatives act more as delegates rather than trustees of their constituents while also asking them to refine how the public perceives its interests.

A good representative is, first and foremost, a legislator. Therefore, her qualifications are those that allow her to legislate well. Since, in a Madisonian legislature, good legislation requires the ability to engage in deliberation, a good representative should be able to deliberate productively. Deliberation requires privacy and respect for the proper norms. Privacy and a healthy separation from the public allow representatives to advocate what they see as the public's true interests instead of what the public judges to be its interests. While privacy opens up corrupt

¹⁰ Achen, Bartels. *Democracy for Realists*, Chapter 1.

legislatures to capture by special interests, done well, it gives representatives the freedom to temper bad ideas and deliberate without worrying about public stances. It also cuts down on grandstanding and favors the norms of productive debate.

Since norms favor productive deliberation, good representatives should also display respect for the norms of debate. Some of these norms are fairly obvious. A good political deliberator must be reasonable. She must be willing to engage in deliberation in good-faith and to change her mind in light of new information. She must also deliberate with the goal of achieving consensus. While critics say consensus may cause legislators to exclude certain views from being introduced or taken seriously because they are too extreme and cannot find common ground with other views, the preference for consensus is not a problem for two reasons.

First, the goal of deliberation must always be legislation. Since, in Congress, legislation must be agreed upon by at least a majority of law-makers in both houses -- and often by a two-thirds majority in the Senate -- the goal of deliberation should be consensus not just discussion. Second, the ability to outvote factional interests is a key function of the legislature. Extreme views will always make their way into government. In Federalist 10, James Madison argued the legislature's finest feature is its ability to "break and control the violence of faction" without completely suppressing its free expression.¹¹ Madisonian institutions like Congress are designed to handle a diversity of viewpoints and ideas. Only ideas that achieve consensus, though, successfully work their way through the institution. A demagogic member in Congress, for example, does not constitute a threat to democracy as long as her ideas are not shared by her colleagues. Consensus, therefore, is a sieve through which ideas must pass in order to become law. As long as representatives act responsibly, it catches the bad ones and lets the good ones through.

¹¹ Hamilton, Alexander, James Madison, and John Jay. 2009. "Federalist No. 10." *The Federalist Papers*.

Because representatives must work with political institutions, a good representative should be familiar with, as Madison put it, “the means by which that object [of government] can best be attained.”¹² The ability to navigate complex institutional systems is a crucial skill to deliver legislation. More importantly, political representatives must work within the confines of the institutional powers prescribed to them by the Constitution. Good outcomes cannot come at the cost of violating the rules and norms of institutions that ensure the continuity and stability of government. Therefore, good representatives must have appropriate self-restraint in pursuing legislation and issuing rhetoric. Knowing what kinds of behavior damage institutions and why institutional maintenance is important are crucial qualities for a political representative to have.

Recent political trends in the United States have shown a rise in the public’s appetite for anti-system politicians without experience in government.¹³ These anti-politician politicians wear their inexperience like a badge of authenticity. They often claim not to have been corrupted by the toxicity of politics and use their outsider status to distinguish themselves from a political establishment they accuse of conspiring against the public.¹⁴ In the United States, the share of candidates with no prior elected experience winning elections in both the Democratic and Republican party has risen sharply since 2008.¹⁵ The appeal of these candidates is partly seen as a response to disillusionment with the government institutions, namely Congress. Even in a well-functioning democracy there is bound to be dissatisfaction with the legislative process.

¹² Hamilton, Alexander, James Madison, and John Jay. 2009. “Federalist No. 62.” *The Federalist Papers*.

¹³ Treul, Sarah, and Rachel Porter. 2018. “Inexperienced Candidates Are Becoming More Common, but Only in One Party.” *Vox*. April 20, 2018.

<https://www.vox.com/mischiefs-of-faction/2018/4/20/17261870/inexperienced-candidates-republicans>.

¹⁴ Hopkin, Jonathan. 2020. “The Rise of Anti-System Politics Reflects the Exhaustion of Neoliberal Democracy.” *LSE BREXIT*. July 13, 2020.

<https://blogs.lse.ac.uk/brexit/2020/07/13/the-rise-of-anti-system-politics-reflects-the-exhaustion-of-neoliberal-democracy/>.

¹⁵ Skelley, Geoffrey. 2022. “Why More Inexperienced Candidates Are Running — and Winning.” *FiveThirtyEight*. January 24, 2022.

<https://fivethirtyeight.com/features/why-more-inexperienced-candidates-are-running-and-winning/>.

Congress -- especially the Senate -- was designed to be measured and slow in contrast to the energy and unilateral efficiency of the executive branch. The founders deliberately built inefficiencies into the legislative process. In Federalist 62, for example, Madison explains that forcing bills to pass both the House and the Senate is “an additional impediment [...] against improper acts of legislation” given that bills must be agreed on by the people, represented by the House, and the States, represented by the Senate.

These inefficiencies can understandably be a source of discontent. People feel that representatives are not acting in their interests or that they have been corrupted. Additionally, complicated institutional structures, esoteric language and the difficulty of knowing one’s own interests can cause citizens to distrust institutions and the people who run them. The anti-politician candidate can take advantage of these sources of distrust by standing in contrast to them. These candidates may use simple moral arguments that are easy to grasp, fiery rhetoric punching up on elites who run complex institutions that do not ever seem to deliver on what they promise and provide quick-fix solutions to big problems. While those things may sound good to voters, they are rarely conducive to good legislating and deliberation at least partially because good legislation requires respecting the deliberative norms of the institutions those candidates choose to disparage. Experience in government and an understanding of how legislative institutions function are important qualifications for a representative.

I will note here that a commitment to legislating is not a given. Some representatives may feel that the rhetoric they push is more important than the legislative work they actually get done. Rep. Madison Cawthorn -- elected to Congress in 2020 -- famously built his congressional staff around communications instead of legislative staffers. While there is undoubtedly value in the rhetorical firepower a representative can bring to an issue, rhetoric is not the essential

function of a representative. A representative must legislate. Her qualities should be measured with an eye towards this function.

That said, the importance of political rhetoric has played an increasingly important role in governance since Teddy Roosevelt's presidency in the early 20th century.¹⁶ It can be a means of educating and leading the public as well as pandering to it. The character of a representative's rhetoric, therefore, is dependent on the character of the representative. There is some debate as to how rhetoric can be used to shape and educate public opinion. Roosevelt, for one, used oratory to push his legislative agenda by using the weight of his popularity to put political pressure on Congress. For example, when he ascended to the office of President, one of Roosevelt's priorities was to break up railroad conglomerates that he determined were monopolistic and immoral. Congress, however, did not share his zeal for railroad reform. Met with a resistance in government, Roosevelt went directly to the people. He spoke in simple, democratic terms in order to make his message clear. The people, in turn, pressured their representatives. Though Roosevelt's legacy as successful regulator of monopolies is disputed, eventually, he signed into law the Elkins Act and the Hepburn Act which expanded the regulatory power of the government and helped his administration successfully sue to break up the railroad conglomerates. Aside from its success, the power and form of Roosevelt's rhetoric is significant. He lowered his speech to the level of common folk without pandering or rabble rousing, effectively leveraging the political power of the presidency without teetering over the edge of demagoguery to get his way.

Abraham Lincoln had a different but equally significant approach. Lincoln used oratory to educate the public on the values and ideals of his vision for the republic. Instead of lowering himself to the level of the public, however, his rhetoric was lofty and sought to lift the public to

¹⁶ Tulis, Jeffrey K. 2017. *The Rhetorical Presidency*. Chapter 4. Princeton University Press.

higher values. At times, he even spoke publicly about uncomfortable truths. In his second inaugural address, for instance, he suggested that the violence of the Civil War was “the woe due to those by whom the offense [of slavery] came.” Despite a taste for religious and moral arguments, Lincoln’s rhetoric was far from demagogic. Instead, it appealed to the better nature of public sentiments and occasionally even involved legal argument. His first inaugural, for example, claimed that secession was unconstitutional because the Union was underwritten by the fundamental law that government is perpetual. It does not provide the means for its own termination. Both Roosevelt and Lincoln’s oratory sought to educate the public in different ways rather than play to tensions in the populace to generate political influence.

The medium of a leader’s rhetoric also plays a role in its ability to educate and uplift public opinion. Written rhetoric, as opposed to oratory, is less conducive to demagoguery. In the early stages of the American republic, the founders instituted norms discouraging presidents from engaging directly with the people about policy. They worried that presidents might sway public opinion, appeal to the masses and tip the executive branch into despotism. They considered the written word more suited to the office. Written rhetoric, they thought, favored reason rather than passion because it required the reader to sit and reflect on the rhetoric instead of being moved to action hastily by a persuasive speaker.

Rhetorical norms have changed as the presidency has become a more publicly oriented office expected to wield political clout in the interest of a partisan legislative agenda.¹⁷ Technological advancements aiding the spread of information have increasingly incentivized politicians and representatives to use oratorical rhetoric to build followings. The result has been an increasing number of representatives speaking primarily to the people instead of to their

¹⁷ Tulis. *The Rhetorical Presidency*. Chapter 4.

colleagues in government.¹⁸ This public-facing rhetoric forces representatives to be too responsive to their constituents. Instead of deliberating the merits of policy with other lawmakers, politicians have increasingly turned to the media to apply public pressure on their colleagues to pass legislation. Those public facing arguments are often pandering rather than educational and they undermine the proper functioning of legislatures by forestalling debate and incentivizing political theater rather than deliberation in committee and on the floor.

We have seen that good political representatives must educate the public while also remaining responsive to it. But how should a representative strike this balance? Should a representative act as trustee or a delegate?¹⁹ When a representative becomes too responsive to the public, she risks pandering, demagoguery and failing to act in the public's interest if the public fails to accurately judge its true interest for itself. A representative who falls too far in the other direction loses the faith of her constituency and, by extension, her authority. A good representative must fall somewhere in the middle. But where exactly should "somewhere" be? Should it lean towards responsiveness or edification?

