
Barriers against Democracy: Rethinking the Nation's Founding: An Interview with Dana Nelson

Interview conducted by:

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Introduction

The interview focuses on Dana Nelson's recent book *Bad for Democracy: How the Presidency Undermines the Power of the People* (<http://www.upress.umn.edu/book-division/books/bad-for-democracy/>) as a follow up to the public lecture she gave at Virginia Tech in 2009 as part of the ASPECT Speaker Series on Neoliberalism and Society.

The Virginia Tech Institute for Policy and Governance co-sponsored a workshop and public lecture with Dr. Dana Nelson, Gertrude Conaway Vanderbilt Professor of English at Vanderbilt University. Dr. Nelson is well known as a scholar of race, gender, and democracy, with a particular focus on the United States.

Professor Nelson presented a public lecture on Thursday, January 22 at 6 pm, on the campus of Virginia Tech. Her paper addressed: "Barriers against Democracy: Rethinking the Nation's Founding." The paper was part of her current book research which tracks the interplay of aesthetic, social and political models of democratic representation, with particular attention to alternative conceptions of democracy practiced and imagined in the early United States.

Q: What was the reception of *Bad for Democracy*? Have you had any provocative discussions with the public so far?

A: One of the first reviews of my book (on Amazon.com) excoriates the last chapter and says what I should have talked about was not the little local solutions but something more systemic, like going to a parliamentary system. The author was aiming for the big solutions. And I emailed him and said 'thank you, I'm delighted that you've posted that online. It's wonderful to have that kind of debate. And, I completely agree with you.'

Q: So why didn't you discuss constitutional reform in the book?

A: I didn't want to argue for the parliamentary system or changing the constitution in the book because I wrote this book for the general public, not an academic audience, and I didn't think that I could tell the American public that not only should we question the office of the presidency but we should also overturn the Constitution. I thought, 'one radi-

cal proposal at a time,’—in other words, I wanted to offer things that would seem doable to most Americans, which is what I said to this reviewer. And, he emailed me back. It was pretty hilarious. He said ‘yeah I didn’t think of it that way.’ I’m delighted that he put his review out there because I think people need to start having those kinds of conversations more publicly. If other people jump off from my more modest proposals and make more radical proposals than mine for democratizing our systems; great! If those kinds of debates about the people’s ability to mold their political destiny can begin, if people can start imagining that we have a right to do that, wonderful! This is important because I think that some Americans feel like the police will come get you if we say we should have a different constitution, that we should have a different form of government. I actually think one of the worst aspects of the PATRIOT Act is that its simple presence can lead people to think that you can be apprehended for questioning our form of government or our leaders. That’s scary because the Patriot Act’s public mythology may well inhibit creative democratic debate. So, those are the people I really want to talk to with this book. It’s important now more than ever to speak truth to power, whether that’s popular mythology or government.

Q: One of your primary arguments in the book is that the political role of the president quashes political disagreement by centralizing authority and responsibility. Your answer to the ‘president as ruler’ mentality is an increase in civic participation and activism. In regards to the office of the president itself, how might we reconceive this figurative role: as a mediator, commentator, or simple announcer of deliberative outcomes? To what degree do you think the president should maintain current privileges? By what means might we achieve a scaling back of these precedents?

A: I think that my answer to the first part of your question, ‘how could we reconceive the president’s role,’ was basically Ron Paul’s answer during the Republican Party candidate debates: ‘look at the Constitution.’ I point out in the book that the Constitution doesn’t name the president the leader of democracy. That is a role that we have foisted onto that office; but that is not his constitutional role. I think that we should just let the president perform the role that the constitution gives him.

Now, saying that is one thing. Obviously, in terms of what legal scholars like to call the living constitution, the president’s constitutional role has vastly evolved over time. And that goes to the second part of your question. There are two different kinds of questions here.

