

Is America Still Safe for Democracy?

Why the United States Is in Danger of Backsliding

By [Robert Mickey](#), [Steven Levitsky](#), and [Lucan Ahmad Way](#), *FOREIGN AFFAIRS*, May, 2017

The election of [Donald Trump as president](#) of the United States—a man who has praised dictators, encouraged violence among supporters, threatened to jail his rival, and labeled the mainstream media as “the enemy”—has raised fears that [the United States](#) may be heading toward authoritarianism. While predictions of [a descent into fascism](#) are overblown, the Trump presidency could push the United States into a mild form of what we call “competitive authoritarianism”—a system in which meaningful democratic institutions exist yet the government abuses state power to disadvantage its opponents.

But the challenges facing American democracy have been emerging for decades, long before Trump arrived on the scene. Since the 1980s, deepening polarization and the radicalization of the Republican Party have weakened the institutional foundations that have long safeguarded U.S. democracy—making a [Trump presidency](#) considerably more dangerous today than it would have been in previous decades.

There is little reason to expect Americans’ commitment to democracy to serve as a safeguard against democratic erosion.

Paradoxically, the polarizing dynamics that now threaten democracy are rooted in the United States’ belated democratization. It was only in the early 1970s—once the civil rights movement and the federal government managed to stamp out authoritarianism in southern states—that the country truly became democratic. Yet this process also helped divide Congress, realigning voters along racial lines and pushing the Republican Party further to the right. The resulting polarization both facilitated Trump’s rise and left democratic institutions more vulnerable to his autocratic behavior.

The safeguards of democracy may not come from the quarters one might expect. American society’s purported commitment to democracy is no guarantee against backsliding; nor are constitutional checks and balances, the bureaucracy, or the free press. Ultimately, it may be Trump’s ability to mobilize public support—limited if his administration performs poorly, but far greater in the event of a war or a major terrorist attack—that will determine American democracy’s fate.

WHAT BACKSLIDING LOOKS LIKE

If [democratic backsliding](#) were to occur in the United States, it would not take the form of a coup d’état; there would be no declaration of martial law or imposition of singleparty rule. Rather, the experience of most contemporary autocracies suggests that it would take place through a series of little-noticed, incremental steps, most of which are legal and many of which appear innocuous. Taken together, however, they would tilt the playing field in favor of the ruling party.

The ease and degree to which governments can accomplish this vary. Where democratic institutions and the rule of law are well entrenched and civic and opposition forces are robust, as in the United States, abuse is both more difficult to pull off and less consequential than it is in such countries as Russia, Turkey, and Venezuela. Nevertheless, such abuse has occurred in the United States in the recent past, and so it cannot be ruled out.

The first type of abuse entails politicizing state institutions and deploying them against the opposition. Modern states possess a variety of bodies that can investigate and punish wrongdoing by public officials or private citizens—the courts; public prosecutors; legislative oversight committees; and law enforcement, intelligence, tax, and regulatory agencies. Because these organs are designed to serve as neutral arbiters, they present both a challenge and an opportunity for wouldbe authoritarians. To the extent that investigative agencies remain independent, they may expose and even punish government abuse. If controlled by loyalists, however, they can cover up official malfeasance and serve as potent weapons against the government's opponents.

Elected autocrats thus have a powerful incentive to purge career civil servants and other independent-minded officials and replace them with partisans. Agencies that cannot be easily purged, such as the judiciary, may be politicized in other ways. Judges, for instance, may be bribed, bullied, or blackmailed into compliance, or be publicly vilified as incompetent, corrupt, or unpatriotic. In extreme cases, they may be targeted for impeachment.

Packing state agencies is like buying off the referees in a sporting match: not only can the home team avoid penalties, but it can also subject its opponent to more of them. For one thing, the government can shield itself from investigations, lawsuits, and criminal charges, and it can rest assured that unconstitutional behavior will go unchecked. For another, it can selectively enforce the law, targeting rival politicians, businesses, and media outlets while leaving allies (or those who remain quiet) alone. Vladimir Putin, for example, eliminated most of his opponents after becoming president of Russia by prosecuting them for corruption while ignoring similar behavior by his allies.

