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The American Democracy in the 21st Century

Richard A. Cocozza

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Candidate for B.A. Degree in Political Science with Honors

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APPROVED

Thesis Project Advisor:_____
(Professor Ralph Ketcham)

Second Reader:_____

(Professor Edward McClennan)

Honors Director:_____

Honors Representative:_____

Date:_____

Introduction

Within each and every political decision is a particular process. When deciding which side to come down on in a dispute, one organizes the facts, contemplates the issue at hand, and makes a decision. How facts are organized, and more specifically, what they mean to an individual, is determined by their political ideology. Ideologies, as Freeden states, "map the political and social worlds for us" and in turn, provide "competing interpretations of the facts" (Freeden, 6). Ideology is derived from one's upbringing, education, and family background. Though it has been characterized by some as negative, it is not so much a phenomenon particular to certain political actors or certain disputes, but instead it is a fact of political life. If we want to make sense of how people interact in political discussions, we must make sense of the presuppositions that govern those discussions. Regardless of the organizational framework for deliberation, ideological leanings presuppose that process, and therefore are a driving force in the political world we live in. As the United States becomes more diverse, the numerous political backgrounds that will define future debates will become more at odds with each other, making politics in the 21st Century a battle over how facts will be interpreted, and by whom. Our country has always been a nation of diversity, though it would be reasonable to assume that different sexual orientations, races, and ethnicities will have a larger stake in the political process in future years. For the purposes of this paper, ideologies are beliefs, derived from our "whole life experience" (Rawls), which frame each political dispute that we enter into. They present different interpretations of the facts at hand, and in

turn yield different sides to political arguments. As long as we have free institutions, where a diversity of people and backgrounds define political discussion, ideologies will always be at the forefront in the deliberative forum. The purpose of this paper is to discuss, given the fact of ideological diversity, the path of the American democracy in the 21st Century.

Some may argue that our constitution and its history should guide the precepts of democracy as our nation moves forward. This line of thinking would tell us we should look to the text of the constitution, or to our founding fathers, to determine which values should embody our democratic principles. However, the beauty of our constitution is that it has numerous meanings to different citizens in different contexts. Our constitution had its own ideological derivation. It was born in a time of revolution, where its founders where somewhat distrustful of the citizenry, and in turn was designed so the energy of the federal government would be able to control the momentary passions of mere citizens (Hamilton, 24). Furthermore, a large part of the vision for this new government was elitist, male, and Christian.

Today, we live in a nation rich in diversity, where active citizens bring incredibly different backgrounds and presuppositions into the political forum. Many of the Federalists envisioned the Anglo-Saxon gentry of the colonies partaking in government, where today women, African-Americans, Hispanics, and homosexuals all partake in the business of governing the United States. Those different groups bring their different upbringings, life experiences, and political sympathies into the judicial and legislative processes. And I will discuss

at length in this paper, their abilities to organize in the past have enabled their differential opinions to have a voice in mainstream politics. Diverse groups will learn from this lesson in the modern era, and thus enable a diversity of interests to wield political power in the United States. Therefore, given this increasing ideological diversity, the values that underlie political decisions in the future will be much more complicated then what our founding fathers envisioned.

John Rawls attempted to build a framework in *Political Liberalism* where competing comprehensive visions can come to a consensus on fundamental political values in a free and democratic political society. Rawls discusses some of the important problems that modern democracy faces given a significant plurality of comprehensive doctrines, although falls short on recognizing the importance of political ideology in discussing how fundamental values will be agreed upon. Furthermore, his procedural method weakens his theory's political viability because he makes significant assumptions regarding what is "reasonable" in the political forum. These strict assumptions do allow any flexibility in building a political consensus, which severely limits Rawls' ability to tackle the most pressing issues in a free and democratic deliberative forum. Thus, in constructing a theory of politics consistent with the fact of ideological diversity, my critique of Rawls' theory will, in part, provide a guide of the major issues that my theory must tackle in order to claim political viability.

Therefore, given what we know about the origins of our government and how they are significantly different from the political dynamic of the 21st Century, I will argue that my theory of democracy should proceed by reinterpreting the

classical liberal principles that our nation was founded on with a premium on inclusion as dictated by the fact of ideological diversity. Furthermore, the American democracy must value deliberation at the highest levels, making understanding of competing political notions easier, and adding to the value of diverse opinions. A diversity of ideas will not be amalgamated into a representative political vision and policies based on that vision without deliberation. This is apparent given the societal conditions of the 21st Century and the characteristics of the American electorate. It is equally important that democracy in the modern era be rooted in real politics, not considerations applicable to only academic circles. On the most fundamental level, our democratic principles must be such so our political system is as inclusive as the fact of ideological diversity requires.

Chapter 1 – A Modern View of Ideology: The Fact of Ideological Diversity

1.1 A Historical Analysis of Ideology

Ideology is direct result of social and historical circumstances. Individuals are driven to embrace particular modes of political thought for various reasons, but a widely accepted theory is that dominant trains of thought are a product of social upbringing and historical conditions. Many scholars, within their studies of ideology, use their observations as a basis for proposing a framework by which individuals will view the world absent of the effects of ideology. This, in my formulation, is not possible. Ideology is a fact of political life, and furthermore, it is a fact of human existence. In order to formulate a basis by which the ideology of current Americans necessitates a modern interpretation of the democratic principles underlying our constitution, a solid framework by which one can study ideology must be formed. Karl Marx and Karl Mannheim both put forward theories of ideology that were deemed groundbreaking, claiming that ideology is socially constructed. Furthermore, they provide examples of theorists who, despite the helpful observations they make concerning ideology and its social roots, make the mistake of dismissing its effects as purely negative.

Marx and Engels: The Socio-Economic Derivation of Ideology

Marxist theory builds a scientific framework that argues that the self destructive nature of the capitalist system will culminate in a movement by the working class to overthrow market centered economic institutions and replace them with a new economic paradigm that will enable social self determination. Marx explained the widespread acceptance of free market economic thinking with his theory of ideology. He claimed that ideology was the implicit values

ingrained in capitalist economic institutions, which defended the supposed gains from free markets and covered up the exploitative and destructive aspects of the system (Schmitt). Despite capitalism's destructiveness, Marx claimed that ideology drove people to be disillusioned by their own exploitation. As individuals are raised and live under the ideology of capitalism, they accept free markets as a fact of economic existence, and are unable to see its destructive nature. Only when the exploitation and abuse of the working class becomes unbearable will there be a revolution that will overthrow capitalism and its dominant ideology. Marx believed that once capitalism was replaced, ideology would cease to exist. He did not put forward his ideas as a political theory, but instead a scientific analysis, ingrained within it fundamental truths concerning the nature of human behavior (historical materialism) and human productive capabilities. (Cocozza)

Central to Marx's argument is that ideology masks the truths apparent within the possibilities of social self determination. The critics of Marxian ideology claim that these truths provide an ideological framework in itself, erasing any possibility that ideology would cease to exist under Marxism. Instead, another system with its own assumptions about human nature would become mainstreamed, and individuals brought up within that system would adopt different presuppositions about the logic and benefits under that economic paradigm. Therefore, Marx's view forms an ideology in itself, because it forms a lens by which one can analyze human relations, and presupposes certain judgments about economic relations (Freeden, 7).

Marx, though far fetched in his prediction that ideology would cease to exist free of capitalism, provides important observations about the nature of ideology, its social derivation, and the role it plays within human existence. First, he highlighted the large role that social and historical conditions play in molding our political thinking. Explicit in his argument that capitalist institutions breed ideology is that social conditions legitimize those institutions. A person's social background will cause them to presuppose certain truths about the world, among them the nature of economic relations and the legitimacy of the system that governs them. Second, Marx's assertion that ideology can yield power is an everlasting product of political organization and its effect on ideology. Today, our democracy is challenged with amalgamating multiple ideological considerations from numerous ethnic, religious, and socio-economic backgrounds. Ideology is power for those in control because it provides a framework for decision making and a political vision by which to follow (Freeden, 5). However, unlike Marx's opinion, ideology does not necessarily yield exploitative power. That depends solely on the beliefs being manifested and the manner by which they are carried out. Marx's view that ideology is always debilitating is a path that we wish not to take in 21st Century America. The existence of opposing sides to fundamental questions and visions of our country are an everlasting product of our pluralistic society. We must create a democratic ideal within those parameters, not try to create a new ideological framework that we are required to follow.