The first question is ‘what is the president’s relationship to democracy?’ In my book I argue that we should stop thinking that the president has any real or fundamental relationship to democracy. Democracy is the people’s job. So, we need to stop thinking we need a leader for democracy and we need to stop thinking that the president is that

leader. Two separate points. But, the second part of that question is hard, which is that given that the office of the presidency has accrued so much power because of our desires for the president to lead democracy, be the leader of national unity, be the person who keeps the nation and the world safe for democracy, and who sets the moral tone for the nation and the world—all of those extra things that have nothing to do with his executive function in relation to federal law. How do we scale back those enormous grants of power, the power for instance now that congress has given the Secretary of the Treasury so much power over the budget and economy and future debt for future generations and taxpayers: how do we get that back? Those are really tough questions. I don't think the answer is simple. Congress has to do that work, as I argue in the book (as does Gene Healy, who has also written about in a book called *Cult of the Presidency*, about the dangers that the expansions of the executive office are posing).

One thing that makes that project difficult, though, is that Congress is not particularly well equipped to protect its own branch interest. We're always praising the foresight of the framers, but what the framers did not foresee as they carefully balanced the three branches of government imagining that each branch would protect its own branch interest is that Congress is not structurally engineered for that. Congress does not answer to itself as a branch; Congress answers to its districts and its states. So, anytime that the president does what he's supposed to do according to the Framers' scheme, which is to protect his branch's interests and accrue more power for it, it turns out that Congress is not equipped to meet him as a branch, because they're going to have to respond to their electorate: their districts and their states. And, typically, because American citizens love unilateral behavior on the part of the president, because it looks decisive and unifying, they support the president. So, Congress, in order to curry votes with their constituents will also support the president, thereby giving away branch interest.

So, how do we deal with that? The best answer I can think of in terms of form of government is citizens have to mobilize. We have to start opposing presidential unilateralism and we have to do that on principle, which means we have to oppose it even though we agree with what the president is doing simply because it's bad for democracy—for our power as citizens. As for instance, right now, as Obama acts unilaterally to broad acclaim with regard to foreign interest and national security as well as to the economy, we're going to have to lobby our Congressmen to be more involved in these decision-making processes, even when we agree with Obama's policy aims. Citizens have to make it clear to Congress that we want them to protect their branch's interest. And that we'll consider that they're doing a great job when they're behaving in ways that fortify the Congressional branch over and against the executive and the judicial branches. And, so, that's the best answer I mean, maybe other thinkers can come up with better, more quicker, more effective solutions than that, but, at least in terms of what I can see right now, that seems to me like the best answer working within the system.

Q: Well, it seems like your concept of scaling back or, you know, metaphorically this scale, this balance of power, is centralized on the one hand, and you want to bring it back to Congress, representing more of the general populace in some conception, whether it's the mass, or the mob, or whatever.

A: Or a huge constellation of diverging interests . . .

Q: Would you say that's a process of dissolving the power and then shifting that scale? Do you think it has to happen through a Ron Paul-type figure who would divest?

A: It would be so nice if he weren't so crazy. Because I love his answers about executive power. His and Dennis Kucinich both. I wish they'd both quit running for president and help us organize for this scaling back of executive power.

Q: It seems like you're arguing for this bottom-up approach, in bringing power back to the people.

A: And I don't think it would hurt to lobby for a new constitution while we're at it. There's a terrific book by political scientist Sanford Levinson called *Our Undemocratic Constitution and What We Can Do About It*. And that certainly would be the kind of thing I would lobby for. There's also wonderful book with a horrible title (which is typical of Cambridge books: they give all their books really ugly titles). It's something like a *Centripetal Theory of Democratic Government*. The authors use a comparative method and argue that when you look at democratic government models, the governments with the highest democratic outcomes tend to be parliamentary systems with prime ministers, not presidents; they tend to be strongly centralized, not federal and state managed, but strongly federalized; and, they tend to work on proportional models of representations. So, they run on PR systems and not single member district voting models, winner take all models, such as those that the United States favors.

