

Problems with an Electoral Road to Socialism in the United States



In a welcome sign, the recent revitalization of the socialist left, particularly the spectacular growth of Democratic Socialists of America, has revived debate about the road to socialism. Also, fortunately, the discussion, which has partially played out in the pages of *Jacobin*, has gone beyond a simple revisiting of

the old “reform versus revolution” argument of early twentieth-century social democracy. Vivek Chibber (“Our Road to Power,” *Jacobin*, Dec. 5, 2017) and Eric Blanc (most recently in his debate with Charlie Post, “Which Way to Socialism,” *Jacobin*, July 21, 2019) have raised important problems with applying a revolutionary model from the Russian Revolution of 1917 to modern industrial countries with parliamentary systems. Blanc’s observation that “a government elected by universal suffrage has vastly more popular legitimacy than the tsarist autocracy” is particularly valid and important.

Unfortunately, neither Chibber nor Blanc base their arguments for a road to socialism—a road based on a combination of electoral victories and mass action—on an assessment of the specifics of the capitalist state in the United States.

Indeed, the “popular legitimacy” of the U.S. state is grounded in a constitutional order that seems to allow for democratic transitions, protects civil rights and liberties, and purports

to stand above class interests. The constitutional framework appears to many to provide a mechanism to speak out, win office, and effect change. The suggestion that such an order should be overthrown in what Chibber terms a “rupture” seems undemocratic and even irrational to most workers today.

However, the same constitutional system that gives the state legitimacy also contains the seeds of capitalist resistance to socialist transformation or even far-reaching reforms. It creates numerous fallback positions from which capital can continue to exercise authority and constitutionally wield instruments of repression against working-class movements, even if it has lost control of the highest elected offices.

What Do We Mean by a “Workers’ Government”? The Problem of the Separation of Powers

Although the constitutional system of “checks and balances” may appear to many on the left as fraudulent and as a method of mystifying class rule, it actually serves an important role in the implementation of capitalist state policies and preserving capitalist rule. Originally a product of the constitutional settlement of 1787, the separation of powers facilitated the balancing of the two main ruling classes: northern merchants and southern slave owners. The creation of the Senate provided southern planters with veto power over federal policies, and the disempowerment of local government disorganized the lower classes of small farmers and laborers. By the twentieth century the division of the state into three branches had begun to allow modern capitalists to use the state to mediate conflicts among themselves and to ensure their power when it is threatened. A government committed to an increasingly socialist program will inevitably need to confront these constitutional institutions.

It is true that if socialists or a workers party were to win majorities in both the House and Senate and the presidency at the same time they would be able to pass bills. But single-

party control of both the legislative and executive branches arises only after wave election years and is generally short-lived. Typically, the party in power fails to deliver meaningful change to day-to-day living conditions and the voters who put it there grow demoralized and are less likely to show up for the next election. Yet the creation of a workers' government would require not just a single victory in federal elections but a series of consecutive victories in both branches.

Complicating any socialist transition, however, would be the judicial branch. Under the Constitution, federal judges serve for life. This means that a left government would be met by a federal judiciary appointed entirely by the old regime. This would render much potential socialist legislation difficult to implement. Laws that violate the rights of private property, for example, would fly in the face of the Fifth Amendment and would be struck down. A more activist court might strike down government efforts to create publicly owned banks or industries as violating the essence of the Fifth Amendment by crowding out private investors. We don't need to stretch our imagination too far to envision this scenario; the U.S. Supreme Court interfered with the New Deal, and even the Affordable Care Act was saved by only one vote on the Supreme Court. Of course, a socialist president could simply refuse to abide by court rulings, but that would challenge the legitimacy through which the "democratic road" runs. And although the Constitution only specifies the creation of the Supreme Court, leaving the creation (and presumably dissolution) of other federal courts to Congress' discretion, a move to abolish a recalcitrant judiciary would be widely perceived within the federal bureaucracy and much of public opinion as a violation of centuries of constitutional practice and precedent. Practically speaking, it could lead to civil war as substantial sectors of the state would rally against such a federal government.

