

“REVITALIZING DEMOCRACY”: SOME CAVEATS

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Talk about revitalizing democracy makes me nervous, and I want to assume that the function of this roundtable is to allay my nervousness. It makes me nervous because I firmly believe in those two adages: “If it ain’t broke, don’t fix it,” and “Be careful what you wish for; you might get it.”

First, is it broke? Now I think, in many respects, American democracy is less broke than it has ever been in the sense that people are certainly more able to vote than they have ever been. The great success of the voting rights acts and the greater ease of voter registration mean that if people want to vote, they can. The question is, why do they not want to vote in greater numbers.

But democracy, of course, is not just voting. And the assumption that somehow we have a terrible democracy deficit is questionable, at best, and needs examination. Robert Putnam, in a footnote to his book *Bowling Alone*, has the following statement:

In the mid-1970s Americans were about twice as likely to take an active role in political campaigns as were citizens in Britain, Germany, Austria and the Netherlands Nearly twenty years later, Americans tied for third place among forty democracies (old and new) in the frequency with which we sign petitions, though Americans ranked twentieth out of forty in the frequency with which we discuss politics with our friends¹

So it’s not entirely clear just how broke it is.

I’m impressed by the fact that the calls for the revitalization

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1. ROBERT D. PUTNAM, *BOWLING ALONE: THE COLLAPSE AND REVIVAL OF AMERICAN COMMUNITY* 447 n.1 (2000) (citations omitted).

of democracy by and large—not always; for instance, my friend Richard Parker is a striking exception—take the form, “If only we’d revitalize democracy, then we would outlaw cigarettes, then we would outlaw guns, then we would have single-payer health insurance, then we would have animal rights legislation.” This leaves the impression that the call for the revitalization of democracy comes from persons who have somehow failed to capture the nation’s attention and have certainly failed to gather a national consensus, not as revealed by telephone polls, but as revealed by a willingness to actually make an effort, such as the effort of voting. And having failed to have that effect, they cannot bring themselves to believe that the reason for their failure is the intrinsic lack of appeal of their propositions—of what they have to sell—rather than that somehow the marketplace is inhospitably rigged against their nostrums.

It is quite interesting that the countries to which we are often asked to compare ourselves, as we are wringing our hands about the impotence of American democracy, really are not in a much better case. Take France and Germany, for instance. Their intractable problem relates to how to adjust their very generous social safety nets and regulatory strangleholds in order that their societies should become more productive and competitive. It is very striking that their unemployment rates are two, three times the size of the American unemployment rate.²

Everybody in those countries understands there is a problem. The head of the Bundesbank says that they must do something, the French government says that something must be done about pensions, and so on.³ But there is utter and total

2. See EUROPEAN COMMISSION, DIRECTORATE-GENERAL FOR EMPLOYMENT, INDUSTRIAL RELATIONS AND SOCIAL AFFAIRS, *EMPLOYMENT IN EUROPE* 130, 133 (1999) (showing an average unemployment rate of 11.7 percent for France and 9.4 percent for Germany in 1998); INTERNATIONAL LABOUR OFFICE, *YEARBOOK OF LABOUR STATISTICS* 457 (1999) (showing an average unemployment rate of 4.5 percent for the United States in 1998).

3. See, e.g., *Bundesbank Says Signs of Economic Recovery in Germany Are Increasing*, AGENCE FRANCE-PRESSE, August 24, 1999 (noting that even while Germany was experiencing economic recovery, the future of the government’s tax reforms and pension system reforms were sources of considerable uncertainty); Debbie Harrison, *The Ideological Divide: State Provision*, FIN. TIMES, October 5, 1999, at 2 (noting that, while “[t]he burden imposed by overgenerous state pension systems in Europe is well documented,” there is no consensus across nations on what should be done); Anne Swardson, *Pensions Threaten European Economies*;

paralysis. Now, are people calling for revitalization of democracy there? The voting rates are much higher in those countries than they are here, but I don't think that proves as much as it is supposed to.⁴

So my sense of it is that the call for the revitalization of democracy is very much a call—a *cri de coeur*, in fact—for the solution of sometimes insoluble problems. And the usual instinct is to lay a failure of substance at the door of process.

Now, that's the "Is it broke?" part of it. Then there is the "Be careful what you wish for . . ." maxim. What do we get if we do "revitalize" democracy? I am afraid that the calls for revitalization all take the form of, in fact, modulating our politics so as to make them more likely to deliver the particular solutions that the revitalizers believe revitalized politics will deliver. This notion makes me extremely nervous, because I think that this really is not a leveling of the playing field, but simply a rejigging of it to produce a particular score in a particular game. I am not sure it is a game I am interested in playing, and I am sure that if I did want to play it, I would not like the score.

So that is my unease, of which this worthy panel, I am sure, will cure me by the time we rise.

Question from Audience: "Since democracy is not an end in itself, what is it a means to?"

The answer to that question comes in two steps. First, it is an inescapable premise of any discussion that we will have government of some sort; that is to say, people and rules governing our lives. The virtue of democracy is that it expresses the fact that nobody is better than anyone else and that, therefore, the people, who ought to be making up the rules, are *all* the people; that no one group should be making up the rules for everybody. Now, that is a very simple-minded notion, but I think that is the notion that is behind it. As a

Governments Ill-Prepared for Crisis of Retiring Baby Boomers, WASH. POST, Apr. 26, 2000, at A1 (reporting that, while the European countries, including France and Germany, are well aware that their pension systems are under stress, they are delaying any decisions on reforms).

4. France and Germany held elections for their lower chambers in May, 1997 and September, 1998, respectively. France saw voter turnout reach 67.9 percent, and Germany saw 82.3 percent voter turnout. By contrast, the U.S. saw 34.3 percent voter turnout for its upper chamber election in November, 1996. See ECONOMIC COMMISSION FOR EUROPE, UNITED NATIONS, TRENDS IN EUROPE AND NORTH AMERICA 1998/1999, at 216 (1999).

matter of political legitimacy, in a world where we will not all agree about things, we need to have a mechanism for saying, "Well, don't you see, even though the outcomes are not as you prefer, you were part of a process that counted you as a free and equal citizen."