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**Civics 101**

**Episode 105: Democratic Norms**

**Virginia Prescott:** [00:00:23] This is Civics 101, the podcast refresher course on how democracy works. I'm Virginia Prescott. Today, democratic norms. [News montage]

[00:00:30] How did they become norms, and what is their role in a healthy democracy?

[00:00:50] Steven Levitsky and Daniel Ziblatt are both Harvard professors and they spent two decades studying authoritarian regimes. They've identified the behavioral codes leaders observe and the invisible lines that should not be crossed to maintain a healthy democracy. They are coauthors of the book How Democracies Die. Hello Steven Levitsky

**Steven Levitsky:** [00:01:11] Hi. Thanks for having us.

**Virginia Prescott:** [00:01:12] Thanks so much for being here and Daniel Ziblatt welcome.

**Daniel Ziblatt:** [00:01:15] Yes thank you.

**Virginia Prescott:** [00:01:16] Well what are democratic norms to start?

**Steven Levitsky:** [00:01:19] What we mean by norms is simply an unwritten rule. So it's a rule that all the relevant players are aware of and adhere to and know that there is some cost to violating them. But it's something that's not written down. So it is not a formal rule or law. By democratic norms we mean norms that are central to the functioning of a democracy.

**Virginia Prescott:** [00:01:47] You identify two guiding norms. First is mutual tolerance. So what does that mean?

**Steven Levitsky:** [00:01:54] That is a really basic norm in which each party each major party accepts its rival as a legitimate rival. We may disagree with the other party and we should and usually do disagree. We may really dislike the other party. We may shed a lot of tears on election night when the other side wins but it's essential that each party accept both publicly and privately that the other party is equally patriotic loves the country as we do and has an equal and legitimate right to exist to compete for power and to govern. Which means that we do not treat our political rivals as enemies.

**Virginia Prescott:** [00:02:39] The opposition is just the opposition.

**Steven Levitsky:** [00:02:41] It's just the opposition. That may seem like a pretty obvious distinction but going back to the period of our founding the 1780s and 1790s one of the key problems, one of the reasons why the two parties really virtually went to war with one another politically is the notion of mutual toleration really didn't exist it didn't exist anywhere in the West. It was just being born, the idea that there could be a legitimate opposition party that was not engaging by definition is sedition or treason was very very new in the late 18th century and even our founding leaders as enlightened as liberal as they were had not fully come to grips with that norm. It was it evolved over the course of the late 18th and early 19th century.

**Daniel Ziblatt:** [00:03:25] And can I just add to that it sometimes seems hard to grasp why that would be such a difficult norm to embrace. But if you stop and think you know if the vision of the way that politics ought to operate is that people in politics should figure out what's for the public good, then people who are critics of them or people who disagree with them are acting in ways that are sabotaging the public good. And so they should be kept out of power. But if you don't begin with the idea that there is one single public good that you know we're just trying to discern and sort of identify what is the way that politics ought to operate and you recognize that actually there's competing visions and there's competing value systems.

[00:04:04] Then you have to treat the other side as maybe what I think is true is not actually true. Maybe what the other side thinks is true there may be some credibility to it and so this idea that out of the competition of these competing visions we actually get a better outcome than just having a single person or a single party try to decide what is good. So that's really the shift that took place is that there was a growing recognition that nobody has a monopoly on truth and both sides are offering different visions and it's actually in the competition for power that you get the best kind of outcome.

**Virginia Prescott:** [00:04:35] How about the second principal, forbearance. What what does that mean?

**Steven Levitsky:** [00:04:42] Forbearance is the act of not exercising a legal right that is open to us. It is an act of deliberate self-restraint or under utilization of power which we don't normally think about much in politics but it's absolutely crucial to making really not only democracy but any political system work.

[00:05:06] Just think for a minute about our Constitution and what the president can do. The president as you know can pardon anybody he or she wants at any time, the president as long as he or she has a majority in the Congress pack the Supreme Court. If you don't like the composition of the Supreme Court and you have a majority in Congress you pass a law expanding the size of the court to 11 or 13 and fill it with your allies. Perfectly legal. The president can if the president is not getting her agenda through Congress can circumvent the Congress through presidential proclamations executive orders a whole series of unilateral measures that are not explicitly prohibited by the Constitution. All of those things are completely legal. On Congress's side the right of advice and consent in the Senate that can be used to deny the president every single cabinet appointment every judicial appointment every Supreme Court seat. Congress as we know can refuse to fund the government it can effectively shut down the government and Congress can impeach the president on virtually any grounds that it decides.