The uneven development of political consciousness would further complicate any socialist victory. Along with a powerful socialist party, there would continue to exist parties hostile to socialism. The workers party will therefore have to contend with an ongoing opposition at all levels of government. Capitalists, facing the existential threat posed by the socialists' program, will wage a powerful struggle on the electoral front. They will still control the news media and the means of communication and will use all those means to attack and demean the socialist program, sow confusion, and promote alternate parties ranging from the liberal to the fascist right. And those with money are in a better position to engage in electoral fraud.

When radical socialists win office within the existing state, they will always be subject to an opposition with plenty of power to block or reverse socialist measures. Pro-capitalist politicians will continue to control some parts of the federal government, which they can use to obstruct. A workers' government that insists on operating within the U.S. constitutional framework will never be able to transcend this impasse. It will soon face the cruel choice of yielding to the limits the Constitution imposes or taking revolutionary measures by acting unconstitutionally.

What Do We Mean by a "Workers' Government"? The Problem of Federalism

The Tenth Amendment of the Constitution reserves important powers for the states. These include control over most of the criminal justice system, trade and economic regulation within state boundaries, and most infrastructure and education policies within state boundaries. The Supreme Court has already limited the power of federal authorities to prosecute criminal cases reserved to state authorities (for instance, *Bond v. United States*, 2011).

It seems highly unlikely that even in a wave election, a

workers party could triumph in all fifty states, or even in a substantial majority of them, because all states also are governed by a separation of powers doctrine, which means that such a party would have to win control of both the executive and legislative branches simultaneously. Furthermore, many states do not elect all their officials in presidential election years. New Jersey and Virginia, for example, elect their governors and legislature one year after the federal elections. New York and Wisconsin are among several states that elect their governors in the same year as federal midterm elections, not presidential elections. This guarantees a degree of institutional conservatism and continuity of the old order that would require several consecutive wave elections to overcome. And until workers parties win office at multiple levels, it is difficult to see how they could institute meaningful social reform. Yet, given the constitutional and bureaucratic difficulties of implementing socialist legislation in a short period of time, it seems difficult to imagine that socialists—or even a radical, reformist workers party—could continue to triumph at the ballot box.

Governors control the National Guard and state police. Local governments control local police forces, although the Constitution allows states full discretion to limit the autonomy of localities. While the president may federalize the guard for a period of time, it is easy to imagine guard generals refusing to obey presidential authority when asked to enforce decisions the courts have ruled unconstitutional. Of course a president can send the army into states, thus violating the Posse Comitatus Act of 1878, but it is similarly easy to envision generals refusing to execute orders on solid constitutional grounds, or the officer corps dividing amongst itself, in that scenario. In short there would be no way of overcoming state recalcitrance to implement socialist legislation without destroying the legitimacy of the constitutional order.

In fact, not only can state authorities resist, they can also repress. Partial socialist victories in the electoral arena would inevitably yield a fractured state, with critical parts still in the hands of pro-capitalist officials. The latter would be constitutionally authorized to arrest and terrorize mass movement activists who threaten their rule. They have, after all, done so numerous times in U.S. history. Even today, federal and state authorities are far more likely to arrest someone for the crime of being an immigrant or person of color than for marching with an armed fascist gang threatening the annihilation of the Jews. Mass movements that are not prepared to physically confront and defeat armed authorities would stand little chance.

Bureaucracy, the Regulatory Process, and Unelected Authority

While the legislative and executive branches make law and the judicial branch reviews laws, unelected regulatory bodies determine how they are actually interpreted and implemented. Currently, these bodies are staffed by skilled bureaucrats through a combination of patronage, political favoritism, and civil service promotion. Regulatory agencies are typically staffed by and managed by the industries they are designed to regulate. Even lower-level bureaucratic posts often enable employees to audition for far more lucrative private-sector employment. This creates enormous incentives to defer to corporate prerogative, even if the elected authorities have a different agenda. And these regulatory agencies decide what the law means in day-to-day situations that lawmakers can never predict when writing bills.

