

## I

Once in a while, Republicans are right. They are right to invoke personal responsibility. They are right to recognize the importance of civic ritual. And they are right to argue that “patriotic history” is a thing. When our democratic heritage is disrespected, civil society is in extreme peril.

For too many Americans, the democratic character of our republic is expendable. To be sure, everyone loves democracy when it yields the outcomes they want. But democracy is its own discipline. It creates its own set of civic and moral imperatives. Democratic freedom is not merely one right among several. It is the *First Freedom*, the basis for every other right.

Democracy is like children playing baseball on the sandlot. Once upon a time, before Little League, youngsters had to simultaneously cooperate and compete. Disputes, such as whether the pitch was a ball or a strike, or the ball was hit fair or foul, or the runner was safe or out, had to be resolved on-the-fly. When disputes were unresolved, the game, in all its beautiful glory, would grind to a halt. Authoritarian countries are like contrived games, with gussied-up fields, uniforms, cheering parents, and umpires. Democracy is like that sandlot, where the “rule of law” is based upon shared equity in the game rather than the say-so of some “umpire.”

The claim that ‘our country is a republic and not a democracy’ is a distinction without a difference. The Founders equated republicanism with government by popular consent. To be sure, our conception of “the people” has evolved from that time until this, and for the better, but even in the late 18<sup>th</sup> century, the Founders had an expansive take on governmental accountability.

The Founders *did* have a different conception of statecraft than we do today. Remember, they were still within shouting distance from the slaughter-bench of throne-and-altar politics. In their minds, republican nations varied from monarchic nations in the same way that democracy varies from tyranny. Today, of course, there are democratic monarchies, such as Great Britain and Sweden, and tyrannical republics, such as Russia and North Korea. But at the time of the Founding, much closer to medieval Europe, to be a small “r” republican essentially meant that you were a small “d” democrat.

While few among the Founders were pushing for Athenian-style democracy, our republic—or at least the republic of our patriotic heritage—is impossible without democratic representation. As the Declaration of Independence points out, government may be designed to secure our rights, but the *arbiter* of those rights is government which governs with the consent of the governed. When we are indifferent, or worse, about ensuring that government accurately reflects the will of those being governed, we betray the most elemental and sacred part of our civic inheritance. The Founders may have insulated some layers of government from the people, but when Election Day arrives, they did not intend for some voters to be more enabled than others.

## II

Here is a thought experiment to try with your Republican friends: is our country better-off if the Democrats win an election fair-and-square or the Republicans win by cheating? As a Democrat, I gladly acknowledge that I would rather Republicans win fair-and-square than Democrats win with a cheat. How many Republicans are able to make the same acknowledgement in reverse?

As citizens, our most important duty is to think rationally about the world around us. This bears repeating: other than sacrificing limb and life for our country, there is no patriotic act greater than rational thinking. Fidelity to reason is a Jeffersonian virtue. It is literally an *American* virtue.

The United States grew out of the British Enlightenment. We are not a country ginned-up from the standard mix of race, religion, language, and culture. The United States was built from rationality and science. We may have been Christian colonies, but it took the Enlightenment to make us a republic.

Nor is rationality about “political correctness.” Being rational is a process, not a product. There are reasonable liberals and reasonable conservatives. The true “road to serfdom” begins when citizens are no longer expected to be reasonable.

Our capacity to discern “natural rights” is derived from our rational faculties. The laws of nature are eternal, to be sure, but our knowledge of those laws is imperfect. And yet, our knowledge today, however imperfect, is *less* imperfect than it was yesterday. The Founders had Copernicus, Newton, and Adam Smith; we have those guys, *plus* Darwin, Einstein, and Keynes. We know more about natural law than the Founders and, barring the advent of a new Dark Age, our knowledge tomorrow will be greater than it is today.