Mannheim's "New Objectivity"

Karl Mannheim led a new era of thinking concerning ideology and its effect on political life, which was heavily influenced by Marx's earlier work on the subject. He claimed that multiple ideologies arise within different social groups and historical periods, which Manheim built from the Marxist notion that ideology (generally speaking) is a product of socio-historical factors. The rituals, traditions, and other cultural practices that derived these ideologies created a distorted view of the political world. Starting with this hypothesis, Manheim went on to argue that an upper echelon of peoples needed to take on the task of interpreting human existence free from the disillusionment of ideology. This, Manheim claimed, would create a "new objectivity" (Freeden, 14).

Manheim's attempt to mark a path for an 'objective' body of knowledge, free from the untruths of ideology, parallels Marx's claim that his study rose above the illusions of the ideological capitalist system. He makes an important contribution in his hypothesis that different social conditions breed different ideologies, the result of which is a pluralistic society. Nonetheless, his argument highlights the elitist repercussions of trying to rid the world of ideology and its effects. Manheim states the fact that any attempt to remove an ideology necessarily implicates the birth of a new one – a problem that he struggles with in his writing. We cannot take much from his "new objectivity" thesis, considering the conditions under which we live today. Free, open, and democratic societies cannot breed an intelligent class of people to make policy and change the way mere ideological beings think. The fact that Manheim had to resort to such a conclusion makes a powerful statement: within a free society, pluralism is a fact

of human political relationships, and must be accounted for in a theory of democracy.

The Fact of Ideological Diversity

Although Manheim and Marx were not correct to dismiss ideology as a solely negative force in the political world, they did highlight important points about some of its effects. Within any nation endowed with free institutions, different groups of people will necessarily associate themselves with various ideological views of the world. Different contexts for bringing up children, whether it is different religious beliefs, geographic location, or ethnic and racial traditions, will breed different political interpretations as well as differing opinions on fundamental political values.

Manheim and Marx began a campaign to remove ideological considerations from the political forum. They maintained that objectivity would emerge in human institutions absent of ideology, although ironically their own subjectivity dominated their arguments. Implicit in their pleas for non-ideological political thinking was a distinct view that there were truths that normal individuals could not embrace while still under the influence of their own ideology. These truths were apparent to Marx and Manheim because their own life experience brought them to believe they existed. Similarly, average citizens have underlying beliefs based on their own life experience. It is impossible to judge the epistemic value of these beliefs, and therefore it is important that the political forum allows the inclusion of all these points of view. In a nation endowed with a diversity of people and opinions, it is necessary that the democratic principles that define that

country embrace that diversity, not shun other arguments as disillusioned or ideological.

What have we learned from the arguments of Marx and Manheim? Most importantly, it is apparent that our own observations are a function of not only what we see or hear, but also how our own life experiences affect our interpretation of those facts. Therefore, as the diversity of people who participate in politics increases, so will the number of prevalent political ideologies. Since we have come to the conclusion that proposing a "new objectivity" is not possible without trying to impose a static view of the world on all people, we must work within the parameters given to us by the fact of ideological plurality. This fact is a result of the diversity of social backgrounds of the people who make up the United States. As the internet and other technological advancements make the distribution of information more efficient and widely available, the political process will become more inclusive. Although this dynamic is contingent on the racist barriers to political advancement subsiding significantly, this process is well on its way to fruition, as I will discuss later on.

Given this diversity of ideological interests, we must reinterpret the democratic principles that embody our constitution in order to make up for this diversity. Our founding fathers did not envision such a diversity of interests involved in politics, and our constitutional framework was planned accordingly.

1.2 The Ideological Origins of the Constitution

In 1787, the leaders of the newly independent American states congregated in Philadelphia with the goal of amending the already standing

Articles of Confederation. The Constitution that emerged from that convention continues to govern the United States and has shown tremendous structural continuity and applicability to modern political contexts. Despite the structural cohesiveness of our constitutional democracy and the tenets that governed its conception, many of the precepts from which our founders drew up our Constitution are fundamentally inconsistent with the political conditions of the 21st Century. Some aspects of that document, as argued by some revolutionary scholars, were geared towards limiting some citizen action in the political forum. Although embedded in the Constitution and the historical arguments supporting it do not directly prove this fact (Ketcham), many of the dynamics in colonial society lend credence to this argument (Wood).

Within the context of this critical discussion of our Constitution, it is equally important to note that its principles are still applicable to modern times. Although we must depart from some its principles in order to make way for a democracy that is consistent with the fact of ideological diversity, we must fit our new democratic guidelines within the classical liberal guise of our founders. It is not their philosophy that is necessarily at fault, but it is the application of that philosophy in the text of the Constitution and our governmental structure that can severely limit the participation of diverse groups of people in the American democracy. Despite the fact that our government was founded on the principles of inclusion of multiple political interests (Federalist 10), the paralleling requirements for citizenship and inclusion in the business of government are problematic aspects of our founding that must be discussed in a modern context.

Therefore, the purpose of this section is to reconcile the lasting notions of good government within the political thought of our founding fathers with their fundamental inconsistent notion of political participation as necessitated by the fact of ideological diversity.

Competing Visions of Equality: Tension in Colonial Society

The American Revolution was driven by a subconscious battle to overthrow the colonial conditions of paternalism, dependence, and patronage; in turn replacing them with an egalitarian society whose government was derived from the governed, not a centralized monarch and aristocracy (Wood). Although there was agreement on the fundamental cause of discontent among the British colonists and the mode for freeing themselves through revolution, there were competing ideologies and political interests that drove the revolution and the subsequent debate at the Constitutional Convention. According to our definition of ideology, it follows that these interests were largely a product of social conditions in colonial America. This ideological tension among the colonists precipitated certain aspects of our Constitution that were born in light of this tension, which stands apart from the enlightened liberal philosophy that provides the undercurrents for the modern American democracy.

As a result of this tension, numerous social movements took hold in colonial society, leaving the writers of our Constitution with not only the task of providing a document timeless in its tenets but also strong enough to counteract the disunity and ideological strife evident in some aspects of colonial society. In turn, the Constitution was drafted, in part, with these specific movements in mind

(Wood, 230), and therefore an argument can be made that some of the structural aspects of our government came as a result of 18th Century political considerations.

At the time of the Constitutional Convention, there was a considerable movement by the colonists, derived from classical republican thought, to claim that citizens were all inherently equal, a condition that stood opposed to the patriarchal and aristocratic colonial society. However, there were considerable differences on how to interpret this ideal, thus creating an ideological tension among many of our founders on the application of the classical notion of equality. Alexander Hamilton, who in Federalist No. 6 expressed his deep concern about the foundation for political action by average citizens, claimed that "it has been found…that momentary passions, and immediate interests, have a more active and imperious control over human conduct than general or remote considerations of policy, utility or justice" (Hamilton, 24). This formulation flies in the face of the ideal of disinteredness in the political forum, specifically that policy would be derived from a concern for the greater good, not special interests. Therefore, many thinkers, such as Hamilton, embraced a form of abstract equality, as opposed to the more democratic absolute equality. By abstract equality, I mean an equality of opportunity, whereas the more democratic (soon to be Anti-Federalist) thinkers held on to the republican ideal that paternalism would be absent in a society where a "strong and numerous representation" (Brutus, IV) could ensure a more idealistic absolute equality. These democratic tendencies were not born only from differences in the philosophic interpretation of

Enlightenment scholarship, but also from the more practiced fear of centralized rule following the Revolution. Hamilton's responded by expressing a different fear, that citizens would allow "momentary passions" (as was the case with mob rule) to control their political judgments.