A politicized police force, meanwhile, can be relied on to crack down on opposition protesters while tolerating violence by pro-government thugs—a tactic that has proved effective in Venezuela. Politicized intelligence agencies, for their part, can be used to spy on critics and dig up blackmail material. Malaysia's top opposition leader, Anwar Ibrahim, was sidelined in this way: after a dubious police investigation, he was convicted of sodomy in 1999 and imprisoned. To be sure, even bureaucracies in democratic countries are susceptible to politicization, but it is usually limited and punished when egregious. In competitive authoritarian regimes, by contrast, it is systematic and consequential.

The second way elected autocrats may tilt the playing field is by neutralizing key parts of civil society. Few contemporary autocracies seek to eliminate opposition outright. Rather, they attempt to coopt, silence, or hobble groups that can mobilize it: media outlets, business leaders, labor unions, religious associations, and so on. The easiest route is cooptation. Thus, most authoritarian governments offer perks or outright bribes to major media, business, and religious figures. Friendly press outlets get privileged access; favored business leaders receive profitable resource concessions or government contracts. To handle those who resist, autocrats turn to the

politicized authorities. Newspapers, television networks, and websites that denounce government wrongdoing face libel or defamation suits or are prosecuted for publishing material that supposedly promotes violence or threatens national security. Business leaders critical of the government are investigated for tax fraud or other infractions, and opposition politicians get mired in scandals dug up or simply invented by intelligence agencies.

Sustained harassment of this type can [seriously weaken the opposition](#). The press may remain nominally independent but quietly censor itself, as in Turkey and Venezuela. Businesspeople may withdraw from politics rather than risk running afoul of tax or regulatory agencies, as in Russia. Over time, critical media coverage diminishes, and with leading businesses and labor unions cowed into political inactivity, opposition parties find it harder to fundraise, leaving them at a significant disadvantage.

Finally, elected autocrats often rewrite the rules of the political game—reforming the constitution, the electoral system, or other institutions—to make it harder for their rivals to compete. Such reforms are often justified on the grounds of combating corruption, cleaning up elections, or strengthening democracy, but their true aim is more sinister. In Ecuador, for example, an electoral reform pushed through by the government of President Rafael Correa in 2012 heavily restricted private campaign contributions, ostensibly to reduce the corrupting influence of money in politics. But in reality, the reform benefited Correa’s governing party, whose unregulated access to government resources gave it a massive advantage.

In both Malaysia and Zimbabwe, the government has invoked the goal of decentralization to justify reforms that increased the electoral weight of sparsely populated rural areas at the expense of urban centers, where the opposition was strongest. Such institutional reforms are particularly dangerous because they maintain a veneer of legitimacy. Nevertheless, they systematically bias electoral outcomes and, in many cases, allow incumbents to lock in advantages created by their initial abuse of power.

A YOUNG DEMOCRACY

It may be tempting to assume that the United States’ centuries-old democracy is impervious to democratic erosion, but such confidence is misplaced. In fact, liberal democracy—with full adult suffrage and broad protection of civil and political liberties—is a relatively recent development in the United States. By contemporary standards, the country became fully democratic only in the 1970s.

Beginning in the 1890s, after the Civil War and the failure of Reconstruction, Democratic politicians in each of the 11 states of the old Confederacy built single-party, authoritarian enclaves. Having wrested some room to maneuver from the Supreme Court, the executive branch, and their national party, conservative Democrats disenfranchised blacks and many poorer white voters, repressed opposition parties, and imposed racially separate—and significantly unfree—civic spheres. Their goal was to ensure cheap agricultural labor and white supremacy, and they used state-sponsored violence to achieve it.

For half a century, southern states capitalized on their influence in Congress and the national Democratic Party to shield themselves from outside reform efforts. In 1944, however, the U.S. Supreme Court struck down the region's white-only Democratic primaries. Beginning with that decision, black activists compelled and capitalized on federal judicial rulings, congressional legislation, and national-party reforms to dismantle disenfranchisement, segregation, and state repression. By the early 1970s, the southern authoritarians had been defeated; today, some 6,000 black elected officials serve southern constituencies.

But American authoritarianism has not been just a southern phenomenon. From the time the FBI, the CIA, and [the National Security Agency](#) were created, presidents used them to monitor White House staff, journalists, political opponents, and activists. Between 1956 and 1971, the FBI launched more than 2,000 operations to discredit and disrupt black protest organizations, antiwar groups, and other perceived threats. It even provided Dwight Eisenhower with derogatory information about Adlai Stevenson, his Democratic rival in the 1952 election. Likewise, the Nixon administration deployed the U.S. Attorney General's Office and other agencies against its "enemies" in the Democratic Party and the media. And congressional investigations into alleged subversion further threatened civil rights and liberties. Like southern authoritarianism, the abuse of federal intelligence and law enforcement agencies largely ended in the 1970s, in this case after the post-Watergate reforms.

