

# Deepening or Endangering Democracy: Demonstrations and Institutions under Representative Government

Robert M. Fishman

Do demonstrations tend to *deepen* or *endanger* democracy? I examine this theme of major debate between scholars and among political actors, analyzing how the United States and other democracies have dealt with—and been shaped by—popular pressure on representative institutions. Cases that are discussed include Martin Luther King's 1963 March on Washington and the January 6, 2021 assault on the Capitol, as well as examples drawn from Spain, Portugal, and Italy. I offer clear principles to differentiate between types of protest that deepen democracy, advance the goal of inclusion, and others that endanger democratic principles. Among the issues I take up is whether the *location of protest*—for example, adjacent to or even inside legislative chambers—is decisive. Rejecting that approach, my argument instead emphasizes the difference between protests intended to influence policy-making or the political agenda and those that use intimidation or violence to replace the primacy of elections in selecting office holders. The discussion argues that conceptualizing demonstrations as complementary to the work of representative institutions can help to promote the difficult to obtain objective of political equality between citizens. The article also asks whether consensus on this matter can be attained and if so how.


Demonstrations often play a crucial role in the trajectory of democratic systems, but whether public protest directed toward elected office holders and institutions exerts a positive effect on the fate of democracy remains a theme of ongoing controversy. To put the matter quite directly, do demonstrations aimed at elected office-holders strengthen democracy by deepening the connections between popular sentiments and power-holders or do they potentially undermine the electoral essence of representative systems and the institutions that embody that essence? In the context of democracy's current set of challenges, many political actors have faced precisely this question. The relevance of this matter has repeatedly reasserted itself—often attracting a great deal of public attention—yet despite the wealth of important work on protests, the scholarly treatment of complexities posed by this issue remains underdeveloped. Political actors themselves have differed as to whether

demonstrations that seek to influence or actually pressure elected institutions have the effect of *deepening* or potentially *endangering* democracy. From the standpoint of democratic theory, the question involves the relationship between several dimensions of democracy: the *depth* of popular influence over governments and both the *authenticity* and *consolidation* of modern democracy's central institutional components (Fishman 2016).

## Central Points of Dispute and Contrast

A central point of dispute concerns demonstrations that take place adjacent to—or even inside—elective institutions. In the perspective of some political actors, in evaluating the democratic impact of demonstrations, location matters—as do tactics and objectives. American democracy has witnessed demonstrations of extraordinary public significance alongside the centers of representative government and so too have many other political systems. This matter is of major current relevance in the United States and elsewhere. Indeed, I argue that American democracy has much to learn from examining how other representative systems have viewed the potential contributions—or risks—that such demonstrations generate. In what follows I offer theoretical guidelines for democratic theory—and practice—rooted in a consideration of examples drawn from the United States and several European countries. I propose clear principles for differentiating

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between demonstrations that legitimately pressure office holders—in many instances deepening democracy in important ways—and others that truly endanger the essence of democracy.

A great deal of excellent scholarship on protest and politics has focused on addressing specific research questions and theoretical perspectives. For example, students of the democracy's emergence have examined the contribution of popular protest to that outcome (Kadivar 2022; Markoff 1996; Tilly 1995). Researchers centered on the study of protest and electoral dynamics have examined the impact of protest on voting behavior (Gillion 2020) and on polarization (Sato 2021). Scholars of democratic deepening (Roberts 1998; Heller 2000) have explored ways in which social movements can promote improvements in democracy, whereas theorists of alleged democratic “overload”—following the classic claim of Huntington (1968) that strong institutions should have the ability to withstand much social pressure—have been concerned about potentially excessive protest. Susan Stokes has offered a thoughtful review of many arguments on both sides of this debate (Stokes 2020). At the same time, major scholars have elaborated how the dynamic interactions between protesters and institutional power holders have helped to condition historically significant positions of both sets of actors, thus decisively shaping the historical trajectory of democracy (Tarrow 2021; Milkis and Tichenor 2019). Concern over the interplay between protesters and representative institutions has obviously extended well beyond the scholarly arena. Political actors themselves have energetically defended a variety of perspectives on the role of demonstrations in democracy; the themes at stake are of great practical political significance. However, the current state of the debate leaves us without a comprehensive analytical formulation of several central issues that is fully sufficient for both practical and scholarly purposes.