The American founders were more split. Madison's vision for the House in *The Federalist* was for representatives to be much more closely tied to public opinion. In *Federalist* 52, he addresses the frequency of elections in the House, explaining that it "should have an immediate dependence on, and an intimate sympathy with, the people."²⁰ While representatives would be allowed some distance from public opinion to make decisions that the public had neither the time nor the expertise to make, frequent elections would hold them accountable to even the relatively short-lived sentiments of the public. Still, Madison realized that the public

¹⁸ Eshbaugh-Soha, Matthew. 2016. "Going Public and Presidential Leadership." In *Oxford Research Encyclopedia of Politics*. Oxford University Press.

¹⁹ Fox, Justin, and Kenneth W. Shotts. "Delegates or Trustees? A Theory of Political Accountability." *The Journal of Politics* 71, no. 4 (2009): 1225–37. <https://doi.org/10.1017/s0022381609990260>.

²⁰ Hamilton, Alexander, James Madison, and John Jay. 2009. "Federalist No. 52." *The Federalist Papers*.

would occasionally be mistaken. His vision for the Senate entailed a broader representative claim. Senators would be older, more distinguished and would only be beholden to elections every six years. In Federalist 62, he explains that these criteria are justified by the expansive “nature of the Senatorial trust” which requires “ a greater extent of information and stability of character.”²¹ People might take a while to figure out the right answers to their problems. Senators, therefore, would have more space to judge the public’s best interest for themselves.

Still, Madison hoped that virtuous representatives would help the public recognize its own best interests and the best solutions to its problems. Those representatives would refine public opinion so that it did not undermine government itself. The hope that representatives would refine public opinion is indicative of the founders’ fears that the threat of totalitarianism was more likely to come from below than above. In Federalist 1, Alexander Hamilton famously wrote,

History will teach us that the former has been found a much more certain road to the introduction of despotism than the latter, and that of those men who have overturned the liberties of republics, the greatest number have begun their career by paying an obsequious court to the people; commencing demagogues, and ending tyrants.²²

If existential threats to government are more likely to come from candidates who claim to speak for the people then it seems prudent to allow representatives more distance from public opinion.

But allowing greater distance from the people supposes that representatives are virtuous enough to uphold institutional barriers without being beholden to public opinion. Madison was optimistic that a large republic would naturally produce good leaders but he was not naive. He knew that people would elect demagogues eventually. So, to protect against ill-informed public

²¹ Hamilton, Alexander, James Madison, and John Jay. 2009. “Federalist No. 62.” *The Federalist Papers*.

²² Hamilton, Alexander, James Madison, and John Jay. 2009. “Federalist No. 1.” *The Federalist Papers*.

opinion and politicians using populism to their advantage, the founders formed two houses in the legislature. The House would be more democratic with a larger body and members representing smaller constituencies. Two year terms would make it more sensitive to the people and political trends. The Senate's cooler, more deliberative disposition would then counterbalance the House. The bicameral legislature as a whole, meanwhile, would pit the ambitions of representatives vying for the interests of their constituencies against one another and force cooperation between the two houses.

Still, the founders understood that none of these institutional checks would be sufficient without public support. In any democratic system, the public must both consent to be ruled through elections and inculcate its values in the legislative process.²³ In order to accomplish these two things, the public votes. It tries to elect good representatives with the proper democratic values and an interest in governing well. While it might have been tempting to lay responsibility for the republic in the hands of an elite few, Madison realized that "enlightened statesmen will not always be at the helm."²⁴ He knew that virtuous representatives would not always instruct the public as ambition tempted them into pandering leadership. Even religion, he argued, could not be counted on to protect against bad leadership because history had proved it to be often used to justify malicious intent.

The republic, therefore, had to be able to weather the consequences of both ill-informed public opinion and malicious leadership. It could not place the responsibility for upholding the institutions firmly on either the side of the people or their representatives. Despite fears that public opinion would, left unchecked, descend into chaos and faction, Madison also had faith that the legislature could handle an array of ideas by weeding out factions and promoting

²³ There is some controversy over whether elections actually constitute consent. I will assume here that a vote at least constitutes some form of consent.

²⁴ Hamilton, Alexander, James Madison, and John Jay. 2009. "Federalist No. 10." *The Federalist Papers*.

interests shared by a majority of the members. Maybe it is precisely because he was so wary of the people's ability to consistently elect good leaders that he was unwilling to allow representatives to judge interest as an objective value. If people always elected good representatives then there would be little risk of a demagogue usurping power and subverting democracy in his favor. We could have faith in representatives' expertise and interest in governing in pursuit of the true interests of their constituencies. But bad leaders do rise to power. The American Congress, therefore, was built to deal with biased interests that might or might not represent the true interests of a constituency.

In his book *The Constitution of Knowledge*, Jonathan Rauch explains the Madisonian process of finding truth through the competition of ideas. Rauch argues that Madison's experience as a politician taught him "about the way that political forces act and interact over time; and when he foresaw them acting dangerously, he thought about using them to counteract each other."²⁵ Perhaps it was this experience that led Madison to construct institutions that provided for human fallibility. While a single representative was unlikely to come up with a right answer on his own, a body of representatives might.

Because determining the objective interests of his constituency was no more likely to be right than the constituents themselves, the job of the representative was not to judge what the interest of his constituency is for himself but to take into account what his constituency saw as its interest. Then, by bringing all of these subjective interests together, representatives could negotiate and compromise until they reached common ground. It is only by taking into account all possible interests that accurate knowledge can be uncovered and good legislation achieved. Interests and ideas that are repeatedly deemed too fringe are thrown out. Others that are

²⁵ Rauch, Jonathan. 2021. *The Constitution of Knowledge: A Defense of Truth*. Chapter 4. Brookings Institution Press.

consistently shared throughout the legislature make the cut and are addressed by legislation, thus tracking justice and taming extremist ideas.

This process of elimination is not necessarily quick or satisfying. Madison did not envision that the people would accurately identify its own interests the first time. It is only through the repetition of the process that, eventually, good outcomes are achieved over time. Additionally, Madison saw the process of epistemic competition in determining objective interest as a healthy political exercise. Competing interests in the legislature would be forced to form political fronts and alliances. Ideally, these fronts would shift regularly thereby staving off polarization and gridlock.

But it was not just that a marketplace of ideas and a subjective view of interest in the legislature would create good outcomes. While the founders hoped that representatives in Congress would help refine public opinion, they knew that wouldn't always be the case. Even political representatives ought to have virtue and a desire to serve others, the founders saw human nature as fundamentally selfish. They designed the government so that the ambitions of the people leading it would counteract and hold each other in check. Madison famously wrote, "Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government."²⁶ Relying on representatives to act altruistically out of a sense of virtue was simply not realistic.

Elections, of course, would incentivize representatives to act according to the interests their constituents perceived as their own, regardless of whether their perceived interests were actually their objective interests. But, assuming representatives would even have the expertise to distinguish their constituencies' true interests from perceived interests, it would take real

²⁶ Hamilton, Alexander, James Madison, and John Jay. 2009. "Federalist No. 51." *The Federalist Papers*.

political courage to stand up to voters and tell them they are mistaken about what their interests are and to act against their wishes. Consequently, representatives are not incentivized to act in the interest of the common good. The common good can only be achieved through the functions of Congress. The founders realized that representatives could not be relied on to act in the interest of anyone other than themselves and their constituencies. The common good had to be aggregated through the Madisonian process of collecting every perceived interest in the country, representing them in the legislature and, ultimately, finding common ground between them.

What we are left with is a model for a representative that hopes for the best and plans for the worst. The founders devised a system that would work best when representatives edified the public as well as representing them. But they knew representatives would sometimes be too fallible, ambitious and selfish to instruct the public reliably. Therefore, they did not ask for representatives to try to judge what the true interests of the country were but rather to advocate the subjective interests of the people who elected them. The founders' Congress was designed to deal with representatives acting more as delegates than trustees. But the founders also hoped that virtuous representatives would help inform the public's values and principles through their rhetoric if not always through their votes. As political scientist Eric Schickler put it in describing the work of David Mayhew, "ambitious individual actors are both responsive to constituent preferences and are active molders of those preferences through their activities in the public sphere."²⁷

The virtue of a good representative lies in her ability to educate the public's perception of its own interests. The more virtuous representatives elected, the better public opinion would become and the more deliberative the legislature, thus creating better policy outcomes. The trick,

²⁷ Schickler, Eric. 2017. "David Mayhew and the Study of Congress." *Forum* 15 (4): 753–70.

then, is to get people to elect the right representatives -- or at least not to elect the bad ones. Madison thought that institutions would form good representatives and the founder believed there were natural barriers that would keep bad leaders from becoming too powerful. In the next chapter, we will explore how American institutions were created to help form good leaders, what the natural barriers to bad leaders are and how these things have changed over time.

Chapter 2: How did the founders design American institutions to produce good leaders?

How have those systems changed?

It is not enough that we simply educate people about qualifications for good leadership and hope that they vote those qualities in mind. Elections do not primarily turn on the ideal qualities of leadership that I established in chapter 1. Rather, their outcomes are more often the result of political trends which shift regularly and often quite quickly. Virtues of deliberation, high-minded rhetoric and steadiness are not always attractive electoral qualities even if they make for good political leadership. In short, the attributes that get people elected are not necessarily the same ones that make them good representatives. Molding representatives to be better than they are naturally, therefore, is a crucial role of the institutional structure of representative democracy.

In this chapter, I explain how the founders of the American republic designed institutions to shape political leadership with a reliance on a public of sufficient size and diversity of interests. I then analyze how intercourse between the public and political leaders is necessary to produce both good leadership and useful public opinion. Finally, I examine how many of the founders' institutional designs and the natural barriers to demagoguery that they relied on have decayed and changed.

We saw in chapter one that the public is susceptible to dangerous sentiments and styles of leadership. Resentment, polarization and demagoguery have plagued democracy since its conception. In anticipation of these natural democratic pitfalls, governments devise ways to incentivize good leadership in their elected officials and good political decisions by their publics.