Based on these fears of mob rule, Hamilton and his fellow Federalists supported the formation of a republic that would place the energy of the federal government opposed to the tendency of citizens to allow their personal interests and momentary passions to cloud debate and possibly enable mob rule. It is important to note that the energy of the Federal government, as supported by the Federalists, was not only a mechanism for limiting citizen power, it was also an avenue for enabling taxation as well as the creation of a national military. However, the tendency of thinkers such as Hamilton to write off the ability of citizens to engage in measured and rational deliberation in the political forum injected some undemocratic tendencies into our Constitution. Among them was the inability of average citizens to have a direct say in the election of the Senate, the President, or the Judiciary. In place of the numerous representation proposed by many Anti-Federalist thinkers was an elitist-minded Senate and Executive as well as strict regulations by which one could become a citizen, which limited who could vote in State and Congressional elections. Today, there have been changes to this structure. Nonetheless, the tendency of our founders to discount the intentions of citizen action in the political forum as a result of an ideological tension specific to 18th Century politics severely limits the ability of the

Constitution to account for the ideological considerations in place in the modern era.

Colonial Society's Influence on the Federalists

In their writing, the Federalists (Hamilton, Madison, John Jay, etc.), held on to some of the old aspects ingrained in the British colonial society, specifically that those delegated power should meet certain requirements, most of which could only be fulfilled by the upper crust of American society. As a result of these requirements, average citizens were expected to place an explicit trust in these leaders to make policy consistent with the public good and standards of good government. Prior to the revolution, the colonies were run by people who identified with British aristocratic society, where those in power were given that right because of their family background and their relationships to the crown. However, "they knew that any society, however republican and however devoted to principles of equality, would still have to have some distinctions and gradations of rank arising from education and other…circumstances" (Wood, 233). This idea was supported wholeheartedly by Thomas Jefferson, who explained quite explicitly in a letter to John Adams that a "natural aristocracy" exists, totally separate from the aristocracy defined by family background, which is instead dictated by leadership abilities, education, and more generally, "virtue and talents" (Koch and Peden, 579). Although in theory these qualities can be held by any man, regardless of one's family background (Ketcham), these distinctions were held during the early days of our republic for the most part only by those holding a distinguished last name. To some scholars, these broad qualifications

for leadership have made it possible, as society progresses, to let differential voices participate in government (Ketcham). However, even today, the expectations for political leadership still do not parallel characteristics that are realistically attainable for the greater number of persons in society. A great majority of our Senators and former Presidents were educated in boarding schools, spent their college days at Ivy League colleges, and the expectation lingers among many Americans that these characteristics should be typical among our leaders. At the turn of 19th Century, the characteristics that political leaders were expected to have were only available to an elite segment of American society. Therefore, although the idea of a "natural aristocracy" was meant to separate the new American society from its older British counterpart, this new aristocracy did not look much different from the one defined by the monarchical British government.

Furthering the notion that our founders did not envision an American polity lead by average citizens, there was also the effect of a social movement made up of artisans and other blue collar workers. They argued that their stake in the new government should parallel an absolute[1] interpretation of the egalitarian ideal, which was currently supported by the democratic movement occurring in colonial society. Regardless of the colonial gentry's attachment to their own abstract egalitarianism, they did not want to share political power with carpenters, butchers, and shoemakers. According to Gordon Wood, a renowned revolutionary scholar, it was not only their lack of education that made many of

[1] I am alluding to my explanation of the difference between "absolute" and "abstract" equality, which I describe on pg. 15.

the colonial leaders distrust artisans. "It was their deep involvement…in work, trade, and business that made such…men unsuitable for high office" (247). This requisite disinteredness was enabled by accumulating wealth to the point where one could be solely a public servant, and because of their savings did not have a significant economic interest ingrained in their political leadership.

Nonetheless, these feelings were not displayed by all Federalist thinkers, specifically Alexander Hamilton. Hamilton did believe that the United States would be a nation of commerce, and that our political interests would be amalgamated by all citizens' likeminded desire to succeed economically. Furthermore, he claimed that America would become part of the international community through our pursuit of commerce and international trade. Despite the disagreement among the upper echelon of colonial society on the role of economic interests in the political forum, there was fundamental agreement on a central point: a group of disinterested, well educated, white, Protestant, males were the ones most suited for governance, and that men such as the artisans who yearned for power and representation had to trust that these leaders would make policy with the public interest in mind.

A Premium on Likeminded Citizens: More Contradictions with the Fact of Ideological Diversity

In conjunction with the belief that citizens had to place significant trust in their leadership instead of having a direct stake in political decisions, numerous men at this time put a premium on like-mindedness, which they believed defined the strength and unity of the American polity. If, in theory, most of the citizens in

the new United States shared some fundamental view of the political world and a common view of how to guide policy, then it would make sense that citizens could entrust power in a few chosen leaders, given that they shared many common beliefs.

Thomas Jefferson, who was considered as one of the preeminent democratic thinkers of colonial America, stated unequivocally that the effect of numerous competing interests in the political forum, as a result of immigration policies that encouraged large scale emigrations from Europe, would be wholly disadvantageous to the unity of the new United States. Today, we know that the United States is in fact a nation of immigrants, who together formed one country and a culture of pluralistic and competing political visions through large scale emigrations such as the ones that Jefferson wrote against. He claimed:

> They will bring with them the principles of the government they leave, imbibed in their early youth; if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they stop precisely at the point of temperate liberty…They will infuse into it their spirit, warp and bias its directions, and render it a heterogeneous, incoherent, distracted mass (204).

These persons, to Jefferson, would inject tyranny into the political forum not because of the specific nations that these emigrated from, but because "licentiousness" would arise as large groups of people would assimilate into a political culture they were not familiar with. The values underlying the new republic, to Jefferson, were "more peculiar" than most other nations, and therefore were specific to the people currently inhabiting the United States. Although Jefferson did not unequivocally reject immigration, the types of policies that he

wrote against are ironically the very types of policies that spurred the industrial revolution in the mid to late 19th Century and in the end formed the America we know today. Today's republic, an amalgamation of numerous nationalities, religions, and political ideologies, is a direct result of the influx of numerous immigrants from Europe and other parts of the globe that has occurred throughout American history. Unlike what Jefferson claimed, we know today that families did not come to the United States in droves to impose their own politics. They made the long, illness-filled, uncomfortable journey to America because they wanted to share in a political tradition that did not discriminate in matters of religion, nor force them to embrace the policies of a monarch.

Jefferson is another clear example of a founding father who had idealistic visions of an egalitarian American society, yet did not transfer that philosophy into a pragmatic and useful form. He instead let the paternalistic and dependency-laden culture of 18th Century Great Britain be reflected in his ideas, so that his Enlightenment ideas and egalitarian philosophy were transformed into an elitist brand of British Republicanism. John Jay parallels Jefferson in Federalist No. 2, when he states that "Providence" has blessed the new United States with "people descended from the same ancestors, speaking the same language, professing the same religion…[and] very similar in their manners and customs" (6). He goes on to claim that the strength of the new polity will depend on these shared characteristics, which is an idea, like Jefferson's, that is not consistent with a political vision dictated by an inclusion of many different ideological interests. Instead, it is a blanket denial that such a diversity is tantamount to a strong

democracy and flies in the face of the inclusionary and egalitarian-minded political philosophy on which our nation was founded.

Fundamental Inconsistencies

The tendency of our founding fathers to move away from democratic principles in light of their fear of numerous and diverse political interests shows some of the significant differences in the democratic principles underlying the writing of the Constitution and the principles that should be embraced today given the fact of ideological diversity. However, it is important to note that the intellectual inconsistencies in the political thinking of our founders do not justify a blanket dismissal of the applicability of early American political values to today's political world. On the other hand, it shows that we must build from the republican principles of yesterday with the diversity of ideological interests that define the building blocks of today. Nonetheless, the undemocratic tendencies of some parts of our Constitution should be reinterpreted given the fact of ideological diversity, which will dominate American politics for the foreseeable future.