As a point of departure for developing my argument, it is useful to analytically distill major claims and assumptions that underpin the debate. Students and proponents of the democratic contributions made by demonstrations have emphasized several claims or assumptions:

- 1) that popular pressure exerted by movements and demonstrators may be required to establish democracy;
- 2) that the direct articulation of citizen preferences through demonstrations is a natural byproduct of freedoms that are essential for the functioning of free polities;
- 3) that the expression of popular sentiments in demonstrations organized during the long intervals between elections (and the campaigns that precede them) can potentially strengthen popular input into both policy-making and opinion formation; and finally,
- 4) that demonstrations provide voice to otherwise relatively disadvantaged sectors, empowering economically and socially marginal actors with the effect of enhancing the objective of *political equality*—heavily emphasized by the great democratic theorist Robert Dahl (1998; 2006).

Taken as a whole these arguments suggest that popular pressure in the streets can promote both the emergence and the *deepening* of democracy. In contrast, those who are skeptical or critical of the impact that demonstrations exert on democracy advance several claims:

- 1) that demonstrations can potentially distort the message of the ballot box, amplifying the voice of the political extremes while undercounting the sentiments of relatively quiet or moderate citizens;
- 2) that social pressure in the streets can inappropriately intimidate elected office holders, pressing them to take actions that run counter to majority preferences of the electorate;
- 3) that demonstrations can promote polarization and thus potentially democratic deconsolidation, and finally;
- 4) that in the extreme demonstrators may seek to replace elected office holders through non-electoral social pressure, thereby undermining the central assumption of representative democracy—that citizens freely choose power-holders at the ballot box.

In a sense, the debate concerns the possible tension between the pursuit of democratic *depth* and efforts to guarantee democracy's Schumpeterian *authenticity and consolidation*. This article's analysis offers an approach to navigate that tension in a way that aspires to simultaneously promote those three dimensions of democracy.

Political actors have confronted this question in numerous democracies; in the American case its significance has reemerged periodically. Many crucial twists and turns in the political development of the United States have been conditioned not only by elected office holders and powerful interests but also by social movements that pressured office holders through large public demonstrations and other means (Milkis and Tichenor 2019; Tarrow 2021). Indeed, many of the most memorable policy initiatives of American presidents and legislators emerged as a result of interactive dynamics involving both social movements and elected office holders. Much of that social pressure served to advance the crucial democratic goal of expanding the boundaries of inclusion, for example in both the abolitionist and civil rights movements, but social movements on the political right—some of them proponents of exclusion—have also played a major role in American political history (ibid.) The assault on the Capitol by pro-Trump demonstrators who sought to pressure

legislators charged with tallying electoral votes for president on January 6, 2021, offers an especially telling recent example of forms of protest behavior that few if any advocates of democracy would condone. The effects of protest on democracy's trajectory have been historically quite varied.

A simply ad hoc contrast between “good” and “bad” types of protest behavior would be unsatisfying from a theoretical perspective and lacking in actual usefulness from a practical standpoint oriented toward the type of assessments that political actors need to make in historically crucial moments. Analysis of crucial episodes of interaction between protestors and elective institutions should help provide a robust and clear basis for specifying theoretical principles that differentiate between forms of protest that *deepen* democracy and others that *undermine* such political systems. In that endeavor, a great deal is to be learned from the experiences and perspectives of other democracies.

Two neighboring democracies that moved from authoritarian rule to democracy at the dawn of the global third wave of democratization in the 1970s—Portugal and Spain—offer especially telling lessons rooted in their remarkably different predominant perspectives on the interactions between demonstrators and elective institutions. Research on this “paired comparison” (Tarrow 2010) has shown that whereas the predominant understanding among Portuguese political actors, not only on the left but also on the center-right, tends to see demonstrators and elective institutions as fundamentally *complementary components* of democratic politics, the historically dominant perspective among political elites in Spain's post-Franco democracy has seen demonstrators as a potentially destabilizing impediment to the smooth functioning of elective institutions at least under certain circumstances (Fishman 2019). The *location of demonstrations* has been a key consideration in that cautious perspective on popular pressure: Spain's 1978 Constitution explicitly prohibits demonstrators from taking petitions to parliament. In the same spirit, protestors have been regularly prevented from reaching the Spanish legislative chamber with their demands; in contrast, in Portugal political leaders of both left and right have articulated their view that elected leaders *should listen* to the voice of protesters. Demonstrators, in the Portuguese case, have frequently taken their demands to the location of representative institutions and have often been provided a hearing by representatives of essentially all major parties in the country's parliament (ibid).