To a certain extent, good leadership will always depend on the virtue of the leader at hand. No institutional barrier or norm will ever transform a leader who does not respect democratic values into one who does. Leaders' actions are, however, subject to the confines of the institutions in which they work. Therefore, well constructed institutions can incentivize responsible leadership and soften the impact of bad leadership.

The founders were acutely aware of the necessity for American institutions to mold the leaders running them. In Federalist 57, Madison outlined how the legislature would help create good leadership and good governance. First, by limiting the term of appointment for representatives, the Constitution ensured members would be accountable to the people through regular elections. This form of popular accountability would function, not only retrospectively -- with citizens re-electing their representatives according to their satisfaction with their performance -- but also proactively by forcing a representative's largest source of influence to be the people she represents. While a representative might be able to obtain power in the legislature by institutional means, the easiest way for a representative to garner influence is through the public. A representative's ambition, therefore, would incentivize him to lead in a way favorable to his constituents.

To observe the distinction between popular power and institutional power, we need look no further than the recent prevalence of newly elected House members who have built their campaigns on national cultural issues rather than local interests. The institutional power of new House members is relatively little. Committee and party leadership is assigned largely on the basis of seniority and experience. These new representatives, however, have leveraged their national celebrity and large social media followings to increase their influence over more senior members in their own parties. The emergence of Rep. Alexandria Ocasio-Cortez and The Squad

on the left and of firebrand religious Conservatives Marjorie Taylor Greene and Lauren Broebert on the right exemplify how even freshman members of the House with a minimum of institutional power can increase their influence through popular support in the public.²⁸ While there are serious dangers that I will address in the second part of this chapter that the founders did not foresee with this particular form of popular leadership, the Madisonian Congress relied on the incentive of public popularity to keep representatives in line with public opinion. Ultimately, Madison argued, the human desire to be well-liked and honored would cause representatives to have “a temporary affection at least to their constituents.”²⁹ And while the incentive of institutional influence of chairmanships and leadership positions within Congress is important to understanding the behavior of representatives, the force of public power is stronger. In his seminal work, *Congress: The Electoral Connection*, David Mayhew argues that interpreting the behavior of members of Congress “hinge[s] on the assumption that United States congressmen are interested in getting reelected”.³⁰

Madison also foresaw other natural institutional incentives to good governance in the legislature. The cleverness of Madisonian institutions is not in the force they exert to quiet human nature but rather in their keen understanding of human ambition. In Federalist 57, Madison explains that even representatives’ selfishness can be harnessed for good.

His pride and vanity attach him to a form of government which favors his pretensions and gives him a share in its honors and distinctions. Whatever hopes or projects might be entertained by a few aspiring characters, it must generally happen that a great proportion of the men deriving their advancement from their influence with the people, would have

²⁸ Frazao, Kristine. 2020. “The Growing Power of Alexandria Ocasio-Cortez.” WJLA. November 10, 2020. <https://wjla.com/news/connect-to-congress/the-growing-power-of-aoc>.

²⁹ Hamilton, Alexander, James Madison, and John Jay. 2009. “Federalist No. 57.” *The Federalist Papers*.

³⁰ Mayhew, David R. 2004. *Congress: The Electoral Connection, Second Edition*. Yale University Press.

more to hope from a preservation of the favor, than from innovations in the government subversive of the authority of the people.³¹

Because the success of government would reflect directly on representatives, their professional aspirations would be connected to their ability to deliver good outcomes for the people. Another natural incentive for representatives to deliver that Madison foresaw was in their personal stake in the laws they passed. Because representatives themselves, their families and their friends would be forced to live under the laws they themselves created, and public accountability would keep them exempting themselves from laws, representatives would have an innate motivation to care for the collective interests of their own communities.³²

Institutional architecture, however, was only part of Madison's equation for protecting and promoting democratic governance. He also saw natural features of the country's structure that he believed would help curb demagoguery and factional divisions. In Federalist 10, Madison argued that, for a number of reasons, the sheer size of the United States would make it difficult for factional interests and demagogic leaders to influence the government at a national level. First, Madison thought the larger the population of a polity the larger the pool of talent. With more candidates to pick from, better leaders would be found naturally in the populace. While the populace might not always choose the best candidate, on average, it would have better candidates to choose from in the first place.³³

Additionally, a larger country meant a greater diversity of interests. While more interests would inevitably entail faction and, consequently, poor leadership, Madison believed Congress could quiet the voices of the demagogues that made their ways into its ranks. In its infancy, geographic differences across the United States and the importance of differing land resources on

³¹Hamilton, Alexander, James Madison, and John Jay. 2009. "Federalist No. 57." *The Federalist Papers*.

³² Ibid

³³ Hamilton, Alexander, James Madison, and John Jay. 2009. "Federalist No. 10." *The Federalist Papers*.

the separate economies of North, South and West created different needs in different parts of the country. For example, while hard, unfertile earth in the North created an economy largely based on trade and subsistence farming, the South's more fertile fields led to an agricultural economy.³⁴ The disagreement over slavery, among other polarizing issues, was derived in part from these differing economic interests.³⁵ And while disagreements between different parts of the country over issues like slavery would eventually sow the seeds for racial resentment and demagoguery in local regions, they also ensured that these sentiments would not be well received outside of the regions where they originated. Though slavery itself split the country and proved too contentious for the legislature alone to handle, factional appeals to overt racism after the Civil War were not enough to achieve national power.³⁶

For example, a century after the Civil War, demagogic politicians like George Wallace in Alabama used race and segregation to stir up crowds of people and win elections.³⁷ Wallace, however, never became president despite running four times. The issues that carried him to four terms as governor of Alabama were not nationally appealing enough to carry him to national office.³⁸ Madison's prescience in Federalist 10 played out on an even larger national stage than he likely would have envisioned as Wallace's factional power failed to translate to federal power. Even though racist demagogues like Wallace won a voice in government, their influence was, for the most part, kept at bay by more powerful majorities.

³⁴ Russell, David Lee. 2000. *The American Revolution in the Southern Colonies*. McFarland.

³⁵ Daniels, Bruce C. 1980. "Economic Development in Colonial and Revolutionary Connecticut: An Overview." *The William and Mary Quarterly* 37 (3): 429–50.

³⁶ A brief note: whether racism is a factional issue or not is certainly debatable given the breadth of the issue. My point here is that overt appeals to racism were more successful local and state elections rather than nationally.

³⁷ Dan Carter, *The Politics of Rage: George Wallace, The Origins of the New Conservatism and the Transformation of American Politics*. Baton Rouge: LSU Press, 2000.

³⁸ Ibid

Finally, Madison argued that a large republic would necessarily be divided by expansive geographic distances that would enforce natural barriers against demagoguery by slowing the spread of information. In Federalist 10, he writes “Liberty is to faction what air to fire.”³⁹ From this, one might surmise that Madison’s cure to demagoguery was to restrict liberty and suffocate it in its infancy. But protecting liberty is one of the foremost objects of government. Restricting liberty presents significant political problems and sets a troubling precedent. Who decides what is legitimate political action? What happens if illiberal parties come to power? As Madison famously wrote, “Enlightened statesmen will not always be at the helm.” Institutions must be flexible in their abilities to handle turbulence without having to strong-arm it into submission. Restricting the flow of information is not a viable cure for demagoguery. Instead of addressing the cause, Madison suggested that government should deal with the symptoms. He argued that bad ideas and factional political movements could be controlled “by republican principle, which enables the majority to defeat its sinister views by majority vote.” Factional interests were always bound to have a voice in government. The founders relied on the expanse of the country to ensure that those voices were marginalized. As long as factional ideas were unable to organize across different regions of the country, they could be controlled by the legislature.

And yet even the cure of republicanism does not work if a majority that cares about respecting the norms of governance does not exist. In a collection of papers organized and published after his death, Madison wrote, “In proportion as government is influenced by opinion, it must be so, by whatever influences opinion.”⁴⁰ As I and countless others have argued, public opinion must be refined and instructed. It cannot be left to develop unchecked and without direction. And yet, public opinion is not subject to any solitary power. It is influenced not only

³⁹ Hamilton, Alexander, James Madison, and John Jay. 2009. “Federalist No. 48.” *The Federalist Papers*.

⁴⁰ “Popular Basis of Political Authority: James Madison, Public Opinion.” n.d. Accessed February 24, 2022. <https://press-pubs.uchicago.edu/founders/documents/v1ch2s26.html>.

by political leaders but also by media and interpersonal communication as parts of the process of political deliberation. Political parties, informal political organizations and interest groups and political discourse in the media all have important effects on public opinion and can damage a healthy political climate.

Martin Van Buren, for instance, believed that political parties could tame factional public opinion by bringing extremist views and candidates into the party structure and leashing them to a moderate party platform.⁴¹ Ideally, people would be more attached to party platforms and values curated by moderate party elites than populist party candidates but, as Donald Trump's dominance of the Republican party has shown, this is not always the case.

Unfortunately, the uncontrolled and unmediated spread of information can hurt productive political processes and makes it more difficult for responsible democratic majorities to achieve power. But Madison did not see mass consumption of faulty information as an existential threat to democracy, possibly because mass consumption of bad information did not represent the same worry during the founding that it does today. Madison relied on the natural inefficiencies of interregional communication to separate factions from each other and to keep them from recognizing when they shared common interests. Even if a populist group in one part of the country took control of government locally it would be difficult for them to coordinate with similar groups across large distances.

Even so, the founders were clearly worried about the threat of presidential rhetoric and its national reach. While members of the House might have been limited in the attention they could command outside of their constituencies, presidents have always been national figures. A presidential speech, therefore, had the capacity to reach across regions and obtain national attention.

⁴¹ "MVB to Thomas Ritchie, 13 January 1827." n.d. Accessed April 22, 2022.