1.3 The Fact of Ideological Diversity: Elaborated and Further Defined

Unlike what Jefferson and our other founding fathers envisioned, the United States today is defined by diverse cultures yet singular in its goal to live in a wholly democratic political domain. As stated in my discussion on ideology, the diverse backgrounds of Americans yield a parallel diversity of political ideologies. These differing lenses by which individuals view the political world transfer into various political interests, all of which should have an equal say in

the American democracy. To claim that our democracy should be derived from the notion of a diversity of ideological interests based solely on a definition of ideology is not sufficient. In this section, I wish to bring forth evidence that today's political issues are becoming more representative of a diverse population, and that leaders from all sides of the political spectrum are recognizing the importance of having inclusion at the forefront of new policy. Inclusion is not yet a fact of American political life, there are incredible strides left to take. Nonetheless, diverse ideological interests are injecting themselves into contemporary political debate and policy considerations. Thus, it should be clear that our democratic principles should enable representation that gives differing ideologies an equal voice.

Political Organization: Breeding Ground for Diverse Ideologies

Ideology, albeit a vague proxy to measure political behavior (Minar, 320), manifests itself in the political forum under the guise of organizations (Barnes). Specifically, the "linkage" between political thought and behavior is facilitated through political organizations (Barnes, 513), which also are the main avenue for diverse ideologies to make their influence known in contemporary American politics. Under the ideological continuity of political organization, diverse ideologies can find help in intervening in the greater political debates (Barnes, 529), and in turn provide differential opinions to policy questions in the deliberative forum. Today, minority groups use organization as a mode for streamlining their message and picking the right battles to fight, which gives their

political cause a greater chance of being heard (Barnes) and having real influence in policy and legal debates.

An excellent example of this phenomenon is exhibited by the NAACP, which since the early 20th Century has laid the ideological groundwork for freeing black Americans from what our current President has called the "central defect of our founding." President Bush may have been referring to comments such as Thomas Jefferson's, who in 1782 stated that blacks "are inferior to the whites in the endowments both of body and mind" (243). From this backdrop, the NAACP and similar organizations have fought to rid our nation of the ideological burden bestowed on us by our founders, and in turn provide America with political and legal perspectives derived from a group who has been discriminated against throughout American history. It led the fight in the 60's to ban segregation, and won a major battle with the passage of the Civil Rights Act in 1964, which was followed by the Voting Rights Act in 1965. Both of these legislative acts were preceded by the 1954 Supreme Court decision, *Brown v. Board of Education*, which was argued before the court by special counsel of the NAACP, Thurgood Marshal, who became the first black Supreme Court justice in 1967.

The continuity of the message put forward by the NAACP has helped it drastically throughout its history, and in turn lends credence to the argument that consistent ideologies bred through organization are the "intervening variable" in political debate (Dahrendorf, qtd. in Barnes, 521). Thus, the ability of organizations such as the NAACP to keep its message consistent can have

considerable consequences, a dynamic that is enabled by having a just cause and a sound organizational structure.

In terms of the larger structure of this paper, the effect of the NAACP and similar organizations looms large in contemporary U.S. politics. The ideological message spread by the NAACP has had substantive legal and policy ramifications, with more sure to come in the future. With every passing election, there is a greater black contingency in Congress and in state governments. Furthermore, organizations in Congress, such as the Congressional Black Caucus, continue to advance the African American cause in the halls of the Capital. The voice of black Americans is no longer completely muffled by the evil of racism in American politics, a product of using political organization to drive home the tenets of their differential point of view.

Gay Rights in Contemporary American Politics and Pop Culture

As discussed earlier, the founding of our government and its fundamental political values was accompanied by an implicit secularization of Christian principles in our Constitution. The current debate over homosexual marriage and broader measures of gay rights can be described as "one of the most divisive issues in American society" (Waxman, 2). Moreover, the rhetoric by political leaders and others claiming that a ban on gay marriage would protect the "sanctity" of marriage has an overly ecclesiastical tone, due to marriage being originally a religious institution. In the United States today, local governments have jurisdiction over marriage, and therefore local debates over the Constitutionality, or more broadly, the general merit of, gay marriage have

become quite common in some parts of America. As opposed to the movement by African Americans mentioned in the preceding section, the gay rights movement is still in its beginning stages, and the rights of differential sexualities are slowly becoming part of the conscience of left-leaning politicians. This is largely different from the status of the rights of African Americans, whose rights are championed by persons across the political spectrum, with differences between left and right being based on the application of those rights, not whether the rights exist in principle. Gay rights, on the other hand, are not yet recognized by all Americans as deserving protection from federal or local governments. This could be attributed, in part, to the fact that gays do not make up a major political constituency, therefore do not yet command the respect that other minority communities do from politicians. Nonetheless, the gay rights movement is in the early stages of development and thus lacking a central voice that carried the NAACP over the hump in the 60's. For our purposes, the fact that this issue is currently spreading into pop culture and continues to be a divisive issue in current American politics shows the beginning stages of a diverse ideology making its way into the mainstream political forum.

Currently, in Topeka, Kansas, there has been a heated battle over gay rights, which has overtaken the political forum of this small Midwestern community. Tiffany Muller, the first openly gay officeholder in Topeka, has been challenged to a primary for election to the city council by Jael Phelps, the granddaughter of famous anti-gay activist Rev. Fred Phelps Sr. Accompanying this vote is a referendum on whether to ban legislation protecting gay rights for

ten years, which would effectively overturn recent legislation sponsored by Ms. Muller that bans discrimination against gays in hiring. With 13 states last year amending their constitutions to ban gay marriage, and the powerful Evangelical Christian lobby campaigning against gay rights in general, the debate in Topeka is typical of many others across the country.

In the case of Topeka, it is important to note the overly religious tone of Jael Phelps and her supporters in their criticism of Ms. Muller and other members of the gay rights movement. Ms. Phelps, when commenting on the "respect" given to her based on her relation to her grandfather, claimed that "it's a sign I'm doing the right thing, serving the Lord." This parallels her grandfather's (Rev. Phelps) remarks concerning his campaign against Ms. Muller and other gays: "That's my job – to preach this stuff and to strive against sin." Besides Rev. Phelps, Evangelical Christian groups make up most of the lobby against gay rights in Topeka; and although they try to separate themselves from "hate mongers" (ie: Phelps), their position in this debate is based on entirely religious principles. Recently, when tapes surfaced detailing President Bush's feelings on gay rights preceding his 2000 campaign, he described gays as "sinners," who he could not discriminate against considering he, like all human beings, was a "sinner" as well.

Despite the Christian principles at the center of the lobby against gay rights, some Christians in Topeka are taking the side of Ms. Muller in this debate because of what they perceive as hate implicit in Ms. Phelps' candidacy. *The New York Times* reported at the time of the Topeka election that a significant

constituency of conservative businessmen and Christian ministers are siding against Ms. Phelps and the ban on gay rights legislation. Even though it required them to see the drastic and insensitive tactics employed by Rev. Phelps (for example, he has been known to picket outside of the funerals of notable Topekans who have championed gay rights), this shows the ability of the religious right to recognize the civic value inherent in principles such as inclusion and diversity, which can be embraced regardless of one's religious affiliation.

On March 2, 2005, it was reported that Ms. Phelps' bid to unseat Tiffany Muller was a failure, as was the referendum suspending gay rights legislation in Topeka. It is apparent that the gay rights movement, in its fight to ensure representation and to protect against discrimination, is in conflict with the overtly Christian principles that continue to dominate the American social conscience. Little by little, as fights like the above election in Topeka are won, the gay rights movement will find its place in the American polity.

Despite this battle, one should not overlook the fact that an issue that at one time was limited to the fringe of American politics is now at the forefront of not only political debate, but pop culture as well. In Februrary 2005, the Fox show "The Simpsons" broadcast a new episode discussing the issue of gay marriage in a satirical setting entitled "There's Something About Marrying." In the episode, the town of Springfield, where the show is set, enacts legislation allowing gays to marry in order to enhance revenue from its tourism industry. One of the show's main characters, Homer Simpson, received a license to marry

over the internet, and conducts dozens of marriages, including one to his wife's sister, who 'comes out of the closet' during the episode.