To put it another way, the Founders were scientifically-oriented. They sought self-evident truths. They adhered to deductive and inductive reasoning. They were not particularly religious, although they saw the social utility in churches and synagogues. Rather, when it came to the questions which defied science, they were inspired by natural law theory to maintain a discipline of moral rationality. This raises an important patriotic question: are we more faithful to the Founders by transforming *their* science into *our* civic theology? Or is it more patriotic to simply stick with their scientific methodology? For reasonable people, it is a question which answers itself.

The United States is, and always has been, the world’s singular example of what generic humanity might achieve. We are an exceptional nation precisely because our people are nothing special. Since we are not organized from race, religion, language, or culture, we point to what might work for humanity in general. But it depends upon our fidelity to Enlightenment precepts like reason and science. For Americans, at least, there is no patriotism without rationality itself.

### III

Reason determines what constitutes our “natural rights,” but reason answers to the check-and-balance of democratic processes. Democracy is the crucible which refines human thought. We must convince and be convinced in the public square. Without that check-and-balance, that capacity to reason *together*, personal impulses can easily become confused with material realities. For instance, one may blanch at the prospect of homoerotic sex, but that does not mean gay marriage is “unnatural.” Naturalistic truths answer to reason, not our private instincts and intuitions. Indeed, many naturalistic truths—truths which are aggregative and macro—are counter-intuitive.

Our “natural rights” include, among others, the right to think, to speak, to write, to assemble peaceably, to worship—or not worship, as the case may be—to buy property, and to law enforcement which is dispassionate and impartial. The moral understanding of these rights evolves alongside human knowledge, but *any* version of our rights must use rationality to harmonize competing claims. For instance, we believe in religious rights and we believe in property rights, but what happens when a Pentecostal church’s right to “make a joyful noise unto the Lord” interferes with a homeowner’s right to peace and quiet?

Rights must be balanced against one another, with reason serving as the fulcrum and democracy serving as the judge. It may not be unusual for Americans to believe that this right or that right is more important than democracy itself, but it is wrong. The United States has managed to hold elections through civil war and world war, depression and pandemic, for a reason: our right to democratic representation—not religion, nor property, nor even speech itself—is unassailable. It alone does not need to be balanced against competing rights. Again, democracy is the *first* right, that is to say, the First Freedom.

Reason preserves our freedom and the democratic character of our republic is its civic—and therefore moral—absolute. There is no rational balance of our rights without ultimate deference to the will of the people. This is not the same as deference to jerry-rigged legislatures. True democratic deference has to do with ‘forming a more perfect union,’ where government, however insulated from the passions of the moment, more perfectly reflects the will of the people—*all* the people and not just some privileged segment.

You have probably heard people say, “I do not agree with that fellow, but I respect his passion.” This is exactly wrong. What is respectable in a person is the rational content of his perspective, not the depth of his conviction. Our emotions are a fact of life. The presence of emotion does not mean rationality is absent nor does the absence of emotion mean that rationality is present. Our emotion and reason coexist, but civic legitimacy is a function of principle, not belief, and principles are derived from reason alone. We are entitled to our fury, but in itself, fury proves nothing, means nothing, *is* nothing.

Since the means determine the end in the life of a country, it is useful to remember this aphorism: ‘where winning is the religion, cheating becomes a sacrament.’ When Republicans argue that they are the only barrier to the “leftists” taking over, they ignore the key thing about a vibrant democracy: it *cannot* be taken over. The next election is always right around the corner. In a democracy, *any* set of policies, liberal or conservative, has “accountability moments.”

Nor is democracy ‘two wolves voting to eat one lamb.’ As Jacques Ellul pointed out, a cornerstone of democratic citizenship is respect for minority opinion. In fact, the threat to democracy generally comes the other way, from a powerful, dogged elite suffocating the general will. They use an old playbook, as though the American majority would confiscate property and institute re-education camps. In what universe do Americans deny a person his right to make an honest buck? As Joe Biden might say, “come on, man!” With reference to imprisoning people who “think the wrong way,” only those who would violently disrupt democratically-constituted government should have anything to fear.