The logic behind the dominant Spanish perspective was clearly articulated by the democratizing Prime Minister Adolfo Suárez in April 1977 when, in the midst of the country's democratic transition, he legalized the Communist party despite opposition from right-wing skeptics. In the words of Suárez at the time, “Sincerely, is it not

preferable to count in the ballot boxes what otherwise we would have to measure on the poor basis of unrest in the streets?” (Linz and Stepan 1996, 97). At the time, Spain's Communist Party was playing a central role in demonstrations and strikes organized to promote democratization but in keeping with its moderate “Eurocommunist” strategy, was not encouraging violence or disorder in the streets. The words of Suárez, much like the constitutional prohibition on taking a petition to parliament by demonstration, reflected a fear that demonstrations, and the popular pressure they embody, could potentially undermine the representative institutional core of modern democracy. In an extreme example of skepticism over the place of popular protest movements in modern democracy, in 2011 a prominent leader of Spain's primary conservative party, the *Partido Popular*, referred to the large 15-M movement that emerged in May of that year as “precursors of totalitarianism” (*Público* 2011, 16). The theoretical debate over the role that demonstrations *should play* in democracy—especially with regard to protest movements that take their demands to the halls of power—is clearly reflected in the actual empirical contrast between these neighboring countries. The large contrast between Portugal and Spain underscores how seemingly quite similar countries can deal with options analyzed by scholarly literatures in quite different ways for historically identifiable reasons.

## Foundations in Scholarly Literature

The view that public protest plays a central role in the emergence and the vitality of democracy is a constitutive element of much important work on democratic polities and their emergence. A large literature has elaborated how social movements, and the protests they promote, have contributed to democracy's story in decisive ways, regularly interacting with political institutions (Tarrow 2021; Milkis and Tichenor 2019) as well as electoral dynamics (Gillion 2020), and indeed often contributing to the actual emergence of democratic systems (Markoff 1996; Tilly 1995; Kadivar 2022). In the American polity, the pressure that social movements exert on elected office holders has contributed to major shifts in direction in public policy—and crucially to the very definition of boundaries of inclusion (Milkis and Tichenor 2019; Tarrow 2021); the same holds true in numerous other political systems. Whether we focus on the evolving positions of American presidents such as Roosevelt, Kennedy, and Johnson or the policies of Portuguese governments on budgetary and housing matters, it is clear that many crucial turning points in policy have been shaped by the interactive agency of elected leaders and public protest. Social movements oriented toward efforts to influence representative institutions have decisively conditioned what democracies do. But debate persists over the role that demonstrations *should play* in democracies and especially

over their relationship with representative institutions, as the contrast between Portugal and Spain clearly illustrates. Before elaborating on the lessons to be learned from actual practice in democratic polities and the broader theoretical issues involved, it is useful to further delineate arguments that have been advanced.

Crucially, an adequate answer to the question of whether demonstrations deepen or endanger democracy necessarily involves making theoretically explicit what types—or *venues*—of protest potentially *strengthen* democracy and what forms of protest may instead *undermine* free and representative systems. Political actors implicitly deal with this issue in moments of popular mobilization but the theoretical underpinnings of the issue merit renewed scholarly consideration and elaboration, as this article seeks to provide. Assertions that some types or locations of protest may undermine democracy's stability, or even its very essence, tend to be linked to a conceptual reliance on the Schumpeterian or "minimalist" understanding of democracy and a commitment to promote democratic consolidation over other objectives. In contrast, arguments that demonstrations advance the essence of democracy tend to be conceptually linked to the commitment to deepening democracy, which is to say, an effort to promote elements of the democratic ideal that may not be realized through an exclusive reliance on guaranteeing the authenticity of the Schumpeterian minimalist requirements for democracy (Roberts 1998; Heller 2000; Fishman 2016).