In response to the executive's far-reaching influence, the founders instituted several presidential norms accordingly. Washington, for instance, helped shape the character of the presidency by refraining from engaging in political rhetoric and cultivating the appearance of a statesman when he appeared before the public.⁴² He rarely delivered public addresses, refused to pick political sides and brought political division into his cabinet instead of allowing it to fester in Congress.⁴³ Most notably, Washington did not use the stature of his office to pressure Congress in favor of his legislative agenda through speeches or written statements. His reluctance to engage in political disputes is indicative of a few things. First, Washington was cognizant of fears among the public that the government would descend into monarchy. Second, he did not have much of a legislative agenda to begin with. But most importantly, the norms surrounding presidential rhetoric that Washington set are crucial to understanding how leaders ought to view their rhetorical responsibilities to their constituencies.

Norms concerning written and spoken rhetoric, for instance, were important to early presidents. In his book *The Rhetorical Presidency*, Jeffrey Tulis explains how presidents' uses of written rhetoric is different from their uses of oratorical rhetoric.⁴⁴ While oratory often employs emotional language and simple themes that move crowds to action but are ill-suited to good political deliberation -- making it a favorite tool of demagogues -- written rhetoric is better suited to reasoned argument.⁴⁵ Because of the inflammatory potential of presidential speech, responsible presidents like Washington were just as deliberate with the medium of their address as with its content.

⁴² Gordon Wood, "The Greatness of George Washington" in *Revolutionary Characters: What Made the Founders Different*. (New York: Penguin Books) 2006.

⁴³ Joseph Ellis, *His Excellency: George Washington*. "Chapter 6: First in Peace." (New York: Vintage Books) 2004.

⁴⁴ Tulis. *The Rhetorical Presidency*. Chapter 2-3.

⁴⁵ Ibid

Most presidential norms restricting manner and medium of address, however, have been forgotten. Tulis argues that the shift in presidential rhetoric happened because of changes in institutional norms that increased the executive's legislative and political role.⁴⁶ The start of this shift occurred with Teddy Roosevelt's use of speech to pressure Congress into expanding the regulatory purview of the Interstate Commerce Commission to deal with railroad monopolies.⁴⁷ Yet even before Roosevelt, presidents like Andrew Jackson greatly expanded executive power in order to get things done.⁴⁸ Still, the influence of modern logistical and information technology on political rhetoric is undeniable. As the distances between different parts of the country began to shrink with the advent of new technologies like the telegraph, the steamboat and the railroad, politicians and political movements, at one time stymied by great geographic and logistical chasms, gained the power to connect with each other.⁴⁹ Before these new technologies, however, conflicts were more likely to peter out before they reached national significance.

In 1787, for instance, conflicts like Shays' Rebellions resulted in a regional dispute put down by the governor of Massachusetts. Shays' Rebellion, however, was caused by the weakness of the confederation, the worthlessness of paper currency distributed by the Confederation and state governments making it difficult for farmers to pay their debts and, of course, poverty. These were not local issues. They affected a great part of the states in the confederation. It is easy to imagine how a regional rebellion in Massachusetts might have set off a larger movement across the states had it been broadcast in real time via telegraph or television. If its leaders had been able to communicate their grievances, other parts of the country might have realized they shared some of the same problems and spurred movements of their own.

⁴⁶ Tulis. *The Rhetorical Presidency*. Chapter 4.

⁴⁷ Ibid

⁴⁸ *The American Presidency*. "The Age of Jackson" pp. 131-149.

⁴⁹ Marshall, Jim. 2019. "Communication Revolution in the 19th Century." 2019.

<https://www.somersschools.org/cms/lib/NY01913963/Centricity/Domain/1252/American%20History%20-%20Communication%20Revolution%20of%20the%2019th%20Century.pdf>.

Shays' Rebellion might have been transformed into an interregional movement and, eventually, national political power. Instead, though the rebellion eventually found support in Connecticut and New Hampshire, it was put down swiftly by Governor Bowdoin of Massachusetts within a few months of the start of the insurrection. Although Shays' Rebellion provides only anecdotal evidence of how communication affects faction, it demonstrates Madison's theory of how natural barriers might prevent demagoguery two years before the Constitution had even been ratified.

New communication technologies have greatly increased the threat that unchecked communication represents to democracy. The country is smaller and more connected than ever before. Movements, both legitimate and anti-democratic, can quickly build national followings and translate these followings to action within days. Black Lives Matter protests in the Summer of 2020, for example, occurred in cities all over the country within days of each other in response to videos of police violence in several different regions widely shared on social media. The speed with which the movements were astonishing. This speed is especially dangerous to the development of deliberative, responsible public opinion. To be clear, I am not commenting on the character of the Black Lives Matter protests themselves but rather the significance of the speed with which they were organized. Another movement, largely organized over social media bringing together people from all over the country in common cause was the January 6th insurrection. The insurrection is a perfect example of the dangerous potential of modern communication technology. The speed of communication that these technologies facilitate leaves little time for deliberation, reflection or even for truth to be established. Large scale action in different regions of the country can occur simultaneously on the basis of a lie. The natural barriers that Madison thought would protect faction from organizing itself nationally and

achieving interregional power have effectively eroded. We are already beginning to see the consequences of this erosion.

To make matters more dangerous, the nature of the media that is commonly shared through modern communication technology is especially volatile. Instead of the measured written political rhetoric favored by the founders or even the instructive oratory of Roosevelt or Lincoln, social media and television news favors videos clips, short blurbs of text and infographics. These mediums of communication are reactive, emotional and rapidly consumed and shared. They are not conducive to deliberation nor do they facilitate the measured pursuit of truth.

In his paper “The Populist Challenge to Liberal Democracy,” Franz Decker writes that this new “media democracy” has created a populist politics that is “more responsive and at the same time more irresponsible.”⁵⁰ It is not that populism is inherently bad. Decker admits that populism can create productive democratic engagement as a political force in response to the exclusion and disenfranchisement of certain groups. It becomes problematic, however, when it gains traction in government and allows anti-system ideologies to dominate institutions. Furthermore, populism increases the spread of factious ideas.⁵¹ One possible reason for the relationship between populism and the rapid spread of ideas is that populism is often defined by what it is against rather than what it is for. Expressing what a movement is against is much easier than formulating a platform and it is also easier for the public to understand. Populist movements in the United States such as the Conservative Tea Party movement, for instance, originated as a grievance against bank bailouts and mortgage default rates.⁵² These grievances were easy to latch

⁵⁰ Decker, Frank. 2003. “The Populist Challenge to Liberal Democracy.” *Berliner Republik*.

⁵¹ Olson, Henry. 2010. “Populism, American Style.” *National Affairs*, Summer.
<https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.560.306&rep=rep1&type=pdf>.

⁵² *Ibid*

on to in the aftermath of the 2008 financial crisis. People felt that the institutions designed to protect them and hold powerful interests accountable had failed. Anger and resentment, therefore, aided the spread of the Tea Party and its ideas.

Given the importance of public accountability to incentivize good political leadership, the public must be willing to hold representatives accountable. But this responsibility is complicated by the public's susceptibility to factious ideas. We have seen that the founders were aware of this vulnerability but relied on the natural communication inefficiencies of their time to keep factional support for demagogic leaders from spreading too much. Unfortunately, however, these natural inefficiencies have been rectified and so they no longer function as barriers against national and interregional support for bad leaders and ideas. If public opinion is the bedrock of good leadership and the protection of government's first principles, this bedrock is quickly degrading.

As Decker explains, the "constitutional state is a response to the paradox that such a democracy could use democratic means to abolish itself (if the people so decided)."⁵³ It is okay for public opinion to be wrong on policy. The system of subjective interest and liberalism is designed to find truth in a diversity of viewpoints. But the public does not have the luxury of being wrong when it comes to the sanctity of institutions and good governance. It is natural for the public to become distrustful of institutions that are not responsive and easy for them to demand reform when it feels its voice is being ignored. It is difficult, however, to incentivize people to restrain leaders who claim to speak for them. And yet restraining these demagogic voices is precisely what is required of the public now that modern technology has allowed factional interests to be shared across the country and to achieve power in government. The

⁵³ Decker. "The Populist Challenge"

institutions that Madison and the founders designed to demagogues accountable are no longer as effective at doing the job themselves.

Still, it is wishful thinking to hope that we might simply inform the public of its responsibility or educate it to look for the criteria of good political leadership that I established in chapter one and then expect it to become a more responsible electorate. In the same way that Madison designed institutions to harness the ambitions of political leaders, we must incentivize leaders to act in ways that favors responsible public opinion. In the next chapter, I will explore how we can change election systems and political institutions to incentivize healthier political discourse between political leaders and, consequently, within the public itself.

Chapter 3: How do we incentivize good leadership? How do we rebuild barriers to demagoguery?

So far, we have seen that irresponsible leadership and demagoguery are perpetual threats to democracy. While the founders hoped that representatives accountable to the public would, for the most part, serve with honor, respect for norms and institutions and refine public opinion through their interactions, they realized that the public would eventually fall prey to demagogues and demagogic tactics. This vulnerability, however, did not threaten American democracy existentially for two reasons: first, the founders predicted that the large size of the country would keep factions from organizing themselves into national interests and would cool fleeting passions before they became too destructive. Second, the founder separated the powers of government and set them at odds with each other so that one branch could not ever tyrannize the others. This system of checks and balances remedied the effects of demagoguery but it did not alleviate the cause.

Presently, many of the norms that were supposed to keep representatives from violating the integrity of the institutions in which they serve and the trust of their constituencies have changed and some of the institutional checks have eroded. Furthermore, modern communication technology has made the country a smaller place, causing it to be more susceptible to factional interests and impulsive political sentiments.

My goals in this chapter are to point out a few ways that we can repair institutions and norms that favor good political leadership in government and to address the causes of demagoguery in the public in addition to its symptoms in government. First, I will explore how we can use Constitutional issues to educate the populace and inculcate a respect for institutions within it. Then, I will propose some changes to the modern landscape of political discourse and

campaigns. Finally, I will suggest a few simple changes to the legislative branch to foster more productive deliberation and deal with the changes that mass communication technology has caused. In the end, I believe these proposals will incentivize people to elect leaders that satisfy the criteria we established in chapter 1 and for political leaders to fulfill their roles as both advocates and educators of the public. Each solution that I will review here is alone worthy of a thesis. I regret that I will not be able to study each one in depth. Instead, my objective in expressing these ideas is to provide an overview of a few possible solutions to the problems I diagnosed in preceding chapters. Further study may determine which solutions work best and which ones are worth pursuing.