Accompanying the satirical theme songs, funny one-liners, and "lampooning" (Stanley, 2) of gay and lesbian stereotypes, there are clear messages regarding American pop culture and its place in recognizing the importance of hot-button political debates. According to Professor Mark Kaplan, a professor of communications at the University of Southern California, the writers of "The Simpsons" are telling us that "these people (homosexuals) are your neighbors in the Springfield that is America" (qtd. in Waxman, 2), and therefore should not have their lifestyles shunned away as if it is foreign to average Americans. It is known that "The Simpsons" is "no stranger to hot button social, religious, and political issues" (Waxman, 2). Yet the interesting point about this particular issue is that gay rights have become so central an issue in American politics that it can be poked fun at by one of the most recognizable shows in American television. Although its inclusion in this medium says volumes about the strides made by gay rights pioneers such as Tiffany Muller, Christian groups continue to bash television shows that may give an approving stance on issues of gay rights (Stanley). Brent Bozel III, the President of the Parents Television Council, a Conservative lobbying group, claimed that "at a time when the public mood is overwhelmingly against gay marriage, any show that promotes gay marriage is deliberately bucking the public mood" (qtd. in Waxman, 2). Obviously, the fact that "The Simpsons" was able to embrace this topic in this manner shows that the "public mood," as measured by Mr. Bozel, is

not as representative of broader American society as he might think. Mr. Bozel's statement also says something fundamental about the American political forum. The fact that an individual whose business is lobbying, thus being an active player in the deliberative forum, can make such a blanket statement regarding this issue, shows that our democracy does not recognize these divisive issues regarding diverse ideologies in a manner that wholly includes them into mainstream political debate. There continues to be a part of American politics that will always claim that issues such as these are on the fringe, thus making the movement to extend such rights to gays or other groups immaterial to the broader American political society. Thus, although this "The Simpsons" episode exhibits the central place the fight for gay rights has in American culture, the lack of respect given to these opinions by many members of the American polity proves the necessity for a framework by which people holding these views will always be recognized as deserving a place in mainstream politics.

Ideological Plurality in American Politics

As we move into the future, injecting diverse ideologies into the political forum will become the norm, and the legislation effected will not be revolutionary or momentous, but a standard component of U.S. policy making. Therefore, the way we look at our polity must take this into account. Democratically, putting a premium on inclusiveness is not left-wing or radical, but instead an enduring reality of modern America. The civil rights movement is a perfect example of how a diverse ideology found acceptance in mainstream American politics. Its leaders fought vigorously against the racist tendencies of American culture

handed down from previous generations. As the gay rights movement spurs debate locally and nationally, and moves to map a common agenda (Wash. Post), the liberties of persons with alternative sexualities will be increasingly recognized in mainstream politics.

Although we know that through a long and enduring battle for political recognition, diverse ideological interests can become recognized as having an important voice in America, this is not enough. Within that battle is a greater war, a war against the exclusionary presuppositions in our democracy. Americans, along with being tolerant and freedom-loving people, are resistant to change, and constantly appeal to tradition. These tendencies form a formidable barrier for groups such as African Americans and gays to find a place in our polity without enduring this long battle.

The fact of ideological diversity, which tells us that our nation will be made up of a plurality of ideological interests as a product of the diverse societal contexts within America, will be an enduring aspect of our political culture throughout the 21st Century. Because of this fact, and keeping constant the overarching liberal principles that our nation was founded on, the theoretical basis for American democracy must be reinterpreted in order to facilitate future inclusion. Therefore, the goal of this theory of democracy is to ensure that the long, tireless battle endured by African Americans and others is made easier for future diverse political interests through a purely inclusive political domain supported by strong democratic principles.

Chapter 2 – Rawls' Political Philosophy: A Guide for a Diverse America?

2.1 Political Liberalism

Central to the task of creating a theoretical framework for American democracy in the 21st Century is a discussion of the work of prior theorists who have undertaken similar projects. Thus, we must analyze, with a critical eye, the work of John Rawls and his procedural theory of political liberalism. Rawls sought to create a "political conception of justice" by specifying a political framework where a plural and democratic society can embrace the fundamental principles necessary to a stable political domain, yet do this in a way that is separate from comprehensive religious or philosophical values. For the purposes of this paper, the object of this discussion is to analyze Rawls' *Political Liberalism* in light of the fact of ideological diversity, which was outlined and discussed in detail in the previous chapter.

Although their objects are similar, Rawls' project is fundamentally different from the goal of this paper in its configuration, which I will argue provides much of the basis for criticism. Rawls uses a structuralist approach in constructing his theory, which separates the differing interests within a political society using broad assumptions about the actors who espouse those interests. This approach, in a theoretical sense, creates a more stable political framework because the strict assumptions that govern individuals in the political forum limit their behavior and presuppose only certain types of debate. Stability "for the right reasons" was a central goal of Rawls' "political conception of justice" and subsequently creates a political theory centered on procedure. Procedures, in a broad sense, do not account for the intricacies of political decision making and the

effect ideology has on those decisions. As I will argue, Rawls' procedural approach abandons both the most pressing questions that arise in a political society as well as describing the profound effect ideology has on the deliberative process. Furthermore, the broad assumptions that govern these procedures are not congruent to real political conditions, which limits the extent Rawls' theory can describe and help reconcile real political problems.

The Overlapping Consensus

In his first groundbreaking work, *Theory of Justice*, Rawls provides a non-metaphysical framework, which allows a society, using an imaginary "veil of ignorance," to choose political ideals absent of any personal gain that may come from embracing particular ideals. This condition, called the "original position," enabled a process of choice, not negotiation, because the veil of ignorance effectively removes the plurality of political interests ingrained in any free society (D'Agostino). Rawls realized the weakness of *Theory* in creating a truly political conception, and sought out to create such a conception in *Political Liberalism*. The goal of *Political Liberalism*, as opposed to creating a framework for social justice, was to create a "political conception of justice" based on the fact that a plurality of comprehensive doctrines will participate in a political forum defined by free and democratic institutions. According to Rawls, "comprehensive doctrines" are religious beliefs, comprehensive philosophies, or in broad terms any doctrine that can be applied to all facets of an individual's life because of a moral attachment to its tenets.

Given a political forum rich in differing comprehensive doctrines, Rawls postulated that through an "overlapping consensus" persons in a free and democratic society can embrace political principles separate from their philosophic or religious beliefs. Similar to the original position, the "overlapping consensus" is not a process of negotiation, but differing from the original position, it is a process of deliberative choice. It is deliberative in the sense that rational actors in the political domain will debate fundamental political values, the result of that debate being a collective choice on values that can be embraced by all comprehensive doctrines for solely political reasons. Thus, Rawls envisions a deliberative forum where a plurality of individuals can discuss and come to a consensus on political values, which though may be consistent with their comprehensive views, are decided in that forum for solely political reasons.

The easiest and most effective way to explain the dynamic of an "overlapping consensus" is through a venn diagram, which I have provided below:

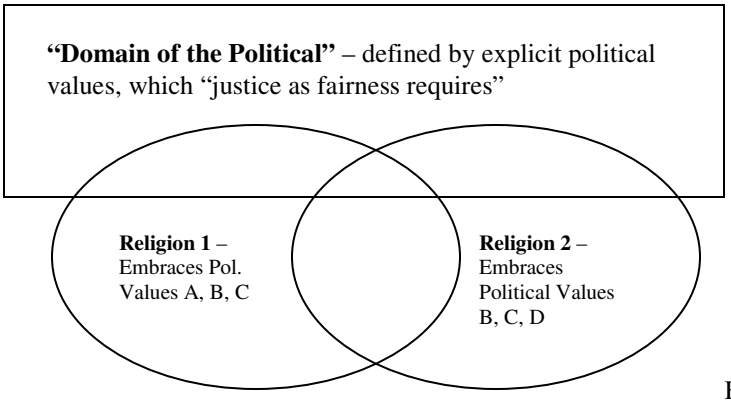

Figure A

As displayed by figure A above, a given political domain that specifies certain fundamental political values; comprehensive doctrines will be able to

embrace these values in a particular way that is consistent with their comprehensive views. In this instance, the religious domain, which these doctrines may or may not overlap in, is not part of the political. Therefore, although this consensus may be consistent with their comprehensive or religious views, it is not directly derived from them. Differing comprehensive doctrines agree on the underlying political values in a society, which make up the "political conception of justice." As stated by the requirements of "justice as fairness," these are ingrained political ideals that can override other ideals or values in a deliberative process. Because these ideals are specified in such a way, Religion 1 and 2 are able to overlap on principles B and C. Embracing these principles, albeit from one's own comprehensive point of view, enables an overlapping consensus on B and C.