It should be noted that assessing the role of demonstrations in democracies is conceptually distinct from analyzing the effect of mass-mobilizations under dictatorships or during regime transitions – an important issue that has motivated a good deal of excellent research (Kadivar, Usmani, and Bradlow 2020; Kadivar 2022; Hellmeier and Bernhard 2023). During periods of non-democratic rule, political actors obviously lack the freedom to seek power and representation through free and fair elections; demonstrations, despite the risks that participants may run, are for many actors in such contexts the only plausible route to political expression. Moreover, they may prove to be an effective instrument to promote regime change. But conceptualizing demonstrations as potentially relevant and useful for governmental change—or, alternatively; for assuring governments' continuity in power—in a democracy is an entirely different matter as is underscored in literature on democratic breakdowns.

Linz's classic analysis of democratic breakdowns (Linz 1978) is often read, in part, as an argument for restraint and moderation by those democratic forces—typically found on the left—that may be tempted to tie democracy's fate to an ambitious agenda for socio-economic change. But on the specific issue of social pressure on elective institutions, Linz's key critical claims concern Fascism and that anti-democratic movement's formula for taking

power in democratic regimes. His analysis specifies the Fascist route to the overthrow of democracy as one that combined violent pressure on elective institutions with a capacity to operate *inside* those institutions as well. In Linz's formulation, the result was a "pseudolegal transfer of power" that conserved some elements of formal legality while violating its central assumptions and guarantees. (1978, 83). For Linz, violent pressure or intimidation that is applied to elective institutions with the end of influencing government formation holds deeply anti-democratic implications that were exemplified by Mussolini's 1922 "March on Rome", initiating over two decades of Fascist rule in Italy. Linz's analysis offers a very useful basis for specifying limits beyond which pressure on elective institutions is unacceptable from a democratic standpoint. Of course, such pressures can emanate from the political left as well as the political right. In 2011 a left-wing demonstration outside the Catalan parliament in Barcelona included several instances of physical intimidation or violence against deputies seeking to enter the chamber and anti-democratic revolutions have been waged by movements on both the political left and right.

## Demonstrations and the Boundaries of Inclusion

Divisions in the United States and other countries, both on this matter and many others, are partly about *inclusion*. Opposing forces often debate—or tacitly disagree on—who deserves a hearing from elected officials and which political forces should be seen as welcome participants in public life. Efforts to exclude minorities of many types have a tragically long history in the American polity, most dramatically in the Jim Crow era; the exclusionary tendency has recently resurfaced with fresh energy. But the country's divisions are about more than the *identity* of those fully welcomed onto "the playing field." They often involve debates over *tactics* as well as goals and actors. Indeed, both historic and ongoing disagreements over *how to define democracy's bounds of inclusion* have covered all three matters: actors, goals, and tactics.

The fundamental issue of inclusion provides a useful backdrop to the more specific question of how demonstrations *should be viewed* by proponents of democracy. Are they an integral component of democracy that offers a necessary complement to the work of official representative institutions, an unwelcome threat to those institutions, or does the answer depend on the political objectives or tactics of demonstrators?

Debate over this question forms a thread tying together long periods of American history. Deep disagreements over the place of demonstrators in the country's democracy punctuated the political history of the 1960s and 1970s. Martin Luther King's March on Washington in 1963 was the most memorable in a long succession of

popular efforts to move political leaders and the country's conscience toward the embrace of the principle of inclusion—with special regard to both race and economic status. Interactions between protest movements and elected leaders such as presidents played a central role in that story—and thus in the evolution of American democracy (Milkis and Tichenor 2019; Tarrow 2021). But the effort during the long 1960s to reshape the country's democratic essence through demonstrations, many of which took place close to the seat of government, was met not only by attentive interest from some political leaders but also by exclusionary reactions. The admonition of some prominent politicians, such as Richard Nixon, that most Americans allegedly belonged to a “silent majority” represented in electoral outcomes but not in demonstrations (Gillion 2020), could be seen as a *de facto* call to marginalize the voices of protest emanating from long excluded citizens. Whether demonstrators were central to the realization of democracy's promise or an impediment to its fair operation was, whether one likes it or not, a question of political disagreement at the time.