American democracy remains far from ideal. Ex-felons, who are disproportionately black, are often prohibited from voting; many states are experimenting with an array of new voting restrictions; and the concentration of campaign donations among the wealthy raises serious concerns about how representative U.S. democracy truly is. Still, the United States has been a bona fide multiracial democracy for almost half a century.

Yet just as the United States fulfilled its democratic promise, the foundations of the system began to weaken. Ironically, the very process of democratization in the South generated the intense polarization that now threatens American democracy.

THE GREAT DIVIDE

Scholars have long identified [political polarization](#) as a central factor behind democratic breakdown. Extreme polarization leads politicians and their supporters to view their rivals as illegitimate and, in some cases, as an existential threat. Often, democratic norms weaken as politicians become willing to break the rules, cooperate with antidemocratic extremists, and even tolerate or encourage violence in order to keep their rivals out of power. Few democracies can survive for long under such conditions.

Until recently, the United States seemed immune from such threats. Indeed, traditions of restraint and cooperation helped the United States avoid the kinds of partisan fights to the death that destroyed democracies in Germany and Spain in the 1930s and Chile in the 1970s. In the United States, leading Democrats opposed President Franklin Roosevelt's efforts to pack the Supreme Court, and Republicans backed the investigation and impeachment of President Richard Nixon. The party controlling the White House never used the full extent of governmental powers against

the other side. In fact, the systematic underutilization of power by presidents and congressional majorities has long served as a vital source of democratic stability in the United States.

But with the passage of the Civil Rights Act and the Voting Rights Act in the 1960s, the Democratic Party (long the guarantor of white supremacy) and the Republican Party (“the party of Lincoln”) realigned national politics along racial lines. Southern blacks entered the electorate as Democrats, and southern whites became increasingly Republican. Many white southerners voted Republican for class reasons: the region’s incomes were rising, thus enhancing the appeal of the GOP’s economic policies. But many chose the Republicans for their conservative stances on racial issues and their appeals to “law and order.”

This realignment helped change the composition of Congress. In the ensuing decades, the South transformed from a one-party, Democratic region into a Republican-dominated one. Whereas it once sent moderate Democrats to Congress, today it elects either black or Hispanic liberal Democrats or, much more commonly, very conservative white Republicans. The ideological polarization of Congress has other sources, to be sure, but the democratization of the South represents a critical one. The result has been two much more ideologically homogeneous—and disciplined—parties. Gone are crosscutting issues that temper partisan conflict, along with moderate members within each party critical for crafting legislative deals.

The triumph of democracy in the South not only polarized Congress ideologically; it also polarized voters along party lines. Starting in the late 1960s, Democratic and Republican candidates began staking out increasingly distinctive views on public policy, first on racial matters (such as affirmative action) and then on a wider range of issues. As the political scientist Michael Tesler has argued, racially coded campaign appeals encourage voters to evaluate government programs in terms of the social groups they imagine as benefiting from them. Over time, white voters’ racial attitudes have increasingly shaped their views about public policy, even on issues that seem unrelated to race, such as health care, Social Security, and taxes.

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Taking their cues from party leaders, voters are increasingly sorted into the ideologically “correct” party: few center-left Republican or center-right Democratic voters remain. And a greater share of black voters back Democratic candidates than ever before, while a greater share of white voters support Republicans. Although just a small percentage of the American electorate is highly ideological (unlike their representatives in Congress), voters now exhibit heightened animosity toward politicians and voters of the other party—what the political scientists Alan Abramowitz and Steven Webster have termed “negative partisanship.”

Partisan polarization has been reinforced by the weakening of the establishment news media, a critical component of democratic accountability. Until the 1990s, most Americans got their news from a handful of trusted television networks. Politicians themselves relied heavily on the press to get the public’s attention, and so they could ill afford to alienate journalists. But over the last 20 years, the media have become increasingly polarized. The rise of Fox News kicked off the era of partisan news channels. The Internet, meanwhile, has made it easier for people to seek out

news that confirms their existing beliefs and has played a role in the widespread closure of local and regional newspapers.