The People:

The founders realized that government was a science of competing interests. Solely relying on the good behavior of political leaders -- as Hamilton does for judges in Federalist 78 -- was not a good enough barrier to demagoguery and despotism. The interaction between leadership and the public, however, provided a more promising barrier to bad leadership. The public would hold leaders accountable and leaders would help refine the public's perception of its interests. In order to form protections against demagogic leaders, therefore, we need to reinforce both sides of the public-representative relationship. While the founders devised ingenious institutions to harness the dangerous potential of leaders' ambitions, they mostly relied on natural features of the republic to curb the dangers of faction in the populace. But public opinion can be harnessed and elevated too. Making people less susceptible to demagogues and more informed about their voting choices is an important part of protecting against bad

leadership, especially as social media has made it easier for populists and factional interests to build momentum.⁵⁴

The most obvious way to elevate public opinion is through civic education. By elevating public opinion, I mean to promote accurate understanding of the public's long-term interest while inculcating a respect for democratic institutions. Teaching people about how government institutions work, the importance of democratic norms and the job of a representative is typically thought to produce good citizens. By educating citizens about how government works, democratic societies hope that people will understand what the job of a representative is, thus allowing them to better hold their representatives accountable. Most people living in liberal democracies around the world receive some form of civic education about how democratic institutions work in order to form a responsible electorate. Nonetheless, civic education could be improved by teaching people about what good political leadership is and the dangers of demagoguery. Schools could, for instance, take the criteria for a good representative established in chapter 1 of this thesis and teach the public to look for those qualities in the people they vote for. Schools could then provide examples of demagogues and dangerous leaders from history and discuss the characteristics of these leaders that make people vulnerable to being manipulated by those leaders. Of course, determining which leaders are good and which ones are dangerous is easier said than done. Deciding when a populist politician is a demagogue or a voice of the people is often political, value-laden and controversial. Still, educating people about good leadership and responsible voting from an early age is a good first step in fortifying the public against demagoguery.

⁵⁴ Gerbaudo, Paolo. 2018. "Social Media and Populism: An Elective Affinity?" *Media Culture & Society* 40 (5): 745–53.

But this traditional type of civic education is nowhere near enough. The founders understood that human behavior is more often motivated by ambition than by principle. Simply teaching the public about the right values might not translate into responsible citizenship if it is not incentivized in the right ways. Here, constitutional interpretation gives us a framework for instructing the public with values that it can use to decide who to vote for rather than relying on the abstract institutional and political knowledge that is taught in traditional civic education. John E. Finn's essay "The Civic Constitution: Some Preliminaries" argues that the Constitution should not only be read as a document of fundamental law but also as embodying the underlying philosophies and guiding principles for the republic.⁵⁵ Constitutional interpretation, therefore, is not just for legal scholars but an important part of citizenship as well. That is not to say that a lawyer will read the Constitution in the same way that a layman will. Finn argues that the Constitution serves both a legal and philosophical purpose. To lawyers, judges and other legal professionals, it declares the supreme laws of the republic. To the public, it provides a set of values and ethical principles that guide how the country ought to be governed.⁵⁶

This democratic reading of the Constitution sets the responsibility for Constitutional maintenance at the feet of the people as well as with the judicial branch. While Federalist 78 argues that judges should see the Constitution as fundamental law in reference to their duty to sort out contradictions in the law and establish the highest authority in the republic, the Civic Constitution is concerned with constitutional maintenance rather than interpretation. The founders conceived of the judiciary's role in maintaining the Constitution as less far-reaching than it is currently understood to be. Federalist 78 does not provide for judicial review of the legislature's actions. The judiciary's power stems from its duty to uphold the Constitution's

⁵⁵ Finn, John E. 2002. "2 The Civic Constitution: Some Preliminaries." *Constitutional Politics*. <https://doi.org/10.1515/9780691227443-004>.

⁵⁶ *Ibid*

establishment of itself as supreme law. The founders foresaw that the executive and the legislative branches were liable to test the limits of their power given their respective unilateral and law-making powers. Therefore, if an act of the legislature contradicts an article of the Constitution, the Supreme Court is bound to enforce the fundamental law at the expense of the dependent one. The landmark case *Marbury v. Madison* established judicial review as part of the court's purview. But to give the court sole responsibility over constitutional maintenance is to ignore the people's civic duty as guardians of the country's most important democratic institution. Worse, by allowing the people to disregard its collective responsibility to uphold the Constitution's values, the public's constitutional understanding and ability to hold the government accountable atrophies and disappears.⁵⁷

To counteract the threat of Constitutional ignorance, Finn advocates a new type of civic duty. Finn's vision for civic education does not require that citizens recite the details of the Constitution by heart or that they know institutional complexities of the legislature's committee system but rather that they know how they feel about the values that the Constitution prescribes for the republic.⁵⁸ In Finn's view, citizens ought to deliberate about Constitutional issues and be willing to uphold their values when they feel that the government has failed to uphold them. Good representatives, political figures and a responsible media can help instruct public opinions about constitutional issues but the ultimate responsibility for interpretation and maintenance is with the people. The public must then be ready to vote out representatives who fail to uphold the public's values.⁵⁹

Creating this type of public knowledge requires more than civic education in school. It requires structured discourse and deliberation in the public about fundamental constitutional

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Ibid

issues and, as Finn puts it, “the Constitutional enterprise.”⁶⁰ One issue with relying on civic understanding of the Constitution demands more from the people than other less democratic and more juridic readings and, therefore, it is far from perfect. The public will, at times, lack the tools to deal with complex issues. It may arrive at the wrong answers or fail to uphold Constitutional values in favor of political expediency. But the value of Finn’s approach becomes evident when considering the dangers of a populace that ignores its duty to the Constitution.⁶¹ As Justice Gibson of the Pennsylvania Supreme Court eloquently wrote in *Eakin v. Raub*,

There is no effectual guard against legislative usurpation, but public opinion, the force of which, in this country, is inconceivably great. [...] Once let public opinion be so corrupt as to sanction every misconstruction of the constitution, and abuse of power, which the temptation of the moment may dictate, and the party which may happen to be predominant, will laugh at the puny efforts of a dependent power to arrest it in its course.⁶²

Failure to engage with Constitutional ideals and values will cause the public to disregard democratic ideals and institutions. The parchment barriers to despotism that the founders designed must be backed by the force of public will. Otherwise, they become meaningless.

We can apply Finn’s understanding of the Civic Constitution and of civic education to democratic institutions in general. Instilling knowledge of the Constitutional project alone would likely increase the public’s respect for other democratic institutions as well. But by expanding the scope of public deliberations about democratic values to include democratic institutions of all kinds, we can also form an electorate that is sensitive to these values in its political leadership. Teaching voters to think about values instead of quick-fix policy and sophistic rhetoric would

⁶⁰ *Ibid*

⁶¹ *Ibid*

⁶² “*Eakin v. Raub*.” 1825. April 16, 1825. <https://casetext.com/case/eakin-v-raub>.

also make them less susceptible to demagogues and more likely to hold leaders accountable when they violate institutional norms or exceed their institutional powers. The challenge then becomes creating an environment where people can have productive deliberation about democratic values. Reforming political campaigns and election systems offers a few possible solutions.

Elections offer leaders opportunities to refine public opinion because they allow politicians to interact directly with their constituents but they are also dangerous for this very same reason. The danger comes from the intersection of two human tendencies that the founders were wary of in government. On the leadership side, those seeking office are driven by ambition and honor-seeking behavior that is liable to cause them to violate norms and principles to get what they want. On the constituent side, people are inclined to look for cheap solutions, emotional arguments and mass movements. To mitigate the threats to democracy that result from these human tendencies, election systems must alleviate the public's appetite for demagogic behavior in order to incentivize it in politicians seeking office.

One way to create a better informed and deliberative electorate is for electoral systems to institute mini-publics.⁶³ Mini-publics are groups of citizens that are formed to deliberate about issues. The groups are created to be representative of the communities which have an interest in the issues being discussed. The groups are first presented with experts who give them information about the issues and are then asked to make recommendations based on group consensus. Mini-publics make use of indicative rather than responsive representation.⁶⁴ While responsive representation supposes that constituents can trust representatives to act in their best

⁶³ Guerrero. *Against Elections*.

⁶⁴ Pettit, Phillip. n.d. "Representation, Responsive and Indicative." *Constellations* 17 (3).
<https://www.princeton.edu/~ppettit/papers/2010/Representation,%20Responsive%20and%20Indicative.pdf>.

interest because they will elect representatives that have similar values, indicative representation is the opposite. Constituents of indicative representatives can suppose that, because their representatives look like them and come from similar backgrounds, the decisions that their representatives make are plausibly similar to the decision their constituents would make if they were in the same circumstance. Although thorough deliberative democracy better informs public opinion, opens citizens up to new ideas and produces more legitimate policy decisions in the eyes of the public, it is also less efficient than traditional voting mechanisms. After all, it takes time, resources and expertise to form demographically representative groups and create productive cooperation. Furthermore, deliberative groups must be small for them to work. An exercise in deliberation might be more efficient in groups of a thousand but it would be much less effective. Therefore, it is impossible to include an entire country in deliberation. If our goal is to elevate public opinion and we can only reach a fraction of the public, we are faced with a serious problem.

