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December 7, 2018: Needed: A Party of Democracy

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Title: Needed: A Party of Democracy

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12/7/2018--The op-ed below was intended for a newspaper, but was never published. So, here it is.

Since the election of Donald Trump as President, Americans have worried about the end of democracy. Our main focus has been on the sins of “the other side.” Events since the Midterms, however, demonstrate that Americans as a whole have lost faith in democracy. We now need a political party dedicated to democracy itself.

Certainly, the Republican Party has shown contempt for democracy. From unnecessary Voter ID laws, to voting roll purges, to even outright threats and intimidation, Republicans have focused on suppressing opposing voters. Some Republicans even joke about making voting “a little harder.”

Unfortunately, in the 2018 election cycle, and its aftermath, the same willingness to violate democratic norms has been evident among Democrats. Three or four of the flipped seats that gave Democrats their majority in the House of Representatives came about because of a new Congressional map imposed by a four-vote Democratic-Justice majority on the Pennsylvania Supreme Court. That decision violated legal regularity: settled law was overturned without argument; a grossly compressed trial schedule was imposed; the Governor was none-too-subtly encouraged to avoid compromise with Republican leadership over a new map. Republican Justices Tom Saylor and Sallie Mundy protested, but only Democratic Justice Max Baer voted both to condemn gerrymandering without endorsing these violations of judicial norms. His was a vote for democracy.

In close elections in Florida, the same lust for victory at all costs could be seen. Democrats showed no concern with seeming irregularities in the vote-counting process. Even if no violations took place, it was obvious Democrats just wanted to win.

Other fallout from the Midterm elections also showed a lack of concern by Democrats about principle. While Democratic candidates for Congress scrupulously avoided talking about impeachment of President Trump on the campaign trail, calls for impeachment emerged almost immediately after the polls closed.

Then there was the willingness of the Democratic Party leadership in Congress to ignore the Constitution in condemning President Trump’s naming of Matt Whitaker as Acting Attorney General. The Attorney General’s job is not to check the President, but to carry out the President’s policies. Sharing the President’s political agenda, therefore, is not only proper, but necessary. Whitaker’s view of the Russia investigation as interminable and unnecessary is not a conflict of interest, but a political judgment. If President Trump shuts down the Russia investigation, it is up to Congress to impeach and remove him, not the AG to stop him.

However, the clearest indication of the decline of democratic commitment was a widely circulated, post-election column by New York Times columnist Paul Krugman, a mainstream Democratic Party voice, attributing recent failures in Senate races to the unrepresentativeness

of the U.S. Senate.

It is true that the Senate over-represents white voters and rural interests. But, the Democrats in 2018 could not hold onto a Senate seat in Indiana—a State not entirely representative of the nation, but one won by President Obama in 2008. Similarly, Hillary Clinton lost the Presidency because she could not win Michigan, Ohio and Pennsylvania—not exactly foreign territory.

Yes, achieving a Senate majority for the Democratic Party will require convincing a genuinely national majority of the rightness of its policies and candidates. But, that kind of commitment is the heart of democracy.

Democracy is ultimately premised on a moral theory. It is not that the majority has the right to rule. Rather, Democracy is the belief that a majority is more likely to be right over time than is any collection of minority opinion. Democracy requires faith both in my fellow citizens to be reasonable, thoughtful and fair and faith that there are answers to political questions that are objectively right, or at least less wrong, than are other answers. Demographics is not destiny. The job of politics is to persuade people.

If Americans now believe that the universe is just a collection of forces and that political outcomes are just a matter of numbers and money, democracy cannot and will not endure. The Party of Democracy that we need is one dedicated to the kind of deep rationality and trust that truly made America great. That democratic faith has defined America historically. That democratic faith is what we are losing.