It is true, however, that we are not stuck with *oligarchic* authority. There may be an organic nexus between wealth and power, but the Great Prosperity back in the mid-century showed how that nexus might be broken. During that period, we transformed ourselves back to a middle-class country, a Jeffersonian republic. Today, due largely to Republican contempt for democracy, we have become a banana republic. Celebrating our sturdy middle-class virtues was replaced by celebrating the characteristics of oligarchs. Low in civic competence and low in moral character, the hyenas have overtaken Pride Rock.

#### IV

Back in the 1950s, the United States was reeling under the pressure of the Cold War. We look back on McCarthyism with a shudder, but there was actually a legitimate basis behind that activity. Our democracy does *not* need to countenance those who would overthrow it. Whether from the left (communists) or from the right (fascists and other authoritarians), “free speech” does not include the speech of those who would violently shut our democracy down. This was the baseline principle animating McCarthyism and it remains true today.

Until fairly recently, we had a tendency to conflate democracy with capitalism. We thought that capitalist countries are inherently democratic. The market was seen as liberalizing; if market reforms were instituted, then political reforms would follow. We fell away from the civic lessons imparted by the Great Depression and World War II. As those events slowly faded from living memory, we came to see capitalism, rather than democracy, as the vessel for our natural rights.

To be sure, our country has always been about democratic capitalism. We are all democrats and we are all capitalists. But what happens when the principles of democracy

collide with the principles of capitalism? During the Cold War, this was not an issue. We assumed that, as communism correlated with dictatorship, capitalism correlated with democracy. It turns out, however, that many influential capitalists are just as comfortable, perhaps *more* comfortable, living in an authoritarian and anti-democratic country.

And so we get the willingness to play games with hard-earned democratic representation. When votes are suppressed, or districts gerrymandered, or the legitimacy of democratic processes is challenged without any basis, it amounts to a deep form of civic treachery. At that point, politics is no longer about right vs. left, capitalism vs. socialism, order vs. mayhem, or even “America” vs. “the mob.” Those distinctions, however frenzied, are *partisan* distinctions. But when *democracy* is assaulted, partisan divisions are supposed to give way to the imperatives of citizenship.

## V

One can sympathize with our conservative countrymen. They have gotten a lot out of Trump’s presidency: lower taxes, less regulation, a right-wing judiciary. It is difficult to walk away from partisan benefits. And when you have been agitated by political operatives over many long years to a fever pitch, it can seem pretty compelling when one such as Trump comes along and promises to wield government power exclusively for your benefit.

It is in the transactional nature of Trump’s Presidency to treat its supporters as “insiders,” with extra privileges and prerogatives. Virtually everyone who backs Trump, from wealthy contributor to rank-and-file “Trump chump,” figures he is getting something from the deal. As an essentially lawless person, Trump basically commits to making it worth your while if you watch his back. This is not policy which benefits this or that “special interest.” This is the more jaded view that government is hopelessly, irredeemably corrupt, where one either rolls with the way the game is played or gets left behind.

But Democrats do *not* roll that way. To be sure, there are Democratic elites who buy their way into access, but the rank-and-file Democratic voter is under no illusion that she will receive preferential treatment from government. It is easy to see *why* a person would want preferential treatment, but that makes it no less contemptible. Trump is not normal, to be sure, but that manner of citizen behavior is not normal as well. It is primitive and pathetic.

American conservatism cannot dodge its culpability for the catastrophic Presidency of Donald Trump: the pandemic, the economic tailspin, the loss of prestige abroad, the collapse of good will at home. Republican operatives created the conditions which led to the rise of Trumpism. Donald Trump may be a middle-finger flipped at Democrats, but that finger-flipping is the byproduct of ceaseless rabble-rousing. However real their suffering, however legitimate their alienation, Trump voters are tools and fools. They

have listened to, and acted upon, the exhortations of right-wing agitators. And that is the most stupid thing anyone can do, regardless of how profound their grievances.