Indicative representation and transparency solve this problem. While it may not be possible to get everyone to participate in a mini-public or a deliberative poll, publicizing the results and conducting the process with transparency allows people to see how others similar to them thought about issues when they had the time and information necessary to make an informed choice. For example, a mini-public discussing the benefits and drawbacks of healthcare savings accounts (otherwise known as HSAs) may conclude that Congress ought to provide an HSA for every American. The mini-public can then publicize its decision and the different reasons why it arrived at this consensus. The deliberations of the group can be made available to the public as well for increased transparency and to lend the final decision maximal democratic legitimacy. While the entirety of the public does not have the time, resources or expertise to

dedicate to deciding whether HSAs are good, it can take into account the mini-public's recommendation. This recommendation is legitimized because the public knows that people of similar backgrounds and values to them agreed with the recommendation.⁶⁵ Even if they might not immediately agree with the mini-public's decisions, members of the public suppose that, if they had been exposed to the same information and expertise participants in the mini-public were exposed to, they would have made the same decision.

The indicative representation and publicity solutions are not perfect. There is no guarantee that deliberative groups will find consensus on every issue nor that the rest of the public will feel represented in the groups' final recommendations. But increasing deliberation in democratic decision making creates outcomes that are more sensitive to truth and a more inclusive view of justice. If deliberation can be used to inform the public about technical policy decisions then it can be an effective tool for instructing people about institutional integrity and democratic values too. While critics may object that value-laden deliberations about the Constitution or the principles of American government are more political than policy recommendations and therefore hard to form consensus on, the opposite is true. Democratic values are not partisan values. Political parties may disagree about how to achieve good policy outcomes or even what good outcomes are, but if they disagree about the importance of maintaining democratic institutions then there is a more fundamental problem that needs to be addressed. Therefore, creating election systems that allow for more deliberation in the electorate, not just about policy but also concerning the objective and values of republican government would help elevate public opinion and create more responsible voting patterns.

Elections:

⁶⁵ Guerrero. *Against Elections*.

Still, incentivizing good political leadership and protecting against demagoguery requires approaching the problem from both the bottom and the top. While deliberative groups may help elevate public opinion, changing the way that politicians campaign for office can directly affect the ways that politicians act. While people seeking office will always be liable to say and do things that violate democratic principles as a way to get elected, designing campaign laws with this proclivity in mind can minimize the frequency of these anti-democratic and demagogic acts.

One campaign reform that would incentivize more responsible and relevant candidate rhetoric is discontinuing televised debates. The problems with debates are numerous and diverse. First, there is controversy over whether debates actually change voters' opinions. While there is undoubtedly value in the airtime publicity and legitimacy candidates get from participating in presidential debates, it is far less clear whether voters actually use them to decide who to vote for.⁶⁶ Instead, debates may entrench voters into existing political sentiments. If the objective of debate is to compare different viewpoints in a reasonable way in order to make an informed vote, unquestioningly reaffirming voters' beliefs is incompatible with this goal. But beyond the effects they have on voters, there are normative problems with how people think debates should work. In this section, I will focus on how debates have always failed to achieve their purpose and why, even in their ideal states, debates are ill-suited as a medium for educating the public.

The Commission on Presidential Debates -- an independent organization that sponsors presidential debates during elections -- vaguely cites the role of debates as “ensur[ing] that the voting public has the opportunity to see the leading candidates debate during the general election campaign.” Advocates argue that debates allow voters to compare policy positions of candidates and determine who has the better argument for her position. But this is an idealistic vision of debates. National presidential debates, for instance, have only been around since television

⁶⁶ Kraus, Sidney. 2013. *Televised Presidential Debates and Public Policy*. Routledge.

allowed them to be broadcast across the country. The nature of televised media and modern debates are therefore hopelessly intertwined.

Debate rhetoric is not geared towards honest presentation of each side's argument or good-faith deliberation, but rather sound-bites making emotional populist appeals designed to elicit cheers instead of thought. Even without television incentivizing candidates to be controversial and combative, oral rhetoric, as I discussed in chapter 1, is a poor medium for instructing the public and is a favorite tool of demagogues.⁶⁷ Even the Lincoln-Douglas debates -- often held up as a shining example of democratic deliberation between opposing sides -- were, as described by historian Harold Holzer, "for the most part an embarrassment. The encounters were brutally sarcastic, featuring highly personal attacks rather than elevated discourse."⁶⁸ The very nature of debate, therefore, favors controversial, demagogic candidates who use oratory as a tool to rouse base instincts in the electorate. Television and social media, meanwhile, only exacerbates candidates' compulsions towards sound-bite arguments and plays to emotional populist rhetoric.

And yet, even in their ideal state, debates are not good at providing the public with relevant information for determining who to vote for. One common but misconceived ideal of political campaigns is that they should be about policy. Debates, therefore, are meant to present differences between candidates' policies. Critiques of modern political debates often feature complaints that candidates did not discuss policy thoroughly enough. But even if they did, policy discussions should not be the central focus of political campaigns. In designing American political institutions, the founders sought to keep policy out of the hands of the people. Public

⁶⁷ See Cleon's rise and fall in ancient Greece.

⁶⁸ *The Washington Post*. 2012. "The Lincoln-Douglas Debates Weren't as Great as Gingrich Thinks," January 25, 2012. https://www.washingtonpost.com/opinions/the-lincoln-douglas-debates-werent-as-great-as-gingrich-thinks/2012/01/25/gIQABwX1VQ_story.html.

opinion, they realized, is subject to brisk changes and dangerous trends. Furthermore, the public has neither the time nor the resources to effectively debate policy decisions. It was representatives, sometimes directly elected and sometimes indirectly elected, that were supposed to do the detail-oriented work of translating the public's values and principles into policy. Given that the role of the public as envisioned by the founders did involve policy-analysis, the public should not be asked to judge the quality of a candidate's policy proposals when deciding whether or not to vote for her.

That is not to say there is no place for policy in campaigns and debates. Voters should vote for candidates who endorse values and ideas that seem to be in their best interest. Proposing policy in broad strokes is a perfectly acceptable way for a candidate to communicate her values. Still, we should remain wary of the dangers inherent in discussing policy. If, on one hand, the public should not have to deal with the minutiae of detailed policy arguments and, on the other hand, demagogues are prone to propose ambitious policies with no real basis in reality, it seems that there is no safe way for candidates to discuss policy in their campaigns. If the normative ideal for good political debates is to foster competition between policy proposals, then debates provide much less value to voters than is commonly thought while also incentivizing candidates to use demagogic rhetoric that undermines trust in democratic institutions and confounds public opinion.

Debates are not the only part of the election process that has harmed candidates' rhetoric and the way that they run their campaigns. Partisan gerrymandering has significantly diminished the number of competitive races every election cycle. Gerrymandering refers to the process of manipulating voting districts to favor certain parties. For example, during the redistricting process, Democrats in Maryland packed swaths of Democratic voters into districts represented

by Republicans, effectively turning red districts blue.⁶⁹ The widespread use of partisan gerrymandering to cement parties' holds on state governments and the House seats has made most races throughout the country practically unlosable for incumbents.⁷⁰ In addition to other incumbent advantages like better fundraising operations and name recognition, modern partisan gerrymandering has become a science. New technologies and data gathering has allowed parties to target voters at an unprecedented level. As a result of these new capabilities, parties have been able to cement control of state legislatures and retain House seats consistently in states they have gerrymandered even when losing the popular vote in these very same states.⁷¹

Some have argued that gerrymandering that decreases competitiveness causes polarization.⁷² If candidates are incentivized to play to their bases instead of reaching out to moderate voters, more extreme candidates will win. But there has been some debate as to whether or not incumbency advantage and partisan gerrymandering cause polarization between parties. In some states, gerrymandering has increased the number of competitive races as parties try to put previously non-competitive districts in play.⁷³ Additionally, the causes of polarization are numerous and complex and it is difficult to pin everything on gerrymandering.⁷⁴

⁶⁹ *The Washington Post*. 2018. "How Maryland Democrats Pulled off Their Aggressive Gerrymander," March 28, 2018. <https://www.washingtonpost.com/news/wonk/wp/2018/03/28/how-maryland-democrats-pulled-off-their-aggressive-gerrymander/>.

⁷⁰ Gary W. Cox and Jonathan N. Katz. 1996. "Why Did the Incumbency Advantage in U.S. House Elections Grow?" *Midwest Political Science Association*.

⁷¹ *The Washington Post*. 2018. "In at Least Three States, Republicans Lost the Popular Vote but Won the House," November 13, 2018. <https://www.washingtonpost.com/business/2018/11/13/least-three-states-republicans-lost-popular-vote-won-house/>.

⁷² "Ban Partisan Gerrymandering and Enact Open Primaries Nationwide." n.d. Accessed April 18, 2022. <https://www.politico.com/interactives/2019/how-to-fix-politics-in-america/polarization/ban-partisan-gerrymandering-enact-open-primaries-nationwide/>.

⁷³ Nolan McCarty, Keith T. Poole, Howard Rosenthal. 2009. "Does Gerrymandering Cause Polarization." *MPSA*.

⁷⁴ Prokop, Andrew. 2014. "Does Gerrymandering Cause Political Polarization?" *Vox*. August 5, 2014. <https://www.vox.com/2014/8/5/17991982/gerrymandering-political-polarization-partisan>.

But gerrymandering can hurt voters in other ways. Competition allows voters to hold leaders accountable and, more importantly, allows their voices to be heard. While there is not any evidence that competitive races cause voters to make better decisions, trust in democracy suffers when people feel that they are not being listened to or that their vote does not matter.⁷⁵ Partisan gerrymandering has decreased the number of votes that really matter. Districts that are packed with votes of the same party cause races in one or two places in a state to be won by a wide margin while other districts have an impossibly small number of voters from the same party. Increasingly, races are not close. When voters feel their vote is not important they are less likely to feel engaged in democracy, pay attention to political races and care about democratic institutions.⁷⁶ Therefore, even if competitive races and gerrymandering do not directly cause voters to make worse decisions, the appearance of democratic injustice they cause are just as damaging to democracy. The less voters feel seen, the less they are likely to care. And apathetic voters are not capable of conducting their civic duties to hold bad leaders accountable.

Another way of reforming campaigns or at least of mitigating the damaging effects of campaigns in a polarized political climate -- is to listen to Van Buren's suggestion that political parties can be tools for controlling faction and extremism. Strengthening party infrastructure and the party's political influence could constrain fringe candidates by forcing them to appeal to more moderate party leaders for money, campaign staff and endorsements. Forcing factional candidates to be accountable to party leadership could then allow leadership with more institutional knowledge to temper the demagogic tendencies of their candidates.