[00:06:19] So the point is that if misused if presidents really push the letter of the law at the expense of the spirit of the law even our Constitution can be run into the ground can be thrown into dysfunction chaos deadlock and potentially even authoritarianism. There are either gaps or interpretations of rules in the in our own constitution that open it up to abuse and to really the chaos. So it requires that our politicians engage in restraint in forbearance that they deliberately adhere to the spirit of the law rather than the letter of the law.

**Daniel Ziblatt:** [00:06:59] You know I mean one of the things that's sometimes misunderstood when we talk about forbearance is you know we're not suggesting that in a democracy people shouldn't fight hard and have passionate debates. In fact it's very important to fight hard for your principles and your policy priorities. But the idea is that if both sides pushed the letter of the law because things are not so clear as Steve says there can be these kind of clashes that end up being very destructive and so powerful politicians people with incredible constitutional power have to pull back from the edge and not pushed to the limits.

**Virginia Prescott:** [00:07:32] Don't all politicians however push the limits, at least rhetorically?

**Daniel Ziblatt:** [00:07:35] Well no I think actually they don't. I mean that's what's kind of remarkable in some ways is that I mean there's certainly lots of instances of people pushing to the limits but it turns out I think that politicians can in certain instances step back from the brink and not accuse their opponents for example of being treasonous. I mean that's very rare in American politics in the 20th century for presidents. Let's just take the president to publicly state that their political rival is treasonous. I mean that's that's really never happened until actually recently in the United States I mean you know the last several years you know not to say that there's not people in the press writing books called treason and there's people you know in society academics journalists accusing each other of treason and so on. But with important positions of political power as one climbs the apex of political power once one reaches the presidency, it's actually very rare.

[00:08:30] And so you know the one instance we might think of the more distant past is Richard Nixon you know who who literally despised the media and in private it was recorded is actually intending to go after the media. And you know his entire kind of criminal effort in the early 70s was exactly you know you know terrible illegal behavior. But even he even Richard Nixon in public sort of knew that he shouldn't be engaging in this kind of rhetoric. And so in that sense it's actually quite rare in the American context for people with the high levels of power to behave this way.

**Virginia Prescott:** [00:09:04] Well politicians however in the case of a couple of years ago the Democratic controlled House shifted the Senate rules and deploying what became known in Washington as the nuclear option. Now that the other side is in charge, as predicted, they might be regretting it. Is that a democratic norm in some way being kind of shortsighted?

**Steven Levitsky:** [00:09:28] I think that when you get into this spiral of norm erosion in which one side engages in what we call constitutional hardball and then the other side feels compelled to respond, yes politicians and parties begin to think in very short sighted terms. They think about well we need to defend our position. Now we need to we need to respond to this. Now maybe they're getting a lot of pressure from their constituents. And I think we're right in the middle of that right now there's a debate among Democrats for example and among progressives looking ahead to the 2018 election if the Democrats win control of the Senate in 2018 which is a possibility will they respond by denying President Trump if if if this occurs the opportunity to fill another Supreme Court seat. Will they do exactly what the Republicans did to Barack Obama. In our view that's pretty shortsighted behavior that's going to sort of continue and even accelerate this spiraling normal regime which could have you know very very negative consequences. But when when norms begin to erode when we're in the middle of the spiral it's very very difficult for individual politicians to step back and say you know this is not in the long term good.

**Daniel Ziblatt:** [00:10:43] You know it's very hard to break out of this spiral because you know in any of your listeners are going to sit here listening and think think to themselves well but these principles matter that what people are fighting for so why shouldn't we push to the hilt. You know why should we restrain ourselves and there's really a compelling logic there. But the point is simply that there's a cost to abandoning these norms because it does lead to this spiraling politics that doesn't it doesn't land us in a good place in the long run.

**Virginia Prescott:** [00:11:18] You're talking about erosion of norms but the government has changed. You know there have been several different swings back and forth between the way that the United States government operates or depending on who's in power. So is there a difference between a sort of real shift and just erosion wearing away of the way that things used to be?

