**American Democracy: Flaws Across the Pond**

By [Frank Prochaska](http://www.historytoday.com/taxonomy/term/2718) | Published in [History Today](http://www.historytoday.com/taxonomy/term/43) [Volume: 62 Issue: 3](http://www.historytoday.com/taxonomy/term/27491)

*The 19th-century view from Albion of the shortcomings of the US Constitution was remarkably astute, says Frank Prochaska.*

'The Minority': L.M. Glackens' cover for 'Puck', April 14th 1909, shows congressmen engaged in a brawl on the floor of the House of RepresentativesIn assessing the character of American government, one recalls the observation by the historian Henry Adams that politics is ‘the systematic organization of hatreds’. As the next presidential election looms the United States seems to have entered another round of partisan deadlock. The Founding Fathers, it is sometimes forgotten, designed the US Constitution in a pre-democratic age before the emergence of a party system, which they feared could lead, in George Washington’s words, to the ‘unjust dominion’ of ‘unprincipled men’. If they were alive today – and as wise as assumed – they might wish to amend the ageing text that has failed to stem the tide of faction and has become an obstacle to good governance.

American party politics is combative. Belligerence is its essence. In *Popular Government* (1885) Sir Henry Maine, the Victorian jurist and historian, argued that the best justification for the American party system was that it inhibited rivals from killing one another. Maine was just one of a succession of eminent Victorian writers, including John Stuart Mill, Walter Bagehot, James Bryce and William Lecky, for whom American politics and the US Constitution raised universal questions about political behaviour. Their critical analyses, free of American piety, provided trenchant appraisals of  that country’s electoral process. Distance lent perspective and much of their criticism remains remarkably prescient today, if only because the US government retains so much of its 18th-century character.

Maine – a Tory hostile to democracy – admired the Founding Fathers for their conservatism but believed they were unprepared for the rapid development of parties and expected the contrivances of the Federal Constitution to defeat any evil influences that might arise. But the electoral provisions they created in Philadelphia in 1787 encouraged party strife and political corruption, which sprang into vigorous life with greater prosperity, population growth and the diffusion of power with the extension of the suffrage. In America, as John Stuart Mill noted in *Considerations on Representative Government* (1861), all selfish ambition gravitated towards the demos. Like most British commentators he lamented the corruption and conformity in American democracy, which the electoral process promoted. As he saw it, a lack of critical, independent thought led to a passive citizenry that followed the received wisdom ‘with the most servile adulation and sycophancy’.

As the voting public expanded, the American political system perfected party loyalty and organisation. In *The American Commonwealth* (1888) James Bryce, the British ambassador to the United States a century ago, observed that patronage, not governance, was the first purpose of the competing parties. They created an artificial selection process that encouraged mediocrity, while dissuading the talented from running for office. They rarely put forward their strongest candidates, because they had made themselves objectionable to a group of voters or a section of the country. It was more important that party nominees should be faithful partisans than that they should turn out to be effective legislators. It was regrettable if a president or congressman turned out to be a failure, but it was a disaster for the party if it lost an election and was deprived of the chance to enjoy the spoils of office.

In the 19th century the American party system produced a succession of presidents who were, in Bryce’s words, ‘intellectual pigmies’. The Victorians believed that it was the specific nature of the American party system that discouraged men of genius from entering the political arena. To them, the United States did not have the Constitution to thank for its few great presidents. With the rise of Jacksonian democracy corrupt practices and lower standards of probity evolved, with damaging results for the political process. To Mill America was a ‘false democracy’ that favoured local majorities, in which the voice of the instructed minority had no organs in the representative body. In this flawed polity, cultivated individuals, certain of defeat, avoided running for office. As a consequence, they became, as Mill put it, ‘the servile mouth-pieces of their inferiors in knowledge’.

British writers generally disapproved of America’s cumbersome Federal system, in which elected officials, whose chief loyalty was to their local partisans, benefited from opposing the government in Washington, while exploiting its privileges and perquisites. Politicians were content to eat pork and give it away. As a consequence of corruption many candidates saw the enemy in the mirror and ran on an anti-government platform, which the political structure with its divided powers and incessant campaigning invigorated. As the nation expanded, the number of public offices grew and elections proliferated, which opened up greater possibilities for patronage and lobbying. The American moneyed class, as Bryce and Maine observed, had a great affinity for democratic institutions and the wealthy with an interest in government policy spent increasing sums in the wholesale bribery of officialdom.

Alexis de Tocqueville noted that America was a materialistic society that had many ambitious men but few lofty ambitions and that political power had become concentrated in their hands. Arguably his ‘tyranny of the majority’ has proved less dangerous to American progress than what Bryce saw as the incapacity of useless politicians elected by a citizenry with low expectations of government. In a country that sees itself as the world’s most advanced democracy one might assume that it would be thought scandalous that a handful of senators from states with modest populations can block the will of the national majority. Today the 20 least populous states with 40 senators have between them just 10 per cent of the nation’s population. Under the arcane rules of the Senate it now takes 60 votes to avoid a filibuster.

Given the influence of party donors and lobbyists, Americans have come to assume that their political system turns on the corrupting power of money. Their tolerance of patronage and political chicanery is remin-iscent of 18th-century English politics, when an oligarchy ruled and votes and parliamentary seats were bought and sold. (As the Victorians recognised, the US Constitution has many hallmarks of the English constitution in the reign of George III.) But unlike America Britain has a more malleable political system and long ago instituted reforms by handing over patronage to the Civil Service Commissioners and passed measures that restrained electoral corruption.