Although the American story has key elements of historical distinctiveness, all democracies must deal in one way or another with this question. Scholarly work clearly shows large contrasts in how actors and predominant sentiment within national cases understand the place that demonstrations *should occupy* in political life. Crucially, how countries have answered this question proves decisive in shaping a number of other important outcomes. Research on the previously introduced paired comparison of Portugal and Spain offers telling evidence on this point, showing major differences not only in how the role of demonstrations has been conceptualized by political elites but also in a series of contrasts in large-scale *outcomes shaped by that point of cross-case variation*. Underpinning those points of contrast, the two countries' remarkably different roads to democracy in the 1970s—through a veritable revolution in Portugal (Bermeo 1986) and an institutionally guided process of reform after the death of longtime dictator Francisco Franco in Spain—brought about very different ways of *understanding* central elements of democracy, despite the prior long-term historical similarity of the two cases. During those countries' transitions to democracy in the 1970s, crowds often entered the streets to demonstrate—or to pressure power holders—but the way political leaders thought and spoke about that popular pressure was conditioned by the broader nature of the two regime transitions. This point of divergence has endured. The contrast in actual *democratic practice* between these two previously quite similar countries concerns both the role that demonstrations occupy in political life and the extent to which socially marginal and disgruntled actors are welcomed into the substance of institutional political life (Fishman 2019). Thus, findings on the contrast between Portugal and Spain

allow us to assess the consequences of incorporating protest—including demonstrations staged alongside major representative institutions—within the dominant conception of democracy, or of not doing so. Perhaps paradoxically, much evidence suggests that by essentially building a moat around the political system's central institutions, the predominant perspective of Spanish political elites tended to weaken the democratic system instead of strengthening it.

In contrast, the inclusionary understanding of democracy of the Portuguese has proved full of advantages—in post-austerity measures of legitimacy and satisfaction with institutions, the staying power of mainstream parties and the country's ability to weather various crises (Fishman 2022). Crucially, evidence from political economic analysis has shown that the distributional consequences of the Great Recession were significantly more favorable to egalitarian outcomes in Portugal than in the rest of Southern Europe, even though Spain and Portugal were governed by parties of the same ideological tendencies during almost all the period of time in question (Matsaganis and Leventi 2014; Perez and Matsaganis 2018), an outcome linked to the dynamics emphasized here. Remarkably, the Portuguese have forged quite broad consensus on their *inclusionary* reading of democracy's essence—partly thanks to their yearly commemoration of revolution. Through the process of discussing annually—in public—the enduring meaning of their democratic revolution, the Portuguese have built a system with more consensus than most other countries around the idea that demonstrators *should* gain a hearing from institutional power—without in any way dislodging elected representatives from their position. Thanks to this perspective, even a right-wing government responded to massive demonstrations in the fall of 2012 by reversing course and withdrawing a proposed austerity measure which would have transferred a substantial share of income from employees to their employers. In changing policy, the government explicitly referred to the voice of demonstrators as the motivation for withdrawing the proposed measure. The Portuguese system emerged from the long shadow of the Great Recession with more democratic legitimacy than the rest of southern Europe and an actual reduction in inequality, thanks to this interactive dynamic. The view of mainstream politicians both to the right and left of the political center that voices of protest should be heard—and often heeded—contributed to decisions that brought with them political, social, and even economic benefits (Fishman 2019, ch. 5).

### **Specifying When External Pressure Threatens Democratic Institutions and When It Serves Democratic Ends**

But despite evidence pointing to advantages of welcoming the voices of protesters into the center of democracy's political arena, it is not difficult to find examples of key

moments in which demonstrators have actually challenged the normal functions of representative institutions—and all they stand for. America's January 6, 2021, mass assault on the Capitol marks the most troubling recent instance of a demonstration just outside (and ultimately inside) the seat of legislative power that turned into a violent effort to reverse the essence of democracy—the certification of an electoral outcome. This was hardly the first time in which mass action in the streets, focused on the seat of national power, was intended to undermine democracy. Mussolini's 1922 March on Rome (Albanese 2019) stands as a classic example of how anti-democratic forces have on occasion used an adroit combination of mass mobilization and violence in the streets alongside action by their allies inside official institutions to subvert democracy (Linz 1978). Italian Fascism and various other anti-democratic actors have followed that path to power, offering a strong basis for caution in assessing how popular pressure should be understood—and welcomed or delimited—in free and representative systems. As the historical record of democratic breakdown underscores, we need a clear theoretical understanding of how to delineate the difference between popular movements or tactics that enhance democracy and those that endanger it. Contemporary politics also offers us examples of mass mobilization directly intended to *strengthen* democratic institutions—as in the large Israeli movement of protest in early 2023 designed to prevent the loss of judicial independence along with the safeguards for democracy provided by that principle. Whether demonstrations in the street tend to strengthen, deepen, or endanger representative institutions appears to be a matter of significant historical variation.