Now, let me elaborate on the reasons why Rawls maintains that the overlapping consensus must be made based on political reasons, not values extracted from a religious point of view. According to Rawls, if differing comprehensive doctrines agreed on the foundation for political institutions based on religious reasons, then it may be assumed that debate within those institutions could become an argument over those religious or moral values that underlie the legitimacy of that political forum. If one sees a political institution as being embodied by, and acceptable because of, religious ideals, then it would follow, under Rawls' framework, that persons who enjoy membership to that institution would make political decisions based on those ideals. However, if institutions are agreed upon based on political values, not religious ones, then the political forum

will be totally separate, in a political sense, from the religious or moral beliefs that define one's comprehensive doctrine. Therefore, Rawls claims that moral or religious values cannot underlie democratic institutions and still yield stability (Justice as Fairness, 225). However, as I will discuss later, when debating pressing issues within a political society, religious or moral values may still be a point of debate even if those values are not what defines the political institutions in that society.

Rawls specifies that this consensus is not a modus vivendi, which is an agreement derived from negotiation and based on the reciprocal need for balance of power (Liberalism, 147-8). He departs from these types of agreements because of their lack of stability, and the absence of any moral attachment to the product of negotiation. Rawls claims that a modus vivendi, though the product of a political process, creates a wholly unstable equilibrium that does not satisfy his test for being stable "for the right reasons." "The right reasons" are political reasons, supported by moral attachment to their tenets, through which an overlapping consensus can take place. In his discussion on these topics, Rawls cites the "Wars of Religion" following the Reformation, where power sharing agreements among different Christian groups fostered momentary peace, yet no lasting stability because a change in the balance of power between those groups in effect eliminated the modus vivendi between them. Fearing such instability in his political domain, Rawls proposed to search for an overlapping consensus in order to provide a moral, yet wholly political agreement on political values that can provide the basis for the democratic institutions that govern a free society.

Despite the stability created through an overlapping consensus, the lack of room in Rawls' theory for compromise is a prime example of his strict assumptions removing his theoretical framework from the real political world. In many instances, compromise, even if it based on an unstable balance of power, is both a common and necessary part of any democratic framework. Under a system where a diversity of political interests plays an active role in the political forum, the only path to agreement on some issues may be under some form of compromise. Furthermore, compromise in the deliberative forum is tantamount to the business of government because it can prevent the gridlock that comes as a result of strong partisan or ideological interests on opposing sides to some debates. Especially when applying what we know about political ideology, which tells us that people from differing backgrounds will view debates through different ideological lenses, it is even more obvious that compromise may be the only way to facilitate agreement in a society dominated by the fact of ideological diversity.

According to Rawls, a modus vivendi is solely a power sharing agreement, not a morally based consensus derived from fundamental political values. Yet despite its structural shortcoming and lack of stability, agreements of this type, regardless of how you may define them, will be a lasting component of any democratic process. The balance of power within a democracy is never static, but instead is a dynamic equilibrium, supported by various political interests and ideologies. Although an overlapping consensus, as Rawls describes it, is undoubtedly stable, it is not grounded on real political conditions. Therefore,

concurrent to his creation of a stable equilibrium, which Rawls claims is necessary to his "political conception of justice," he departs from the political world because a truly political domain does not embody characteristics that allow one to presuppose that actors in a free and open deliberative forum will keep values that are so central to their personal lives absent from their political actions.

"Precepts for Reasonable Discussion" and the Dynamics of the Overlapping Consensus

When defining the way deliberation should work within his "domain of the political," Rawls specifies certain "precepts" by which reasonable persons should act within the political forum. The most important "precept for reasonable discussion," for our purposes, is described in the following passage:

> Second, when we are reasonable we are prepared to find substantive and even intractable disagreements on basic questions. The first general fact (that governs the political domain) means that the basic institutions and public culture of a democratic society specify a social world within which opposing general beliefs and conflicting comprehensive doctrines are likely to flourish and may increase in number. It is unreasonable, then, not to recognize the likelihood -- indeed the practical certainty -- of irreconcilable reasonable disagreements on matters of the first significance. (Overlapping Consensus, 238)

The above statement highlights, quite clearly, one of the fundamental weaknesses in Rawls model: that for some of the most pressing questions in a political society, questions that can cause debilitating debates among certain segments of the citizenry, there is no path to reconciliation. These pressing questions are of most interest to us insofar that their irreconcilable nature occurs as a result of a divergence on religious values. Rawls admits himself that because we all arise from differing backgrounds, which in many cases necessitate certain religious or

philosophic leanings, some debate may become overly contentious, where the opposing sides are at odds as a product of those differing life experiences. Claiming that these debates are irreconcilable does not go to heart of the goal of *Political Liberalism*, and furthermore does not create any path, even in a procedural sense, through which individuals who stand at odds with each other because of differing religious opinions can come to any kind of an agreement on those questions.

Although Rawls' political domain is not free from religious considerations, it is a society where fundamental political values are separate from the religious or philosophic values that may define one's personal life. Therefore, to Rawls, personal and political are separate under his overlapping consensus. Under such a framework, if a debate arises on a basic question where the differences on that question are a result of a divergence on religious values, Rawls' model cannot solve these problems because in his political forum these values are not debated on.

For the purposes of this paper, this is such a pressing concern because of the nature of the American political society, which is the object of my theory of democracy. Although in theory the American democracy is totally secular, religious currents run deep in our political society. From the issues about slavery and prohibition earlier in our nation's history to the current issue of the right to die as well as the place of religious symbols on government property, there have been many instances where the pressing debates in American politics have been at the core debates over religious values or interpretation. Furthermore, the most

visible American of all, our President, is a known devout Christian and commonly evokes religious rhetoric in his speeches. In such an environment, the fact that there will be irreconcilable questions that arise as a result of differences on religion means that the diversity of Americans will become more pronounced as those interests come to have a greater stake in the political forum. What kind of theory is it, which has as its goal the reconciliation of a plurality of individuals under a political framework, but does not give any answer to the most pressing questions that come as a result of that diversity? It is clear, given this shortcoming, that Rawls' theory does not adequately account for the diversity which he claims is the most central characteristic of a nation governed by free and democratic institutions.

An example of such a pressing issue is the continuing debate over abortion rights. In the landmark 1973 decision Roe v. Wade, the United States Supreme Court held that this medical procedure, as defined by current science and medical technology, should be a right protected under the due process clause of the Constitution. Their justification, which is an argument widely accepted by those who believe in a woman's right to choose, claims that up to certain point in a pregnancy, a fetus is not capable of meaningful life outside a mother's womb, therefore making the rights of a fetus secondary to the privacy rights of a mother. Using this scientific determination as a backdrop, the debate over abortion rights becomes a question of a legal interpretation of the privacy rights of prospective mothers. However, to many, this question is defined solely by religious beliefs that claim that one should value life at any form, regardless of the circumstances.

Dismissing pragmatic or scientific concerns, those against abortion rely on religious doctrine, specifically Christian teachings, to support their position against abortion. When viewing the abortion debate through this interpretive lens, the question over its legality turns into a debate over moral or religious values, as opposed to debate over privacy rights or scientific evidence about where life actually begins.