Recently, weak parties have caused some candidates to build their campaigns outside of the party apparatuses. In 2008, for instance, Barack Obama built his presidential campaign

⁷⁵ , Achen, Bartels. *Democracy for Realists*.

⁷⁶ Rosenberg, Morris. 1954-1955. "Some Determinants of Political Apathy." *Public Opinion Quarterly*.

largely outside of the Democratic party's infrastructure.⁷⁷ In 2016, Trump did the same thing and then relied on some Republican party organizing after he had secured the nomination and the Republican establishment had capitulated to him in the interest of political expediency.⁷⁸ In 2018, progressive Democratic candidate Alexandria Ocasio-Cortez built her campaign completely outside of the Democratic party's structure and succeeded in unseating a longtime establishment incumbent.⁷⁹ By empowering party infrastructure, parties could have more power to anoint candidates that are experienced. While strong parties may not necessarily be more politically moderate than their fringe members, they would constrain irresponsible candidates from doing serious damage to democratic institutions. A possible criticism of allowing party leaders to anoint candidates is that it is anti-democratic. But even with strong parties, voters would still be able to elect who they want. Allowing experienced party establishment to have a bigger say in the process of selecting good candidates for office is another way of instructing public opinion and one more hurdle demagogic candidates would have to pass.

Institutions:

Another way to reform elections and strengthen parties would be to adopt a system of mixed-member representation. Mixed-member systems allow citizens to directly vote for representatives based on districts and then, additionally, assign representatives to the legislature

⁷⁷ "Obama's Party-Building Legacy Splits Democrats." n.d. POLITICO. Accessed April 25, 2022. <https://www.politico.com/story/2017/02/obama-democrats-party-building-234820>.

⁷⁸ Gold, Matea. 2016. "Trump Doesn't Have a National Campaign. So the GOP Is Trying to Run One for Him." *The Washington Post*, June 9, 2016. https://www.washingtonpost.com/politics/trump-doesnt-have-a-national-campaign-so-the-gop-is-trying-to-run-one-for-him/2016/06/09/a9e1f488-2df0-11e6-9b37-42985f6a265c_story.html.

⁷⁹ Budds, Diana. 2018. "The Brilliance of Alexandria Ocasio-Cortez's Bold Campaign Design." Vox. July 2, 2018. <https://www.vox.com/policy-and-politics/2018/7/2/17519414/ocasio-cortez-campaign-design-campaign-posters-tandem-branding>.

in proportion to the percentage of the vote that their parties receive.⁸⁰ Representatives from this proportional election process are selected from a party list. The party is likely to put its leadership at the top of the list so that it is guaranteed a seat in government and likely to place fringe candidates last.

Mixed-member systems would increase party power and responsibility in a few different ways. First, they would incentivize a multi-party system. Fringe candidates that might not have a chance of winning a direct district election could win a sizable enough portion of the vote to get into government without needing to attach themselves to more established party infrastructures. These candidates would be more likely to form their own parties instead of allowing themselves to sit at the bottom of establishment party lists. While it may seem like detaching fringe candidates from party establishments would unshackle any restraints party elites could have placed on them and, therefore, creates more factions and demagogues, this is not the case. By creating more parties, more established and moderate parties will not have to internally accommodate factional interests in their platforms to attract enough voters. Then, by allowing these factional interests a seat in government, institutions designed to quell extremism and favor cooperation could deal with demagogues as the founders created them to. As Madison argued in Federalist 10, majorities could drown out the voices of faction in government and the legislature would thrive with a greater diversity of opinion and interests.

Government institutions also need to be updated in order to more effectively promote good leadership. Modern representatives do as much political work in office as on the campaign trail. The issues of demagogic rhetoric and norm violations are just as prevalent in government. Institutional reforms that take into account how modern representatives communicate with their

⁸⁰ Leischner, Jacob S. 2021. "Mixed-Member Proportional Electoral Systems: A Complete Review and Case for U.S. Adoption." Claremont Colleges. https://scholarship.claremont.edu/cmc_theses/2619/.

constituencies and supporters are important to de-incentivizing bad faith votes and negotiations for political purposes in the legislature. The increased proximity of representatives to their constituents through television and social media has turned many committee hearings and floor debates and votes into political spectacles. In her independently published book *The Art of the Political Deal*, Jill Lawrence lists privacy as an important condition for productive negotiation. Increasing privacy in the legislature, therefore, would de-incentivize representatives from making arguments to televisions cameras instead of to their colleagues on the floor.

Newt Gingrich, for example, was an early adopter of CSPAN as a political tool. After he was elected to the House in 1978, Gingrich formed a group of firebrand Republicans he named the Conservative Opportunity Society. After Richard Nixon's Watergate scandal, Republicans' had lost political power. Gingrich resented the attitude among establishment Republicans that they would be permanently in the minority. In order to change voters' minds, Gingrich worked to stunt cooperation in Congress so that voters would blame Democrats for inaction.⁸¹

In his efforts to transform the Republican party, Gingrich realized the power of television. He and other members of his caucus routinely made hour-long speeches on the floor of empty House chambers for the sole purpose of getting on TV and making emotional appeals to their supporters. In an article about how Gingrich permanently changed American politics with his fiery partisan rhetoric and norm-busting obstructionism, McKay Coppins writes,

Gingrich and his cohort showed little interest in legislating, a task that had heretofore been seen as the primary responsibility of elected legislators. [...] For revolutionary purposes, the House of Representatives was less a governing body than an arena for conflict and drama. And Gingrich found ways to put on a show. He recognized an

⁸¹ Coppins, Mckay. 2018. "The Man Who Broke Politics." *The Atlantic*, October 15, 2018. <https://www.theatlantic.com/magazine/archive/2018/11/newt-gingrich-says-youre-welcome/570832/>.

opportunity in the newly installed C-span cameras, and began delivering tirades against Democrats to an empty chamber, knowing that his remarks would be beamed to viewers across the country.⁸²

Gingrich's instinct for media attention is important to understanding how he thought about politics. In Coppins's article, he explains, "The No. 1 fact about the news media is they love fights ... When you give them confrontations, you get attention; when you get attention, you can educate."⁸³ Gingrich's rhetoric on the House floor, therefore, was rarely in good faith. Even when debating policy he directed his comments at his constituents. He also came up with lists of nicknames for political opponents to get attention. If, as we established in chapter 1, the primary objective of a representative is to produce good policy, Gingrich failed to meet this criteria.

And yet, his plan worked. In 1995 Republicans picked up seats and took control of both the Senate and House with votes blaming Democrats for not getting enough done.⁸⁴ Since the founders understood that ambition would drive representatives to use every tool at their disposal to gain power, they designed institutions that would flourish with personal ambition. The founders, however, could not have foreseen the effect of television on publicizing floor debates. Restoring privacy to these debates would force members to address one another instead of making populist calls to constituents and performing political stunts in Congress. After all, it was Gingrich's type of theatrical oratory that worried the founders and that they sought to keep out of government. Enforcing the ban on cell phones in the legislatures' chambers or not airing floor deliberations would both help increase privacy and keep representatives like Gingrich from

⁸² Ibid

⁸³ Ibid

⁸⁴ Ibid

abusing the media's taste for controversy for political gain at the expense of a well-functioning legislature.

Mass communication technology is not going away and it is difficult to regulate. These new technologies have permanently undermined the natural size barriers to demagoguery that the founder envisioned. The unprecedented proximity that communication technology has created between representatives and constituents as well as the acceleration of the spread of information between regions of the country must be addressed. In his book *A More Perfect Constitution*, Larry Sabato argues that modern threats to the continuity of government from terrorist attacks warrant amending the Constitution to clarify how government should react to threats that threaten the existence of government.⁸⁵ Since technological incentives to demagoguery also threaten the continuity of our democratic institutions, these threats warrant fundamental institutional changes to government such as the ones I review in this chapter.

⁸⁵ Sabato, Larry J. 2010. *A More Perfect Constitution: Why the Constitution Must Be Revised: Ideas to Inspire a New Generation*. Chapter 1. Bloomsbury Publishing USA.

Conclusion:

In this thesis, we have seen the dangers inherent in government dependent on the people. We used the lens of American democracy to see how the founders of republican governments have devised ways to mitigate the threats of popular rule. Then, we saw how some of those mitigating measures have begun to fail us, partly as a result of decay and partly because of new technologies that have undermined natural barriers to demagoguery in liberal democracies. Finally, I provided solutions to rebuild barriers to demagoguery at institutional, electoral and civic levels.

More broadly, this thesis tries to figure out how to get people to elect better political leaders. If democratic government is designed to track the interests of the people, then the surest way to improve its performance is to make sure that the people know their interests and that their representatives are responsive. Ensuring responsiveness is, while not an easy task, the more manageable of the two. Personal ambition ensures that representatives will usually try to stay on the public's good side while elections provide opportunities for the public to hold their representatives accountable. While the threat of representative capture by special interests and corruption always looms overhead, strong democratic norms and oversight are good tools to keep these threats at bay. For the public to know its interest, though, is another matter. Interest is diverse and, as we saw in chapter 1, subjective. Even if determining objective interest was possible, allowing expert representatives or technocrats to determine objective interests risks undermining responsiveness and, consequently, trust in democratic institutions. Democratic government is inevitably at the mercy of public opinion. It was designed that way.

But government has a few tools at its disposal to protect itself against the baser instincts of the public. Principled institutions ratified by the people can swallow the dangerous tendencies of faction and extremism and produce good outcomes. These institutions can also work with representatives of the people by incentivizing them to refine public opinion and instruct the public in its true interests. Of course, democracy cannot always rely on instructive leadership. In cases of irresponsible and demagogic representatives, a strong adherence to democratic norms and principles inculcated in the people through civic education and deliberation must outlast and overpower entropic predispositions. Furthermore, people's votes should be instructed by a focus on political values rather than policy debates in order to narrow the scope of what electorates must pay attention to. Hopefully, by simplifying the voting process, citizens will have a better sense of what concerns them and what their interests are and elections will result in better leaders.