There is no moral failure in believing that lower taxes, less regulation, and a conservative judiciary result in a better America. There *is* moral failure—and on a massive scale—in thinking that lower taxes, less regulation, and a conservative judiciary are more important than our democratic republic itself. Notwithstanding some notable and courageous exceptions, Republicans went all-in to dismantle democracy. They full-throatedly backed a leader as alien to our civic heritage as Benito Mussolini. And when the day comes that Donald Trump is universally reviled, as is inevitable, it should be remembered that he was abetted by Americans, i.e. Republicans, who accepted a corrupt bargain.

## VI

Republicans, of course, wrap themselves in the flag, but nationalism is not patriotism. Any fool can believe that his country is the exception among nations; patriots endeavor to prove it. They hold their country to standards. A principled person holds himself to a higher standard than he holds others and a principled patriot holds his country to a higher standard than other countries. A nationalist is like a man caught-up in an affair: lots of passion, lots of fireworks, but in the end, an illusion. A patriot is like the man in a long-time marriage: he sees his wife clearly, without illusion, and finds her altogether loveable.

When we think about patriotism, we are thinking about a virtue which is its own reason. It is our duty to be patriotic because good citizenship precedes everything else. Our role as citizens precedes our roles as parents, spouses, employees or employers, or disciples of the Almighty. Without our country, excavating safe space for human decency, all that other stuff—family, God, work, love—dissolves into barbarism. We are patriots when we put our country first. However much we love the Lord, or our children, we understand that *nothing* is possible without civilized order. We put our country first, not to wallow in our own virtue, but because, as a practical matter, it *is* first.

When it comes to patriotic history—again, an important and useful concept—our heritage, like the history of all nations great and small, has its share of squalor and cruelties. These United States have not been on a primrose path. Slavery was with us from the beginning. Indeed, many early Americans favored independence precisely *because* England was moving to emancipate its slaves. Hateful rhetoric towards black people was a staple in revolutionary propaganda.

The original sins of slavery and human trafficking stain the Founding, but they do not nullify it. The hard reality, for both the United States and other countries, is that racial injustice is ubiquitous. It is human nature to assess a person's outward appearance—their homes, their clothes, their skin—and form quick judgments. There is a reason for this: we swim in a sea of sensory data and it is useful, even necessary, to shorthand our way to

conclusions. If anything, it speaks *well* of human beings, and Americans in particular, that we have the presence of mind to question the process of racial short-handing.

At this point, twenty-one centuries into the Christian Era, we understand that race is a “false flag,” that, to paraphrase Dr. Martin King, the color of one’s skin is *not* the content of one’s character. This amounts to the triumph of reason, which is the basis and the hope of an Enlightenment nation. It also points to the need for what might be called “street diplomacy,” for the ability to see things from another’s perspective. When we lack the basic respect and decency to consider experience beyond one’s own, it is a culpable civic—and therefore moral—failure.

## VII

In this penultimate section, I would like to reflect a bit on our constitution. In addition to being a democratic republic, the United States is a constitutional republic. This may sound weighty and portentous but any country wanting to show that it is governed by laws rather than men has one. Naturally enough, the mere fact a country has a constitution does not mean it is protected from tyranny. Constitutions are a necessary, not sufficient, precondition to rule of law.

In our country, there is a divide between those who think the constitution needs to be interpreted through ascertaining the “intent” of the Framers and those who believe the constitution’s meaning “evolves” alongside our country. Both the “originalist” conception and the “living document” conception are incomplete. The American constitution was conceived because the Articles of Confederation failed and the Founders realized that liberty was imperiled by a *lack* of government. The federal constitution is, above all, an organizing document for national authority. It is a *civic* document.