Rawls' framework, although admitting that differences on religious values will occur within a free and democratic society, does not provide a procedural answer to how such a debate can be resolved. Despite the fact that on its face abortion is a question that Rawls may deem "simple," as covered by his "precepts of reasonable discussion," because differences on this questions occur as a result of religious values, the debate on this issue has become especially divisive, and some cases has turned violent. Within a society that is supposedly made up of individuals who embrace fundamental political values that can govern the free institutions of that political domain, it does not follow that these values do not provide a guide to the answer of certain questions, especially those that are the most pressing for that society. The issue of abortion, irreconcilable in virtue of a lack of an overlapping consensus of comprehensive doctrines, does not leave room for a deliberative framework where mutual understanding might lead to an answer or a compromise. In his search for artificial stability, Rawls' political conception abandons many of the pressing questions in society, severely limiting his ability to describe the real conditions of a political society defined by plurality.

Ideology: The Missing Variable in the Overlapping Consensus[2]

Paralleling Rawls' weaknesses in describing the real effects of religious beliefs on some political debates, his formula for an overlapping consensus is severely weakened by the fact that individuals, based on their differing life experiences, will interpret political values quite differently. This occurs, in part, because of Rawls' concentration on comprehensive doctrines, which keeps him from sufficiently addressing the various ideologies at play within those doctrines as well as the complexities caused by political interpretation within the dynamic of his overlapping consensus. Just as different religious beliefs will change interpretations of simple questions and further complicate debate over those questions, various ideological interests will cause a divergence on how individuals interpret political values[3]. Thus, Rawls' ignoring of how ideology may influence a fully rational deliberative process not only retards his ability to describe rational actors in a political society, but may also put a large burden on the feasibility of an overlapping consensus.

The fact of ideological diversity, as I define it, can in many cases transcend religious and other comprehensive boundaries. For example, it is well known that today there are heavily liberal Roman Catholics as well as the traditionally conservative ones, and the same holds true for other religious doctrines. Just as differing comprehensive views will flourish under free and democratic institutions, so will ideological backgrounds. Rawls touches on this

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[2] Part of this section is a rewritten portion of my paper entitled "Rawls' Overlapping Consensus: A Critical Discussion."

[3] Professor Fred Frohock brought this point up in class during a discussion on Rawls and his idea of an overlapping consensus.

subject briefly when he spells out some of the "burdens of reason." He claims that "to some unknown extent, our total experience, our whole course of life up to now, shapes the way we assess evidence and weigh moral and political values, and our total experiences surely differ"(Overlapping Consensus, 237). The way we see particular moral or political problems, or the "lens" that we see the world through based on our prior experiences, are all derivatives of ideology. Rawls is correct to name these a "burden" to the type of reason he wants political actors to subscribe to. Furthermore, it can be an additional constraint on an already complicated equation of reaching an overlapping consensus. Persons coming from particular comprehensive backgrounds, those of which can and will in many instances shape their outlook on every portion of their life, must justify their acceptance of political values without using these doctrines. Even if we assume that people can do this, that they can separate themselves from their religious views when wearing a public hat, they may not be able to separate their ideological views. Rawls is explicit in explaining the moral component of an overlapping consensus, and that given a real dedication to political principles, there can be a political conception of justice that is stable in the right way. However, people can have a proportional moral attachment to their ideological doctrines, which can cause people to interpret political values very differently. Therefore, even given a situation where a person can put aside their comprehensive views to embrace political principles, there will be a parallel attachment to ideological principles, which can change the interpretation of political values. This can change the stability dynamic that Rawls is looking for

because the conception of justice that one person has may be different from another, given varying interpretations of fundamental political values. Explained differently, the values being passed on within a society from generation to another (the central tenet of Rawls' "political conception of justice") may be very different given varying ideological backgrounds.

Conclusion

Under no circumstances am I claiming that I can explain, in a procedural manner, how to solve the pressing issues that Rawls' model fails to embrace. However, uncovering the significant shortcomings of describing a political society in a strictly structural manner spells out the need for a different approach when trying to amalgamate a plurality of ideological considerations. In the above discussions, two main weaknesses were highlighted, both being related in the sense that they bring us to a set conclusion: the real political world cannot be explained using assumptions regarding how citizens will define political values and debates in the deliberative forum.

Religious considerations, insofar that they cause pressing debates within a political society over simple questions, cannot be solved under Rawls' model. The fact that this is a weakness is no secret; scholars have long maintained that Rawls does not provide an answer to solving the problems such debates present to a free society. However, the most important part of this point is that the separation of religious and political views is not as clear as Rawls' model explains it. Specifically, in a real political world where individuals are free to practice any religion and worship freely, the line between the political and the ecclesiastical

may be skewed enough to disable the requisite separation from religious values under an overlapping consensus.

Furthermore, an overlapping consensus under the fact of ideological diversity is not viable considering the differing interpretations individuals will have over political values. These interpretations, as dictated by the definition of ideology, are a product of one's whole life experience. Therefore, as we move into the 21st Century, with a diversity of ideological interests further dominating American politics, structural models such as Rawls' have limited efficacy in explaining the dynamics of the free society given a plurality of ideological interests. The answer to this problem is to create a theory of democracy, which takes into account the diversity of ideological and religious interests that Rawls' claimed were so central to a free society, yet do it in a way not dependent on strict assumptions regarding citizen action in the political forum. It is especially important to note, that a political society is not undemocratic, or ill-liberal, if religious considerations are brought into the deliberative forum. Thus, when creating a theory of democracy that will take into account the fact of ideological diversity, it is central that the true nature of this fact is taken into account, making that theory truly political and capable of forming a path for American democracy in the 21st Century.

Chapter 3: A Political Theory for the American Democracy in the 21st Century

As opposed to spelling out a political framework in the tradition of John Rawls with the goal of enabling an idealized political condition, the goal of this paper is to create a democratic society of inclusiveness through a new interpretation of American democracy. As discussed in the previous chapter, the structural limitations of a procedural theory of politics does not parallel the fact of ideological diversity or the needs of the American polity in the 21st Century. Thus our theory of democracy will be born within the parameters set by our founders and adjusted by the real political conditions of modern America, which were discussed in Chapter 1. Today, the fundamental weaknesses within our political institutions endure as a product of our divisive and racist history, a history that we, as citizens, now control. The goal of this theory is to cure these fundamental weaknesses with a fresh vision for American democracy governed by modern political realities and guided by our political history.

Classical Liberalism Reinterpreted by the "4th Modernity"

As necessitated by reasonable standards of pragmatism[4] and the fact of ideological diversity, the modern American democracy will be guided by the enduring tenets of our founding yet reinterpreted by modern values of political inclusion. Especially relevant to modern democracy will be the standards of egalitarianism embraced by our founders. In the Declaration of Independence, Thomas Jefferson writes, in an obvious rewording of John Locke, that "all men

[4] I mention standards of pragmatism because in order to make my theory of politics wholly applicable to American politics, I wish to work within the system given to us by our founders, not attempt to make a fundamental adjustment to our Constitutional structure with the goal of bettering the American democracy. Therefore, I believe it is practical to apply what I believe should be good standards of inclusion and democracy to the classical liberal tenets set forth by men such as Jefferson and Madison. This approach, should in both a practical and theoretic sense, enable this theory to have real consequence for those who espouse it.

are created equal, that they are endowed by their creator with certain inalienable rights." This statement, a central tenet of our nations founding, is certainly consistent with the standards for inclusion necessary to 21st Century politics. However, unlike our founders, modern political society cannot view such standards as absolute, but instead as a guide by which modern citizens can deal with changing historical circumstances. James Madison viewed the Constitution and its supporting philosophy as a "higher law" (Ketcham, 214), yet still was explicit in his support for a living Constitution:

> Laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also to keep up with the times. (214)

This theory of democracy is certainly supported under these provisions for Constitutional evolution, and the "truths" that it will be guided by will be the standards of inclusion that are necessitated by the fact of ideological diversity. Madison and Jefferson both drew upon the Lockean notion of politics as a science, specifically that human society and politics embody certain fundamentals – that is natural laws, which Locke claimed were analogous to Newton's Law of Physical Nature (Ketcham, 44). To Locke, his notion of natural law fully described the political domain while Newton's law similarly described physical properties inherent in nature. As many "4th Modernist"[5] thinkers have claimed, this notion is not applicable to modern society or a diversity of ideological interests. Albeit the "inalienable rights" Jefferson mentions in the Declaration are

[5] Ralph Ketcham, in his comprehensive work on democratic theory entitled *The Idea of Democracy in the Modern Era*, groups together modern thinkers who center their democratic thinking on ideas of inclusion as "4th Modernist."

a derivative of Locke's natural rights formula, we should, as other thinkers have maintained, that we can reinterpret the meaning of "inalienable rights" to fit the modern era. As Iris Young, a philosopher who has supported a blanket reversal of the natural rights thinking embodied in our Constitution, claims quite convincingly, "The existence of (diverse) social groups implies different, though not necessarily exclusive, histories, experiences, and perspectives…[and therefore] no one can claim to speak in the general interest" (Ketcham, 202). In other words, the fact of ideological diversity, which claims that a diversity of ideological interests will have a greater say in the American democracy in the coming years, is not consistent with the universality of the Lockean premise of natural law. Instead of there being a set mode by which political actors rationalize their ideas, there will be numerous ways depending on ones life experience, and therefore a rubric outlining general political principles based on a theory of natural law is not applicable to a modern American citizenry.