Today, Democrats and Republicans consume news from starkly different sources, and the traditional media's influence has declined precipitously. As a result, voters have grown more receptive to fake news and more trusting of party spokespeople. When events are filtered through fragmented and polarized media, Americans view nearly all political events through purely partisan lenses. Consider what happened after Trump, breaking with traditional Republican policy, embraced Putin: one poll found that Putin's favorability rating among Republicans increased, from ten percent in July 2014 to 37 percent in December 2016.

The [growing gap between the richest Americans and the rest of the country](#) has also accentuated polarization. U.S. income inequality has reached its highest level since the onset of the Great Depression. The explosive growth of incomes at the top has increased support among wealthy voters and campaign contributors for conservative economic policies, especially on taxes, and has moved Republican legislators to the right. The stagnation of working-class wages over the past three decades, moreover, has triggered a right-wing populist reaction with racial overtones, especially among rural whites, who have directed their anger at liberal spending programs that they view as benefiting urban minorities.

The growing political differences over identity extend beyond the traditional black-white binary. Since the 1970s, increased immigration has added more Hispanic and Asian Americans to the electorate, largely as Democrats, further solidifying the partisan gap between whites and nonwhites. These trends have exacerbated anxieties among many white voters about losing their numerical, cultural, and political preeminence—just as white southerners feared before democratization. In many respects, then, the South's racial politics have gone national.

THE PERILS OF POLARIZATION

Partisan polarization poses several threats to U.S. democracy. First, it leads to gridlock, especially when different parties control the legislative and executive branches. As polarization increases, Congress passes fewer and fewer laws and leaves important issues unresolved. Such dysfunction has eroded public trust in political institutions, and along partisan lines. Voters backing the party that does not currently occupy the White House have astonishingly little trust in the government: in a 2010 poll conducted by the political scientists Marc Hetherington and Thomas Rudolph, a majority of Republican voters surveyed said they “never” trust the federal government.

Gridlock, in turn, encourages presidents to pursue unilateral action on the edges of constitutional limits. When there is divided government, with the party out of power determined to block the president's legislative agenda, frustrated presidents work around Congress. They expand their power through executive orders and other unilateral measures, and they centralize their control of the federal bureaucracy. At the same time, polarization makes it harder for Congress to exercise oversight of the White House, since members have a hard time forging a collective, bipartisan response to executive overreach.

When the same party controls both Congress and the White House, legislators have little incentive to exercise tough oversight of the president. Today, then, polarization reduces the chance that congressional Republicans will constrain Trump. Although many party elites would prefer a more predictable Republican in the White House, Trump's strong support among the party's voters means that any serious opposition would probably split the party and encourage primary challenges, as well as endanger the party's ambitious conservative agenda. Congressional Republicans are thus unlikely to follow in the footsteps of their predecessors who reined in Nixon. Indeed, so far, they have refused to seriously investigate Trump's conflicts of interest or accusations of collusion between his campaign and the Russian government.

Even more dangerous, the Republican Party has radicalized to the point of becoming, in the words of the scholars [Thomas Mann and Norman Ornstein](#), “dismissive of the legitimacy of its political opposition.” Over the last two decades, many Republican elected officials, activists, and media personalities have begun to treat their Democratic rivals as an existential threat—to national security or their way of life—and have ceased to recognize them as legitimate. Trump himself rose to political prominence by questioning President Barack Obama's citizenship. During the 2016 campaign, he repeatedly referred to his opponent, Hillary Clinton, as a criminal, and Republican leaders led chants of “lock her up” at their party's national convention.

It was only in the early 1970s that the United States truly became democratic.

Parties that view their rivals as illegitimate are more likely to resort to extreme measures to weaken them. Indeed, the Republican Party has increasingly abandoned established norms of restraint and cooperation—key pillars of U.S. political stability—in favor of tactics that, while legal, violate democratic traditions and raise the stakes of political conflict. House Republicans' impeachment of President Bill Clinton in 1998 represented an early instance. Senate Republicans' refusal to hold confirmation hearings for Obama's Supreme Court nominee in 2016 marked another.