Given the plurality of outcomes that can be observed in historical—and contemporary—episodes of mass mobilization aimed at the institutional center of national political life, the underlying issues at stake clearly require serious analytical attention. Two large questions deserve consideration: What is desirable from a democratic standpoint, and is it possible for democracies to achieve something approaching consensus around this issue? These questions hold great importance. The answers to them may help to determine whether the passions of our time do more to strengthen—or undermine—the essence of democracy. The depth of the divisions that currently plague many countries make it difficult to think of public passions and political energy as potentially useful for strengthening or deepening democracy but both American history and lessons from other countries offer precisely that hope.

Whether demonstrations alongside the seat of elected power should be seen as a valued complement to the work of elected institutions or as a threat to those institutions is in part a matter for normative political theory. From that standpoint, I argue that demonstrations should be seen as a valuable corrective to certain common tendencies in the functioning of representative government. Although

democratic theory has emphasized the idea of political equality—not only at election time, but also in the long interval between campaigns (Dahl 1998, 2006)—in actual *practice*, a great deal of evidence shows that democracies tend to suffer from severe *political inequalities* that diminish the capacity of low income or otherwise socially marginal citizens to influence political processes such as policy making as fully as their more prosperous fellow citizens (Gilens 2005; Bartels 2008; Lupu and Tirado Castro 2023). However, demonstrations hold the potential to at least partially level the playing field of political life in representative systems, providing large groups of resource-poor citizens with a chance to significantly influence both policy-making and agenda setting. Empirical research suggests that those who actively mobilize in favor of underprivileged sectors are typically better off economically than most of those they seek to defend (Schlozman, Brady, and Verba 2018), but in political terms it remains the case that demonstrations provide a highly useful avenue of action for defenders of the poor and excluded.

Demonstrations are obviously not the exclusive domain of the poor—or any other collective actor. They are—and *should be*—available to all who act civilly and peacefully, with respect for the larger community of citizens. Socially marginal actors do not hold privileged access to this political tactic nor do the advocates of any specific point of view. Movements of the Christian Right and other conservative forces have played an important role in the history of movement pressure on institutional power holders in the United States (Milkis and Tichenor 2019; Tarrow 2021) and elsewhere. But low income and otherwise marginal actors, as well as their defenders, have as full access to the use of demonstrations as more politically powerful actors and precisely for that reason demonstrations have historically proved decisively important for sectors of society previously excluded from full political participation. The civil rights movement and mobilizations by labor and the poor in the United States in the 1960s and in other decades stand as clear instances of the key democratic potential held by social mobilization in the streets. The history of American political development is to a large degree a story of interactions between social movements and more institutionally central actors such as political parties, a dynamic to be found both in the social advancement toward political inclusion of African Americans and other excluded groups and, conversely, also in the evolution of the political right (Schlozman 2015; Milkis and Tichenor 2019; Tarrow 2021).

What criteria can be used to clearly and fairly differentiate between demonstrations that effectively level the political playing field, thereby deepening democracy by enhancing political equality, and others that do in fact endanger democracy itself, as in the assault on the U.S. Capitol on January 6, 2021? A seemingly plausible rule of thumb might be to simply draw a line at the

entrance to legislative chambers, accepting as legitimate those protests that remain outside, while rejecting the acceptability of those that physically enter the legislative chamber where elected representatives are expected to make decisions. However, in actual practice this approach seems unlikely to prove useful in most political systems. On numerous occasions protesters who accept the basic ground rules of democracy *have entered* legislative chambers to raise the visibility of their claims. In a widely reported event during the spring of 2023, advocates of gun control legislation staged a protest inside Tennessee's state Capitol and were joined there by three members of the state's House of Representatives. That chamber then voted to remove two of the three elected representatives from office, notoriously, the two who are African Americans—seeking to annul their representative functions as a consequence of the demonstration even though the protest had been non-violent. A protest that had sought to influence policy-making but that did not challenge the essence of the political system was treated by Tennessee's legislative majority as a basis for exclusion of two African-American state House members.