Basically, they're the democratic governments that are at the opposite end of the United States' model for government if we were to put them on a spectrum. A running joke I have with friends is that I don't want to be ruler of the world, because, I don't want to rule anything. But I would love to be *coordinator* of the world. I would love to tell everybody how to do their job (this of course is a deeply anti-democratic fantasy which is why it's a good thing it's only a fantasy!). So, if I got to be coordinator of the world, I would give the United States, exactly that kind of government. That would be a radical shift in political culture for the United States because we really love the states rights versus federal government debates and it would be hard for most Americans to imagine losing

that as an aspect of our national political identity. But, if we could affect that kind of political shift, I think we would probably have a form of government that could produce more satisfyingly democratic outcomes. For now, though, you have to go to places like Finland and Scandinavia to have those forms of government—you get democracy but it's cold and dark! That would be the kind of conversation I would love to see Americans having about the Constitution if I were coordinator of the world.

To finish with the joking, though, my hopes for those kind of systemic changes aren't very high just because I think political culture is so deeply attached to culture. And it would be very difficult for the United States to shift away from a states and federal government model to have a more strongly centralized government. I would even go so far to say it would be an impossible political shift for the United States culture. So, I'm not optimistic about that particular change even though I'm personally very attracted to it.

Q: To compare the American model with the countries in Eastern Europe, the president has a representative function rather than governing one and has a tendency to grapple for more power. In many cases the President argues for increased power based on the perceived success of the American model. However the President is normally seen more as a mediator or a commentator, and the person that greets us for the New Year?

A: [laughs] president as greeter. I love that! He's the butler to the White House.

Q: That's how we see him, as somebody who greets foreign dignitaries and is otherwise ignored. What is about American 'presidentialism' that is so unique as compared to other 'democracies' in Europe? Is it something to do with charisma?

A: Charisma is a problem for a deliberative political process. I discuss this in my book. Many argue that we need our leaders to be charismatic—that we wouldn't follow them without charisma. But some sociologist and anthropologists flip the formula, suggesting that charisma is not so much about the intrinsic qualities of the person we are talking about so much as the people's desire to be led—and this is the problem I'm trying to get at in my book. Maybe in Bulgaria people so far do not have a terrible desire to be led by one person, which we do more so here. And (except maybe for Berlusconi) I do not think of Europe, which for the most part, runs under parliamentary models where prime ministers and presidents divide the symbolic role.

One of the things that the framers did wrong was to conjoin those two to make the functional executive also the symbolic head of state because when you put those together that becomes very centripetal and invites the dynamics of charisma in ways that can be very deleterious to democracy. Governmental models that have split those roles do not

really allow too much power to accumulate in either prime minister or president and does not make either one centripetal to the function of government. Latin America has far more of the strong presidential model and as we see with Hugo Chavez there is constantly the danger that the charismatic leader will accrue powers that unbalance what in the liberal modern political model is called mixed constitution, and often do that in the name of the people. In so many ways Andrew Jackson's presidency started this ball rolling in the US. When Jackson drew on his popular vote to claim what is now called a "mandate," he opened up a pseudo democratic connection, between populist movements and charismatic president. So there are a lot of questions to be asked whether populist movements can effectively gain traction under what then becomes the increasingly autocratic leadership of a single charismatic leader. In my historical knowledge and experience, at least, movements with strong leaders are not democratic movements. One of the key arguments of my book is that in so far as you care about democracy you have to be careful about movements that are calling for or depending on strong leaders.

Q: Is that a definitional statement that leadership means responsibility and democracy would be responsibility belonging to the people?