At the state level, Republicans have gone even further, passing laws aimed at disadvantaging their rivals. The most blatant example comes from North Carolina, where in late 2016, the lame-duck Republican legislature passed a series of last-minute laws stripping powers from the newly elected Democratic governor. Meanwhile, Republicans in more than a dozen states have introduced legislation to criminalize certain kinds of protests. Even more disturbing are new restrictions on voting rights, which have been justified as efforts to combat massive voter fraud, a problem that simply does not exist. These laws have been concentrated in states where Republicans have recently taken control of the legislature but hold only a slim majority, suggesting that their true purpose is to lower the turnout of voters likely to back Democratic candidates, such as nonwhites. Trump, for his part, has given such initiatives a boost. Not only has he falsely claimed that the 2016 election was marred by massive illegal voting, undermining public trust in the electoral process, but his Department of Justice also looks poised to begin defending states facing lawsuits over their suffrage restrictions.

Trump has thus ascended to the presidency at an especially perilous time for American democracy. His party, which controls both houses of Congress and 33 governorships, has increasingly turned to hardball tactics aimed at weakening the opposition. As president, Trump

himself has continued to violate democratic norms—attacking judges, the media, and the legitimacy of the electoral process. Were his administration to engage in outright authoritarian behavior, polarization has reduced the prospects that Congress would mobilize a bipartisan resistance or that the public would turn against him en masse.

THE FATE OF DEMOCRACY

What could halt the United States' democratic erosion? There is little reason to expect Americans' commitment to democracy to serve as a safeguard. Until the 1960s, most Americans tolerated serious restrictions on democracy in the South. Nor should one expect the Constitution on its own to impede backsliding. As the constitutional scholars Tom Ginsburg and Aziz Huq have argued, the ambiguities of the U.S. Constitution leave considerable room for executive abuse on various fronts—including the ability to pack government agencies with loyalists and appoint or dismiss U.S. attorneys for political reasons. In the absence of informal norms of restraint and cooperation, even the best-designed constitution cannot fully shield democracy.

The press is also unlikely to prevent backsliding. The mainstream media will continue to investigate and denounce wrongdoing in the Trump administration. But in the current media environment, even revelations of serious abuse will likely be eagerly consumed by Democrats and dismissed as partisan attacks by Trump supporters.

Those pinning their hopes on pushback from the bureaucracy are also likely to be disappointed. The United States lacks the kind of powerful career civil service found in European democracies, and Republicans' control of both the White House and Congress limits GOP legislators' incentive to monitor the president's treatment of federal agencies. Those staffing the agencies, meanwhile, may prove too intimidated to resist abuse by the White House. Moreover, Congress controls the agencies' budgets, and in January, House Republicans revived the Holman Rule, an arcane 1876 provision that allows Congress to reduce any bureaucrat's salary to \$1.

The United States' federal system of government and independent judiciary should provide more robust defenses against backsliding. Although the extreme decentralization of U.S. elections makes them uneven in quality, it also hampers any effort at coordinated electoral manipulation. And although U.S. courts have often failed to defend individual rights in the past (as when they permitted the internment of Japanese Americans during World War II), federal judges since the 1960s have generally strengthened civil rights and civil liberties. Still, even U.S. courts are not immune to political pressures from other branches of government.

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Ultimately, the fate of American democracy under Trump may hinge on contingent events. The greatest brake on backsliding today is presidential unpopularity. Republican politicians troubled by Trump's behavior but worried about winning their party's nomination will have an easier time opposing the president if his support among Republican voters weakens. Declining support may also embolden federal judges to push back against executive aggrandizements more aggressively. Thus, factors that undermine Trump's popularity, such as an economic crisis or a "Katrina

moment”—a high-profile disaster for which the government is widely viewed as responsible—may check his power.

But events could also have the opposite effect. If a war or a terrorist attack occurs, the commitment to civil liberties on the part of both politicians and the public will likely weaken. Already, Trump has framed the independent judiciary and the independent press as security threats, accusing the judge who struck down his initial travel ban of putting the country in “peril” and describing the mainstream media as “enemies.” In the event of an attack comparable in scale to those of 9/11, any efforts to crack down on the media, dissent, or ethnic and religious minorities would face far fewer obstacles.

The Trump presidency has punctured many Americans’ beliefs about their country’s exceptionalism. U.S. democracy is not immune to backsliding. In fact, it now faces a challenge that extends well beyond Trump: sustaining the multiracial democracy that was born half a century ago. Few democracies have survived transitions in which historically dominant ethnic groups lose their majority status. If American democracy manages to do that, it will prove exceptional indeed.