This episode shows how an overly restrictive reading of the acceptable relationship between demonstrations and legislative chambers can undermine the representative essence, and indeed the “authenticity” (Fishman 2016) of democracy, instead of protecting it. Elsewhere, on other occasions, political leaders have been subject to actual violence and intimidation *outside* the institutional seat of their representative power but in the Tennessee case where the events in question took place inside the legislative chamber, there was no evidence of violence or intimidation. In contrast, in Italy just prior to Mussolini's March on Rome, Fascist squad members did use violence against their political adversaries in locations—such as their homes—far removed from legislative chambers, combining that with intimidation directed toward the seat of legislative power itself (Albanese 2019, 31-2). Thus, location itself proves clearly insufficient as a boundary marker delineating between acceptable and unacceptable forms of protest behavior from a democratic standpoint. A careful reading of what actually goes on in political life within representative systems makes it clear that official institutions—and their advocates—ought to find ways to protect the essence of their functions without erecting an exclusionary moat around their premises.

Another approach is to highlight the ultimate regime preferences of actors, accepting as legitimate the protests of pro-democratic forces while rejecting the admissibility of mobilizations by democracy's opponents. This rule of thumb may appear attractive, and it does align with the crucial empirical finding that the regime preferences of key political actors prove decisively important both in determining the long run fate of democratic systems (Mainwaring and Pérez-Liñán 2013) and in the impact

of mass mobilizations on potential transitions *to* democracy (Hellmeier and Bernhard 2023). However, this approach has its own inadequacies in differentiating between admissible and unacceptable forms of popular pressure on institutions in a democratic setting. The classic work of Linz on democratic breakdown underscores how numerous political actors may be characterized by one degree or another of ambivalence and ambiguity in their values and perspectives on democracy (Linz 1978). For Linz, the crucial issue determining whether political actors undermine or reinforce democracy centers on their *actions*—including their alliances—and not simply their underlying preferences. The influential recent work of Levitsky and Ziblatt (2018) has extended Linz's insights in crucial ways, highlighting among other matters the decisive importance of institutional restraint or “forbearance” by democracy's defenders. The emphasis of these scholars on the actual interactive behaviors of key political actors proves decisive in unlocking and specifying the makings of democratic breakdown – or survival. This suggests that for assessing the impact of political action in democracy, relational practice by actors offers a better grounding than our reading of actors' underlying preferences. This conclusion aligns with the influential relational approach to the study of political contention developed by McAdam, Tarrow, and Tilly (2001). In this logic, how demonstrators actually interact with their political interlocutors or adversaries is the key factor that determines whether protests are a key complement—or a direct threat—to the work of representative institutions.

From the standpoint of both normative democratic theory and the actual experience of political actors, there is much to be said for fostering the inclusion of protest within the conception of democracy's essence. Indeed, representative institutions themselves and the essence of democracy can be fortified by welcoming the voices of protest into democracy's “conversation” so long as two interrelated principles are not violated. First, it is clearly inadmissible for protest to violently assault or physically intimidate office-holders faced with the challenge of decision-making. Democracy requires the freedom to vociferously express disagreement and moral outrage but it also requires the drawing of a clear line between vigorous advocacy and physical intimidation or coercion. Second, and relatedly, protest is clearly not an acceptable method for *choosing power-holders* in a democracy; only elections and institutionally regulated ways of assessing their verdict can legitimately play that role in a free and representative system of government. Mussolini's 1922 March on Rome, which seized power, initiating over two decades of Fascist domination, and the January 6, 2021, assault on the American Capitol shared a fundamental goal—to use physical force and intimidation to choose the office holder exercising the highest executive governmental power. It was that intertwining of anti-democratic tactics and

objectives that made both of those initiatives thoroughly illegitimate; they both sought to reverse the essence of democracy.