Instead, more consistent with the fact of ideological diversity, the "inalienable rights" embodied in our founding support the need for absolute inclusion in the American democracy. Therefore, as reinterpreted in a modern setting, the precepts of classical liberalism that maintain the existence of natural rights needs to be broadened to include the idea that all ideological interests are deserving of an equal voice in American politics. As ideological interests abound in the political domain, spreading across the American polity and increasing their power in the halls of Congress and other institutions, they will ensure that rights specific to their experiences are protected by Constitution so long as their voice is

not muffled by the traditions of discrimination inherent in American history. As Ketcham explains, these "4th Modernist" thinkers espouse a political philosophy centered on the inclusion of "others" and that democracy is real insofar marginalized groups are no longer suppressed by dominant ideologies. In an American democracy centered on the idea of inclusion, the notion of "others" will actually be unnecessary because in effect, "others" will not exist in such a polity.

American Standards for Citizenship

Democracy, in a broad sense, is enabled by the political action of citizens, or the legal members of a state. Citizenship, therefore, should embody the whole of a political society, not a representation limited by dominant ideologies. Different ideologies, acting interdependently in a deliberative forum supported by ideals of inclusion can allow "cross-cultural understanding, cross-group experience, cultural diversity, toleration, [and] openness…become the hallmarks of the good society and the essence of justice" (Ketcham, 205).

As dictated by our founders, the standards for citizenship were set by broad standards, which although did enable exclusionary policies in early America, were reinterpreted throughout history to allow different groups such as young Americans, women, and blacks to become citizens. During the Continental Congress, our founders argued that citizenship rights should be advanced to "men with a common interest and attachment to community" (qtd. in Ketcham). This standard, although it has been reinterpreted to enable inclusion, is also seen by others as an example of the principled exclusion ingrained in the political thinking of our founders and that modern standards have in actuality supplanted this mode

of thinking. Nonetheless, as it has been reinterpreted in the past, standards of citizenship must be built upon in the future. Not only do citizenship rights have to be extended to all that deserve them (which today they do), but participation must be encouraged and accepted by the broader political society. Citizenship has limited efficacy to marginalized groups if their ideological leanings and policy recommendations are brushed aside as not applicable to a broader American society. Therefore, in order to enable a full and inclusive citizenship as required by the fact of ideological diversity, a deliberative forum conducive to a diversity of opinions will be the deciding factor in enabling full inclusion in American politics.

A Premium on Deliberation

In order to enable broad representation and an inclusive definition of citizenship, the deliberative forum must be capable of facilitating debate between diverse ideologies. As Thomas Christiano claims, deliberative democracy enables equality between political actors (244), and although I do not adopt his normative judgment that this equality satisfies some standards of political justice, I do wish to build from this idea as it relates to the egalitarian philosophy of our founders. I have mentioned earlier, on more than one occasion, that explicit in the founding of the United States was the belief that "all men are created equal." Given a deliberative forum that enables diverse ideologies a medium for debate and a culture inclusive enough to foster such a forum, an absolute equality between citizens will emerge. As Thomas Jefferson claimed, debate and political dispute would not be debilitating, but instead a mechanism for arriving at the Aristotelian

precepts of the public good and good government. Even the majority, claimed Jefferson, would be measured and reasonable in its control in order to respect "liberal precepts" (Ketcham, 51). Such a political society in a modern context would be a sufficient path for the American democracy to follow. Given an inclusive forum, and a forum that spurs debate in such a way that leads to a mutual understanding of the fact of ideological diversity will endow America with citizens who are able to perform real political participation, not an abstract form given by a mere right to vote. In other words, citizenship rights and the right to vote, protected by the Constitution, give differential ideologies modes for participation as necessitated by the fact of ideological diversity so long as the deliberative forum facilitates that participation.

James Madison, writing as Publius in Federalist 10, claimed that a diversity of interests in the American polity will not allow one interest to take control, given a free and democratic society that extends equal rights to all interests. To him, this dynamic would be effective in proportion to the number of interests in America (Ketcham, 44), and therefore, if applied to today's political context, the American government as handed down by our founders would keep one group from creating a dominant interest. However, as our divisive and racist history has shown, as well as the current and past battles by marginalized groups in American politics (see Chapter 1), certain interests are not given this opportunity because mainstream ideologies shut out diverse peoples from their attempt at equality in the political forum. Public deliberation, specifically under a deliberative forum open to all groups and founded on standards of inclusion and

understanding, will enable the effect described by Madison in Federalist 10 to come to fruition in the modern era. Christiano confirms this in his explicit claim that deliberation is necessary for the legitimacy of democratic institutions, and goes so far to say that it is undesirable for a modern state to lack the requisite amount of deliberation (246).

Deliberation by American citizens in the political forum will also create a medium for consensus making on matters of political debate, whether they be routine or pressing. Unlike Rawls, who as I discussed in Chapter 2 claims that a true "political conception of justice" occurs only under an "overlapping consensus," I would like to argue that rational citizens will judge the value of a consensus based on the question at hand and the political context of the time. For the more pressing questions, which Rawls' procedural model is unable to solve, flexible standards for a good consensus are necessary to prevent debilitating debates and an inclusive deliberative forum allows for a rational decision making process on how to judge such a consensus. Under real political conditions, agreements and the nature of them will vary depending on the parties debating and the political context. Although a consensus on fundamental political values would make such agreements stable "for the right reasons" (Rawls), this is an unrealistic expectation given our governmental structure and real political conditions. Therefore, consensus building under a theory of politics, given the fact of ideological diversity, should be given the flexibility necessary under a system rich in a plurality of interests.

To Christiano, one of the lasting contributions of deliberative democracy is its ability to enhance outcomes. Specifically, he claims that outcomes under a political system centered on deliberation will embody particular normative standards. This theory of democracy is not concerned with standards of justice or morality per se, but instead is centered on the belief that a fully inclusive political process will bring forth results fully democratic. James Madison, on the other hand, following Aristotle, judged a government based on its outcome, not necessarily on its structure. This view, although it does not necessarily take away from the democratic standards that America should embody as we move forward, does not allow one to justify the premium on inclusion that is necessary under the fact of ideological diversity. Furthermore, imposing meta-standards on the outcome of democratic processes would be comparable to placing value on certain political ideologies, something that would have undemocratic consequences for the United States.

Concluding Remarks

In the end, the path for American democracy in the 21st Century is a journey towards an ideal apex of inclusion for marginalized and diverse ideologies, those of which are important members of the American polity who have historically been set aside by dominant groups. I hope that as we move forward, individuals in power will realize that our democracy is only as inclusive as those who partake in the deliberative process, a process that is tantamount to ensuring the egalitarian tradition of our founding is preserved in American government. Furthermore, the relative vagueness of this theory has specific

design: procedures, meta-narratives, and explicit standards for normative judgment are relatively useless in real political settings. Instead, particular premiums for inclusiveness injected into an already standing and proven governmental structure will enable a strengthening of the American polity for future generations.