Demagoguery is not the only danger to public opinion. Other factors like inequality have been shown to increase membership of anti-system political parties and extremism.⁸⁶ Another approach to protecting democracies from demagoguery could be to reduce the economic conditions under which factions thrive. Instinct tells me that a reasonable cure to demagoguery must approach the problem from both social and economic perspectives. I will, however, leave the latter part of the solution to a future paper.

⁸⁶ Hopkin, Jonathan. 2020. *Anti-System Politics: The Crisis of Market Liberalism in Rich Democracies*. Oxford University Press.

Bibliography:

- “The Global Expansion of Authoritarian Rule.” n.d. Freedom House. Accessed April 20, 2022.
<https://freedomhouse.org/report/freedom-world/2022/global-expansion-authoritarian-rule>.
- Achen, Christopher H., and Larry M. Bartels. 2017. *Democracy for Realists*. Princeton University Press.
- Hamilton, Alexander, James Madison, and John Jay. 2009. *The Federalist Papers*.
- “OSC Issues Hatch Act Report Documenting Violations by 13 Senior Trump Administration Officials, Including at the 2020 Republican National Convention.” 2021. U.S. Office of Special Counsel.
“One Year since the Jan. 6 Attack on the Capitol.” 2021. December 30, 2021.
<https://www.justice.gov/usao-dc/one-year-jan-6-attack-capitol>.
- “PolitiFact - No, Most Americans Don’t Believe the 2020 Election Was Fraudulent.” n.d. @politifact. Accessed April 23, 2022.
<https://www.politifact.com/factchecks/2022/feb/02/viral-image/no-most-americans-dont-believe-2020-election-was-f/>.
- Guerrero, Alexander A. 2014. “Against Elections: The Lottocratic Alternative.” *Philosophy & Public Affairs* 42 (2): 135–78.
- Treul, Sarah, and Rachel Porter. 2018. “Inexperienced Candidates Are Becoming More Common, but Only in One Party.” Vox. April 20, 2018.
<https://www.vox.com/mischiefs-of-faction/2018/4/20/17261870/inexperienced-candidates-republicans>.
- Hopkin, Jonathan. 2020. “The Rise of Anti-System Politics Reflects the Exhaustion of Neoliberal Democracy.” LSE BREXIT. July 13, 2020.
<https://blogs.lse.ac.uk/brexit/2020/07/13/the-rise-of-anti-system-politics-reflects-the-exhaustion-of-neoliberal-democracy/>.
- Skelley, Geoffrey. 2022. “Why More Inexperienced Candidates Are Running — and Winning.” FiveThirtyEight. January 24, 2022.
<https://fivethirtyeight.com/features/why-more-inexperienced-candidates-are-running-and-winning/>.
- Tulis, Jeffrey K. 2017. *The Rhetorical Presidency*. Princeton University Press.
- Eshbaugh-Soha, Matthew. 2016. “Going Public and Presidential Leadership.” In *Oxford Research Encyclopedia of Politics*. Oxford University Press.
- Fox, Justin, and Kenneth W. Shotts. “Delegates or Trustees? A Theory of Political Accountability.” *The Journal of Politics* 71, no. 4 (2009): 1225–37.
<https://doi.org/10.1017/s0022381609990260>.
- Rauch, Jonathan. 2021. *The Constitution of Knowledge: A Defense of Truth*. Chapter 4. Brookings Institution Press.
- Schickler, Eric. 2017. “David Mayhew and the Study of Congress.” *Forum* 15 (4): 753–70.
- Frazao, Kristine. 2020. “The Growing Power of Alexandria Ocasio-Cortez.” WJLA. November 10, 2020.
<https://wjla.com/news/connect-to-congress/the-growing-power-of-aoc>.

- Mayhew, David R. 2004. *Congress: The Electoral Connection, Second Edition*. Yale University Press.
- Russell, David Lee. 2000. *The American Revolution in the Southern Colonies*. McFarland.
- Daniels, Bruce C. 1980. "Economic Development in Colonial and Revolutionary Connecticut: An Overview." *The William and Mary Quarterly* 37 (3): 429–50.
- Dan Carter, *The Politics of Rage: George Wallace, The Origins of the New Conservatism and the Transformation of American Politics*. Baton Rouge: LSU Press, 2000.
- "Popular Basis of Political Authority: James Madison, Public Opinion." n.d. Accessed February 24, 2022. <https://press-pubs.uchicago.edu/founders/documents/v1ch2s26.html>.
- "MVB to Thomas Ritchie, 13 January 1827." n.d. Accessed April 22, 2022.
- Gordon Wood, "The Greatness of George Washington" in *Revolutionary Characters: What Made the Founders Different*. (New York: Penguin Books) 2006.
- "Chapter 6: First in Peace," from Joseph Ellis, *His Excellency: George Washington*. (New York: Vintage Books) 2004.
- Joseph Ellis, *His Excellency: George Washington*. "Chapter 6: First in Peace." (New York: Vintage Books) 2004.
- *The American Presidency*. "The Age of Jackson" pp. 131-149.
- Marshall, Jim. 2019. "Communication Revolution in the 19th Century." 2019. <https://www.somersschools.org/cms/lib/NY01913963/Centricity/Domain/1252/American%20History%20-%20Communication%20Revolution%20of%20the%2019th%20Century.pdf>.
- Decker, Frank. 2003. "The Populist Challenge to Liberal Democracy." *Berliner Republik*.
- Olson, Henry. 2010. "Populism, American Style." *National Affairs*, Summer. <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.560.306&rep=rep1&type=pdf>.
- Gerbaudo, Paolo. 2018. "Social Media and Populism: An Elective Affinity?" *Media Culture & Society* 40 (5): 745–53.
- Finn, John E. 2002. "2 The Civic Constitution: Some Preliminaries." *Constitutional Politics*. <https://doi.org/10.1515/9780691227443-004>.
- "Eakin v. Raub." 1825. April 16, 1825. <https://casetext.com/case/eakin-v-raub>.
- Pettit, Phillip. n.d. "Representation, Responsive and Indicative." *Constellations* 17 (3). <https://www.princeton.edu/~ppettit/papers/2010/Representation,%20Responsive%20and%20Indicative.pdf>.
- Kraus, Sidney. 2013. *Televised Presidential Debates and Public Policy*. Routledge.
- *The Washington Post*. 2012. "The Lincoln-Douglas Debates Weren't as Great as Gingrich Thinks," January 25, 2012. https://www.washingtonpost.com/opinions/the-lincoln-douglas-debates-werent-as-great-as-gingrich-thinks/2012/01/25/gIQABwX1VQ_story.html.
- *The Washington Post*. 2018. "How Maryland Democrats Pulled off Their Aggressive Gerrymander," March 28, 2018. <https://www.washingtonpost.com/news/wonk/wp/2018/03/28/how-maryland-democrats-pulled-off-their-aggressive-gerrymander/>.
- Gary W. Cox and Jonathan N. Katz. 1996. "Why Did the Incumbency Advantage in U.S. House Elections Grow?" *Midwest Political Science Association*.

- *The Washington Post*. 2018. “In at Least Three States, Republicans Lost the Popular Vote but Won the House,” November 13, 2018. <https://www.washingtonpost.com/business/2018/11/13/least-three-states-republicans-lost-popular-vote-won-house/>.
- “Ban Partisan Gerrymandering and Enact Open Primaries Nationwide.” n.d. Accessed April 18, 2022. <https://www.politico.com/interactives/2019/how-to-fix-politics-in-america/polarization/ban-partisan-gerrymandering-enact-open-primaries-nationwide/>.
- Nolan McCarty, Keith T. Poole, Howard Rosenthal. 2009. “Does Gerrymandering Cause Polarization.” *MPSA*.
- Prokop, Andrew. 2014. “Does Gerrymandering Cause Political Polarization?” *Vox*. August 5, 2014. <https://www.vox.com/2014/8/5/17991982/gerrymandering-political-polarization-partisan>.
- Rosenberg, Morris. 1954-1955. “Some Determinants of Political Apathy.” *Public Opinion Quarterly*.
- “Obama’s Party-Building Legacy Splits Democrats.” n.d. POLITICO. Accessed April 25, 2022. <https://www.politico.com/story/2017/02/obama-democrats-party-building-234820>.
- Gold, Matea. 2016. “Trump Doesn’t Have a National Campaign. So the GOP Is Trying to Run One for Him.” *The Washington Post*, June 9, 2016. https://www.washingtonpost.com/politics/trump-doesnt-have-a-national-campaign-so-the-gop-is-trying-to-run-one-for-him/2016/06/09/a9e1f488-2df0-11e6-9b37-42985f6a265c_story.html.
- Budds, Diana. 2018. “The Brilliance of Alexandria Ocasio-Cortez’s Bold Campaign Design.” *Vox*. July 2, 2018. <https://www.vox.com/policy-and-politics/2018/7/2/17519414/ocasio-cortez-campaign-design-campaign-posters-tandem-branding>.
- Leischner, Jacob S. 2021. “Mixed-Member Proportional Electoral Systems: A Complete Review and Case for U.S. Adoption.” Claremont Colleges. https://scholarship.claremont.edu/cmc_theses/2619/.
- Coppins, McKay. 2018. “The Man Who Broke Politics.” *The Atlantic*, October 15, 2018. <https://www.theatlantic.com/magazine/archive/2018/11/newt-gingrich-says-youre-welcome/570832/>.
- Sabato, Larry J. 2010. *A More Perfect Constitution: Why the Constitution Must Be Revised: Ideas to Inspire a New Generation*. Chapter 1. Bloomsbury Publishing USA.
- Hopkin, Jonathan. 2020. *Anti-System Politics: The Crisis of Market Liberalism in Rich Democracies*. Oxford University Press.
- Pitkin, Hanna Fenichel. 1967. *The Concept of Representation*. University of California Press.