This point may seem so obvious to some as to raise the question of why it deserves to be specified. The answer is quite simple: Without clarity on precisely *what* made America's January 6 and the Italian March on Rome thoroughly illegitimate from a democratic perspective, we run the risk that some political forces will mistakenly sense danger in all efforts to apply public pressure to representative institutions. That excessively restrictive approach would question the legitimacy of acceptable and indeed constructive forms of protest, whether Martin Luther King's 1963 March on Washington or the 2023 protest of gun control advocates within the Tennessee House of Representatives. If the moats of institutional defense are drawn too narrowly, the effect would be to unnecessarily weaken democracy in several ways. Outside the United States, this point was recently underscored by the counter-productive effects of much that Spanish governmental authorities did in responding to pro-independence efforts in Catalonia in 2017 (Fishman 2019, ch. 6). An overly restrictive sense of democracy and its admissible forms of expression weakened institutions instead of strengthening them. The contrast between neighboring Portugal and Spain in the way institutional actors have responded to dissent in the streets and other forms of popular mobilization clearly shows multiple advantages of an inclusionary conception and practice of democracy—for example, in levels of trust in public institutions.

## Is Consensus Possible?

But if we adopt an inclusionary understanding that assumes that official institutions and voices of protest are *complementary components* of democracy, is there any way to build consensus around this perspective? Examining the past and how it has been politically mobilized—or underutilized—seems to offer some promise of useful insights. The historical approach to political analysis typically assumes that actions and decisions hold lasting power capable of strongly shaping the present. Whether historical analyses rely on the search for causal divergence rooted in “critical junctures” (Collier and Munck 2022)—such as the polar opposite roads to democracy of Portugal and Spain in the 1970s—or other research strategies, this general perspective leaves open a great deal of analytical terrain to weigh the mechanisms through which the past shapes the present and the nature of opportunities for actors to strengthen or refine certain legacies of the past. Herein lies a vast opportunity for American political actors to incorporate within their practice useful lessons from other national cases. The colonial era depiction of America as “a city on a hill” has doubtless inspired many, but perhaps as a result, all too often American political actors

have proved unfortunately reluctant to search out lessons to be culled from “sister democracies.”

When the use of the past by American political actors is viewed alongside the experience of at least some other countries—such as Portugal where democracy's “third wave” began in 1974—it becomes clear that Americans have collectively failed to draw as fully as possible on inclusionary, and potentially unifying, principles articulated at the country's origins in the revolutionary *Declaration of Independence*. Of course, the 1776 declaration that all humans are created equal was enunciated in an era of slavery and other deep violations of that idea. But the “cultural work” of building shared understandings that can help to sustain democratic politics should involve finding ways to draw meaning from the *best* of the past. Portugal has done precisely that through its robust annual program of commemorations that celebrate the Carnation Revolution of 1974 and retell the story of liberation from dictatorship in ways that articulate lessons for contemporary democracy (Fishman 2019, ch. 7). The commemorations of revolution are wide-ranging and extensively publicized. They involve representatives of the major political parties as well as civil society organizations and ordinary citizens. Portugal's political culture shows much evidence of the inclusionary understanding of democracy fostered in part by this annual celebration of the events that initiated the country's road to political freedom in 1974. The inclusionary approach to politics has, in turn, generated concrete advantages for the Portuguese, especially in comparison to other south European countries (Fernandes 2017; Fishman 2022).

The cultural project attempting to extract both inspiration and meaning from the past holds considerable political significance. An inclusionary sense of politics—including demonstrations—can help to strengthen democracy in difficult times but clarity on the forms of political action that should be seen as inadmissible is also desirable. The work of trying to build consensus on shared rules for democracy's political playing field is partly cultural. It involves drawing on the past, enunciating principles and sources of meaning to be found both in democratic theory and historical experience. Examples to be found in democracy's history outside the United States can potentially prove useful to Americans. Efforts to “save democracy,” as Della Porta argued a decade ago, can usefully draw on multiple sources: normative democratic theory, examples of democratic initiative from numerous countries and the ongoing work not only of institutional representatives but also social movements (Della Porta 2013). Demonstrations—including those that take place adjacent to or even inside legislative chambers—often contribute to democratic deepening and potentially can strengthen fundamental principles and goals such as political inclusion, the promotion of

political equality and system legitimacy. But this in no sense means that all forms of pressure are acceptable in a democracy. When protesters seeking to influence representative institutions use violence and intimidation and when the target of their pressure is the *selection of power holders*—instead of the design of public policy—the effect is clearly to endanger democracy instead of deepening it. Demonstrations tend to offer the promise of democratic deepening but certain forms of protest do, in fact, endanger democracy.

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