The best way to interpret our constitution is not with a law degree, but through what it says about *itself*: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” These are not throwaway phrases; they are the reasons why the constitution was written in the first place. When constitutional interpretation is inconsistent with the goals articulated in the preamble, then it is wrong.

The Founders did not *want* their intentions to be divined by an adoring posterity. They swore one another to secrecy. They held their proceedings in secret. Madison’s notes on the constitutional convention were not released until the 1840s. The American constitution was presented fully-formed, like Athena from the head of Zeus, to the American people. It reorganized the structure of government. It gave government a more centralized tilt. Americans in the late 1780s were told to ‘take it or leave it.’ After a long debate and much bellyaching, Americans decided to take it.

When the work in Philadelphia was presented to the thirteen states, the democratizing sensibilities of the American public yelped at the absence of safeguards for personal liberty. There were real concerns that the constitution lacked the capacity to keep government from spiraling into tyranny. Within the decade, of course, suffrage and full citizenship began its long universalizing march, but those early Americans were not going to allow themselves to get the bum's rush. The Bill of Rights grew out of this concern, although from a certain perspective, that earliest set of constitutional amendments created more problems than it solved. Since the enactment of those first ten amendments, Americans have come to see the constitution as explicating our rights rather than outlining our duties. To this day, a perverse interpretation of "freedom" has led many Americans to believe they have the right to infect others with COVID-19.

The constitution is not about knowing and invoking our rights. Does the right to worship include the right to human sacrifice? Does the right to property include the right to spill toxics into the public space? Does the right to speak include the right to incite to violence? Nor is it the sole prerogative of the legal profession to resolve constitutional questions like these. The laws come from the will of the people, meaning that constitutional precepts in this country answer to the precepts of democracy and democratic citizenship. Rule of law is the cart, democracy is the horse.

Since civilized people are obliged to principle, one may think of the constitution as our attempt to attach power to principles. We are duty-bound to make an effort to ensure our principles are rationally consistent. This is why rationality, in conjunction with the discipline of democratic citizenship, is the civic imperative. Principled women and men are not perfect. They are feeling their way towards rational coherence. But principled people modify their behavior in accordance to reason and therefore enable American civilization.

This is in sharp contrast with the belief-infused world of contemporary Republicans. Beliefs are treated as "principles," but they are not the same. Where principles answer to rational inquiry, beliefs merely answer to their own force of conviction. Since the believer ultimately adheres to no rational discipline, he simply does as he will and conjures up a belief to justify it. In other words, "principle" is attached to power rather than the other way around. There is no discipline of citizenship, no rational balancing act to guide behavior, just impulse, defiant aggression, and ignorance masquerading as morality.

When we place rule of law above the democracy which creates the laws, we are not only putting the cart before the horse, we are actually encouraging lawlessness. When the law is sovereign, rather than the byproduct of our sovereign democracy, language becomes disconnected from shared experience. Words can get twisted into anything, and where words can mean anything, they mean nothing. Without democracy at its foundation—our First Freedom—the law becomes an animal to avoid or, if one occupies a position of authority, to weaponize. In the absence of robust democracy, and its discipline of citizenship, we get widespread lawlessness, from the street corner to the corner office to the Oval Office.

## VIII

When we hear that an impending election is consequential like no other, our bullshit detector should be raised high. Elections are consequential by definition. Politics elicit passions precisely because it is meaningful. Politics—and therefore elections—mark the difference between strength and powerlessness, privilege and poverty, peace and war, even life and death. Indifference towards politics is not an option, it is a pose.

The impending Presidential election is an opportunity for Americans to put-up or shut-up about their country. It was silly, in 2016, to think that the likes of Donald Trump could ride herd on the United States, but one nice aspect about democracy is that a course-correction is always the next election away. The not-so-nice aspect is that democracy—and civilization itself—resting upon rationality, rests upon a thin tissue. It can dissolve and become extinct.