Keeping party corruption in check is a tall order in a nation with a distracted citizenry and an electoral process that propels mediocrity. It is not helped by the distrust of government that the Victorians found deeply ingrained in American culture. Nor is it helped by a Federal system, which in their view undermined the central government’s ability to respond effectively to a crisis, whether man-made or natural. A constitution predicated on competing sovereignties, which is itself immune to criticism and hard to amend, impedes decisive action. As Walter Bagehot noted in *The English Constitution* (1867), the dignified and executive elements of the presidency do not mesh with the legislative elements of the Congress and the disparate states. Those much admired checks and balances consequently lead to political stalemate, while increasing the antagonism and resentment of the rival parties.

Bagehot, who wrote nearly 40 articles on the United States in the 1860s, thought the division of powers induced paralysis. American political debates, as he put it, were ‘prologues without a play’, which did not ‘stir a noble ambition’. He preferred the British Cabinet system, in which there was a greater concentration of effective power. He compared the US Constitution to a ‘badly drawn will’, which was subject to endless legal wrangling. No Englishman, he wrote, would be much impressed with arguments that assumed ‘that the limited clauses of an old state-paper can provide for all coming cases, and forever regulate the future’. Ageing countries, he believed, outgrow the constitutional clothes of their youth.

American ‘exceptionalists’, who believe the United States has a unique providential destiny, see their constitution as fitting all sizes. But their reverence for the document is arguably a triumph of faith over experience. Contrary to popular belief, the framers did not seek to create a democracy, which they associated with anarchy and corruption, but to secure the Union. They fashioned an 18th-century republic that required the expression of civic virtue and restraints on party factionalism in order to flourish politically. As the nation became a ‘democratic republic’ in the 19th century history justified their anxieties about popular government and the perils of partisanship. But devotion at the constitutional altar discouraged normal ‘observational’ methods and a priesthood of lawyers took charge of the Sibylline Book.

The Constitution has satisfied the desire of Americans for union. It has served as a binding force, encouraged commerce, protected property and provided the wherewithal for the orderly transition of power; but it has failed to provide political contentment. Treating it like scripture has blinded the citizenry to its defects, which were more apparent to dispassionate foreigners. In the early republic few Americans took the Constitution to task for tolerating slavery. Few complained of the difficulty in amending a document that was designed to favour the status quo over reform. Fewer still made distinctions between an abstract, idealised constitution and the practical realities of governance. As long as the Constitution remained a sacred text above politics it discouraged analysis of American government as it actually functioned.

Bryce argued in the 1880s that reverence for the American Constitution had ‘become so potent a conservative influence that no proposal of fundamental change seems likely to be entertained’. Nor is there any likelihood of elementary change today. Even the Electoral College, which every Victorian commentator thought obsolete, appears beyond reform. Americans have a remarkable attachment to the doctrines of ‘Strict Constructionism’ and ‘Constitutional Originalism’. But can they be called democrats when they are defending the rectitude of a pre-democratic document, ratified by members of the conventions of the original 13 states, which excluded the great majority of the population from the vote?

Historians, who judge from past examples, might be pessimistic about the future of a country where corruption is rampant and reform problematic. Still, as the historian William Lecky observed in *Democracy and Liberty* (1896), the American people often greet the profligacy of political life with equanimity. Life is elsewhere in a nation where the best and brightest remain apart from politics. There is a prevailing optimism that enables Americans to have hope for the future even when they are anxious about the present. As Lecky saw it, Americans had a naive belief that for all the nation’s miseries the ‘survival of the fittest’ would eventually come into play and ‘the turbid element of corruption will clarify, and its worst constituents sink like sediment to the bottom’.

To the British, who do not treat constitutions as sacred creations, it seems surprising that Americans, who vote on virtually every conceivable issue, from gay marriage to the legalisation of marijuana, have never had an opportunity to reconsider their 18th-century constitution in a referendum. The great paradox of America is its simultaneous belief in the future and its veneration of the past. A restless, pragmatic people has sanctified a rigid, pre-democratic constitution, which, as Bryce put it, was built for ‘safety’ not for ‘action’. This suits conservatives, who are wary of democratic change, better than liberals, who believe democracy necessitates legislative reform. The deeply conservative Maine, who once compared ‘democracy’ to ‘death’, applauded the US Constitution because it suppressed the popular will.

Like a constitutional monarch, the US Constitution is arguably more valuable as a source of national unity and a symbol of a distinctive political culture than as an instrument of governance. The Founding Fathers would perhaps be surprised by the veneration with which it is treated today. They recognised that they had produced an imperfect tool, beset by compromise and unresolved issues. Less than a century later it failed to prevent the bloodiest war in American history – against fellow Americans. It also fostered the political factionalism dreaded by its framers, in which hatreds and prejudices became so ingrained that the party mills operate even when, as Bryce put it, there is little grist to grind. One might see the Victorian critics of the American party system as carrying forward the arguments of Madison and Washington, who had depicted factionalism as an endemic threat to representative government.

Americans have failed to still the anxieties of *The Federalist* essays (1788) about the inherent dangers of organised parties. The Victorians observed that uncritical veneration of the Constitution left the United States politically immobilised at important moments in its history, unable to remedy the faults in its electoral structure. Checks and balances in a system of multiple sovereignties induced a constipated politics of entrenched, combative partisanship. Consequently Americans have evaded the constraints on governance less by amendment than through the courts – and by stealth. It is worth recalling that when it has suited them most of the more memorable US presidents, including Jackson, Lincoln and Franklin Roosevelt, disregarded the Constitution that they professed to revere. For no politician in America has the courage to say of the Constitution, as it is said of kings: ‘the King is dead, long live the King.’

Frank Prochaska is the author of *Eminent Victorians on American Democracy: The View from Albion* published by Oxford University Press.