

## Making America grate again

Sukumar Muralidharan | Updated on January 13, 2021



The storming of the Capitol on January 6 could be the prelude to yet another chapter in the US's long and shameful history of colour and racial divides

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Constitutional rights are not a zero-sum game. No rights-bearing citizen of a constitutional democracy is supposed to impede another in the exercise of her rights. Freedom of the will in the liberal democratic sense is about a law of conduct that arises from the Kantian state of "enlightenment". It is about accepting restraints. Yet, since it comes from the free embrace of a universal law, this restraint is no abridgement of individual freedom.

Hearing one of the multiple cases brought by US President Donald Trump and his enablers, challenging the outcome of the November 3 election that booted him from office, a judge in the state of Wisconsin said that the evidence-free petition “smacked of racism”. Briefly put, the petition sought the invalidation of votes cast in two largely urban counties, with high concentrations of blacks and other citizens of colour.

What the petitions sought was the overturning of the rights of particular classes of people, so that a “king” could stay in power. That simply was “un-American”, the judge observed, drawing on a tradition of equality in US jurisprudence.

Trump’s attorney had no evidence, merely an objection to voting procedures. But the same process in other counties seemed unexceptionable, because his client had won. The argument came down to an assertion that the voter who favoured Trump was denied her rights by the franchise exercised by citizens of a certain colour and ethnicity. It was finally an uncompromising statement of a zero-sum democracy, which, too, is a rich tradition in the US.

Trump’s pathetic insistence that he is being cheated of a rightful election victory draws on the darker side of US constitutional history. The republic dates its birth in the rebellion against monarchy and in the ringing affirmation of its declaration of independence, that “all men are created equal”. But beyond that ritual, the US was a republic founded on the crudest form of inequality. Southern states steeped in the practice of slavery saw no virtue in equality, but were eager to harvest the advantage in numbers conferred by millions of disenfranchised human beings. Slaves gained recognition as three-fifths of human beings. The two-fifths deficit in human attributes was reason to deny blacks the vote and entrust that charge to their masters.



Laying siege: Supporters of Donald Trump in front of the US Capitol Building in Washington on January 6 - REUTERS/LEAH MILLIS

The three-fifths compromise survived till the American civil war, but equality remained a briefly lived reality. As a fresh phase of conflict threatened, the compromise of 1876 restored racial segregation and the denial of basic rights to the blacks. The façade draped over the restoration of constitutional inequality was the recognition of “states’ rights”.

It took till the civil rights upsurge of 1965 and the Voting Rights Act for the US to undo that historic injustice. That was the juncture for a shift in partisan loyalties. Democrats as the party of southern racism lost the allegiance of those states, and Republicans began to harvest the electoral advantage of wedging themselves into that fault line in American society.

Since the '80s, inequality took the impersonal shape of the market. The discourse on merit and personal responsibility, fostered as part of the determined right-wing assault against welfarism, gained absolute sway. And vote suppression assumed multiple guises that slipped through the gaps in the Voting Rights Act.

The continuing contest between white privilege and social justice saw periodic eruptions of civil unrest, mostly put down by an increasingly militarised police force. Those were years of seemingly unending prosperity, though with insecurities lurking just beneath the surface, the rhetoric of looming anarchy won a receptive audience in the US mainstream. Republicans learnt to play that theme to significant electoral advantage, but that political drift was destined to culminate in the surpassing crudities of Trump's politics.

Trump was a candidate who disregarded all decencies to articulate the anxieties that many among the white middle-class felt, particularly after the 2008 financial meltdown. He harnessed the rage and resentment of those who feared an erosion of privileges in the assertion of democratic rights by those lower in the social hierarchy. Images of an insurrectionary rampage through the hallways of the US Congress shocked the world, though few who have watched Trump's reign of error were surprised.

An ambience of distrust had already been fostered by the US president's proclivity all through his term to rail against a system he portrayed as rigged, and to refuse persistently to commit to a peaceful transfer of power. The last time either of the contestants for the presidency had displayed a like recalcitrance was in 1876, when the US barely managed to step back from the brink of a renewed civil war.

The US claims the title of the world's "greatest and oldest democracy", but the reality is that it has been a democracy for just over half a century. That is a political identity that large numbers within are clearly uncomfortable with. And without a conscious effort by the Republicans to dial back the rhetoric of hostility to the system, the January 6 insurrection may well prove the prelude to a long and bitter chapter of internal strife.



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