In a democracy, the skill-set needed to get people rowing in the same direction is quite different than barking-out commands to followers. Other things being equal, a city councilperson has more of the skills required for high office than the CEO of a Fortune 500 company. Still, it is in human nature to yearn for clarity and certitude. We respect the high-powered CEO more than our local elected officials. We honor military authority more than civilian authority. Even if Joe Biden *does* win, patriotic Americans need to worry about some other asshole rising to take Trump's place in the hearts of Republicans. Donald Trump is a ridiculous buffoon, but the next would-be autocrat could be more clever and more lethal.

After these years of stupid conceits about “running our country like a business,” it seems silly to say that the Democratic Party needs to “re-brand” itself, but the visceral disregard among Americans towards Democrats is palpable. To some degree, this contempt is merited, and to some degree, it is not. In the minds of most Americans, Democrats and Republicans compete on the same playing field and it is difficult not to be disdainful of the team which has such a difficult time with an opponent as conspicuously flawed as the Republicans.

The problem is that Democrats and Republicans are *not* playing on the same field. The competition between the two great parties is asymmetrical. The Democratic Party respects democratically-constituted government and the Republican Party does not. This means that, when it comes to both politics and governing, the two sides are playing different games. It is not enough to whine about the lack of principle on the Republican side. Lawlessness is a feature, not a bug. It is the way Republicans signal their depth of commitment to one another. Again, contemporary Republicans are not working from principle; they work from beliefs which, in themselves, so long as they are fervently held, are seen as conferring legitimacy.

In any “game,” the side burdened with fewer restrictions has a competitive advantage. Fewer restrictions mean more options, more strategic latitude. Other things being equal,

when you give up a rook and a bishop prior to starting the game, you will lose. For this reason, Democrats lose any manner of standard, duopolistic competition with the GOP. To be sure, Republicans may drive the country into the ditch and Americans will look to the Democrats to salvage the mess, but the disdain Americans feel towards the Democratic Party forestalls any kind of longer-term capture of power.

There is an “unless” here. The Democrats are mired in an uphill battle with a lawless opponent *unless* the Democrats become “the Democracy,” Americans will respond when Democrats stop thinking of themselves as a political party and start treating themselves as the living incarnation of our civic inheritance. Americans may be contemptuous of the Democratic Party, but they respect democracy and are open to the idea that the civic struggle is different than the partisan struggle.

Should the Americans entrust “the Democracy” with power, it will be important to move quickly and with great moral clarity to institute civic reforms which strengthen our democratic republic. This includes expanding the Supreme Court, reforming the Senate, and most importantly, establishing electoral reforms which ensure, once and for all, that government reflects the will of the governed. How to achieve these goals is another topic. The Democracy is holding active and interesting discussions towards that end. For now, the important thing to remember is that the divide in our country is not Democrat against Republican, but the Democracy against those who want some other form of republic.

Patriotic conservatives, those who have resisted the siren songs of authoritarianism, need an opportunity to go back to the business of convincing Americans to follow along. The day will come when a revitalized conservatism again wins the hearts and minds of Americans at the ballot box. After all, the conservative streak in the American character is a mile wide. But until then, we are right to treat their violence and threats of violence with contempt. We are right to simply ignore them *except* to the extent they join the Democracy.

The Democracy can pave the way for a better and more representative America. We can create another Great Prosperity. We can build an affluent union for all Americans. We can have a broad dispersion of wealth and income. We can restore the middle class country we knew in the mid-century, this time without bigotry or privilege.

Within mortal limits, we were once close to being a great and good country. Then we regressed. It is in us to be great and good, but the place to start is with the Democracy instituting democratic reforms. And should Trump and the Republicans look for ways to override the will of the people with gerrymandered state legislatures and anti-democratic courts, then every self-respecting American needs to rethink, in accordance with the first principles of American citizenship, what manner of tyranny she is willing to tolerate.

*Civis Jones*