A: Yes, I would say that and I think that there are all kinds of ways to deepen the democratic aspects of US self-government. I don't think we have to overturn the US form of government to create a stronger role for the people and stronger citizenship participation in decision-making. In the Michael Hart *American Quarterly* essay that I was referring to last night, which studies Jefferson's democratic critique of US democracy, he talks about Jefferson's model of representation versus Madison's. Jefferson's model forwarded the notion of the ward Council in order to foster connections between the local and the federal. Kevin O'Leary elaborates this model in his book *Saving Democracy: A Plan for Real Representation in America*. O'Leary's model works within the parameters of the US representative system. Jefferson thought that for every congressional representative there should be the ward Council and that ward council would advise the representative and federal government. Kevin O'Leary presents two variations of Jefferson's idea. He envisions that every congressional district will have council of 100 people and these people can be selected like jury and be drawn by lot or, he offers, you could stage elections for the spots (which strikes me as a bit unwieldy! 100 spaces per ward? How will all those people campaign?) I actually love the idea of selection by lot, which means having to experiment with trusting regular Americans and facing the possibility of having to step up and be involved in a meaningful way in the decision making process. O'Leary talks about the power of technology to connect these councils. In one version they can have a public opinion role by deliberating on some of the issues that congress is currently debating. I think he is working on a three-year model so each person appointed will serve for three years. In the second year of their service they will be eligible to serve and step out of their local council and serve two



years on a national übercouncil that will coordinate the regional councils and set the agenda for what they are going to deliberate in each session. So you would be very likely to know one of the people in your congressional council and you might be very likely to be appointed to it as well and people will have public opinion produced through informed deliberation that could in turn inform how your congressional representative is actually voting on certain issues.

The second stage of the model (which I like best) is that the people's branch—all these ward councils together—will have decision-making power including the ability to veto and approve bills passed by congress. So, in this version it will have policy and legal muscle. Hart talks about this kind of power for the citizenry as a more "continuous" form of representation instead of the disjunctive, Madisonian system—where the people are symbolically but not effectively connected to the political process (this is what Woody Holton describes as "the invisible fence" in his book *Unruly Americans*—where our governmental system describes itself as democratic and open and then you discover you have no ability to impact on national the federal governmental process). Rather than this kind of disjunctive synthesis that advertises itself as one thing and operates as something quite different, we would have a much open model where citizens will be much more actively involved in decision-making. We can employ James Fishkin's ideas too (*Voice of the People*) and televise the local councils, and people will have a reason to show up for their local council in a way that you cannot just show up at congress.

So I think that there are ways to play games with the model that we do have—the Constitution—so that people have more meaningful self-leadership role without really making a huge change to the American system. O'Leary's second "game" will deliver a fourth branch— a *genuine* people branch—rather than the currently denominated "democratic branch" (the legislature) that is internally checked by the senate which continues to be the filled by millionaires.

Q: You focused on the beneficial consequences of active civic participation, but what are your thoughts on potential detrimental consequences brought by a more activist culture?

A: I do not think I focused on the beneficial ones either. I have focused on the structural aspects that make it possible. But you are right in assuming that I am optimistic about the benefits that those structural changes might bring with them. Political realists tell us that regular citizens do not want to be involved in politics. Scholars like Carl Schmitt tell us that regular citizens are idiots or infants on the political scene as he put it so really the only smart thing citizens can do is to hand over their power to a more qualified representative. In Schmitt's scheme is the only thing citizens can do is alienate themselves from their political agency. As you can see I have no patience for political realists or rational choice theorists. We live in a culture that actively dumbs down citizens. We are



taught as children that our most important power comes in our purchasing power, that all our choices are either literally or analogous to consumer choices. We are taught that there is not much in politics that you can not get in a 5 second sound- byte—or that most Americans don't have patience for more than 5 seconds worth of political argument. I simply do not believe that. Look at how many people spent hours and hours over more than two-year period following this last presidential election. I think that people have a lot of energy for participating in politics. We live in a political world that give us no meaningful place to put that energy so we sit in front of our televisions participating as best we can. I was astonished at the degree to which regular people could tell you what the particular candidates' policies would be.

I think if you create a process that will empower people to have information and to deliberate meaningfully and have meaningful input into decision-making—well, I guess we will find out. I do not think we will know until we try it—but open system models elsewhere—like on the Internet in wikis—would indicate that we could expect some success.