**Steven Levitsky:** [00:11:39] One can identify hundreds and hundreds of different norms in politics. Many of these norms are challenged and change all the time. Society changes societal expectations change. It's perfectly natural and correct and healthy for democracy that all kinds of norms get get questioned challenged changed.

[00:12:03] Donald Trump violated the norm that presidents always have a pet. I don't think that's consequential. In fact there are many many norms of decorum that Donald Trump violates every day that are not consequential. But the two that we focus on, mutual toleration and forbearance, we think are essential and you lose those and your democracy is at risk, it's imperiled.

**Virginia Prescott:** [00:12:26] You mentioned the president Trump calling his opponents treasonous questioning election results. This is one of the democratic norms that we saw. You know Al Gore stepped aside after Bush v. Gore for the good of the system respecting the judiciary and decisions made by courts all norms that the current president has let's say subverted. So how do we safeguard these political norms?

**Steven Levitsky:** [00:12:52] That's first and foremost what we have political opposition for. Why that is so important is that we when our government does wrong that we have as much space and freedom as possible to speak out and organize and mobilize and protest against it. And actually we've seen a pretty healthy response on the part of key sectors of American society over the last year. There are things that worry us. There are other things that give us cause for hope. And one of them has been the response of both civil society and the media which we think has been overall pretty effective in responding to some of the president's most serious nor violations.

**Daniel Ziblatt:** [00:13:34] I would just add to that that that almost a precondition even for what Steve just said is that we need to be aware of what our norms are and so that's I mean the benefit of a show like yours in fact and so one of the purposes of having discussions like this is at least even be aware of what the norms are to figure out what we should be fighting over. And then once we've done that then the kind of fights and the political mobilization that Steve's described can take place.

**Virginia Prescott:** [00:13:59] Democracy has endured in the United States when it's been knocked off kilter in let's say Venezuela, Hungary, recently the Philippines, Russia. Why has that endured? Why do you think that it's robust?

**Daniel Ziblatt:** [00:14:11] I mean people disagree and fight with each other but there's two big things or three I guess big conclusions that people focus on and that help explain the U.S. one the older a democracy is the more likely it is to endure. And that applies to countries all around the world and the U.S. is one of the oldest democracies you know imperfect throughout much of its history. But one of the oldest democracies in the world you know people begin to value democracy as a result of that citizens value democracy or institutions develop traditions and ways of doing things. And so that's that's very helpful.

[00:14:42] The second point is the wealthier a country is the more robust democracy is and there's many poor countries in the world that are democratic but not all. You know there's more wealthy countries that are democratic and so being a wealthy country having a large middle class having educated population. All of these things matter.

[00:14:59] And then the final thing that the political science literature focuses on is the role of civil society. I mean the more robust a civil society is the more democratic more likely a democracy is to survive for exactly the reasons Steve just laid out that when you have a well-organized opposition it can serve as a buffer and a constraint on people who want to abuse power.

**Steven Levitsky:** [00:15:19] Yeah and if I can jump in and sort of present the dark side. At the end of the day we are relatively optimistic about the fate of American democracy. I think odds are our democratic institutions will muddle through the Trump presidency. That said a lot of the cases that we studied. Turkey is a good example of this. Peru's another, Venezuela another. If you took a snapshot one year in you wouldn't find much damage done. It was only down the line, 3, 5, 7, 10 years later that you really see the damage.

**Virginia Prescott:** [00:15:53] So what is the important takeaway for our listeners and those who support a fair healthy democracy about democratic norms?

**Daniel Ziblatt:** [00:16:01] So yeah on the last page of our book we have this wonderful quote where E.B. White was asked by the federal government during the war, you know what is democracy. He doesn't describe the institutions. It turns out it's very much more of the kinds of things that he describes and he says it's the feeling of privacy in the voting booth, the feeling of communion in the libraries, the feeling of vitality everywhere. Democracy is a letter to the editor. It's a score at the beginning of the ninth inning.

[00:16:28] I mean so this is he's describing features of our of our political culture at the end of the day. And so there needs to be a revitalization of that. I mean I think that that at the end of the day is the thing that drives the health of our democracy.