Bureaucratic and regulatory agencies govern at the local, state, and federal levels. They set zoning policies that largely determine whether housing is affordable and safe for working-class habitation. Their rules indirectly affect how much of their lives working people spend commuting to and from work because where tall buildings are built often determines which neighborhoods are clogged with traffic. As with

regulatory agencies, building departments are typically instruments of real estate developers, even if they do protect occupants' safety to some extent. Unelected bodies, such as public authorities in New York and New Jersey, typically control public transportation and critical infrastructure, and an army of bureaucrats runs the education systems all over the United States. All of these bureaucratic agencies are susceptible to intense pressure from highly paid lobbyists. Conditions of housing, transportation, public health, and education are some of the most powerful forces shaping workers' daily lives, and it is difficult to imagine how working people would maintain confidence in and enthusiasm for a workers' government that could not demonstrably improve those aspects of their lives. It is also difficult to see how a government could make significant headway in those areas without breaking apart the relevant bureaucracies and busting up the private-sector lobbying firms that influence them. In short, the very precondition for sustained radical electoral success would require the demolition of most regulatory organizations and their replacement with democratic and accountable bodies.

Unelected bureaucracy also reigns in the area of foreign policy. While major decisions such as going to or avoiding war, or negotiating trade agreements, are in the hands of elected officials, many of the day-to-day details of foreign relations are decided and implemented by career officials who are similarly subjected to substantial corporate lobbying and use foreign service careers as springboards into highly paid private-sector employment. The State Department routinely approves international trade licenses, contacts foreign bureaucrats on behalf of U.S. firms, and utilizes personal relationships with international counterparts to smooth those processes. In a world in which several major capitalist states still rule and the U.S. state is fractured, these bureaucrats could become key links between global and domestic counter-revolution.

While bureaucracy takes different forms in different countries, career civil servants staff the state apparatus in most capitalist states today. They tend to be ideologically committed to the survival of the state. Their career ambitions also depend on the patronage of higher ups in each department and alliances with private capitalists who hold the key to their promotion both inside and outside the public sector.

Can bureaucracy be subordinated to a workers' government? Yes. In fact the soviet state had no choice but to rely on sectors of the tsarist bureaucracy both to win the civil war and for government administration in the 1920s. In a scenario in which the capitalist class has been fully defeated, disempowered bureaucrats might well decide, one by one, that cooperation with the new workers' regime represents the only hope for maintaining their careers. However, the "democratic," or, more accurately, the electoral, road to socialism leads inevitably along a different path. It does not deliver a sudden, decisive defeat to the state or to the ruling class. Quite the contrary, it leads to what might be termed "dual power," in which socialists rule over substantial sectors of the government but capitalist politicians dominate others and much of the capitalist state bureaucracy remains intact. The police, fearing that their careers are in jeopardy, would likely continue to repress mass movements and fight at all costs to preserve their positions. These institutions of the capitalist state would also have powerful allies in the judiciary, not to mention support from capitalists around the world. Under that scenario it is highly unlikely that the administrative bureaucracies would place themselves at the service of workers' regimes who have far less to offer them and from whom they have far less to fear.

Repression

Throughout U.S. history the labor movement and other radical reform movements have had to contend with ferocious and violent counterattacks. After World War I, socialists,

anarchists, and labor activists of various stripes faced intense state repression. The survival of U.S. capitalism was not in question at this time. Yet, the federal government responded with mass arrests, deportations, frame-ups, and violence. After World War II, federal and state governments effectively repressed the radical wings of the labor movement with witch hunts and blacklists, while tolerating rampant racist violence. It is important to note that the Communist Party not only, at this point, could not have threatened revolution, its orientation was heavily electoral. But the mere prospect of a more militant labor movement and a radical electoral alternative was something both Democrats and Republicans were determined to repress. In the 1960s the FBI's Cointelpro program targeted movement activists and even murdered Black Panther leader Fred Hampton.

A workers movement in the United States must prepare for severe state repression or it will succumb to it. At times this may involve operating clandestinely. It may also require active self-defense against legal authorities or fascist paramilitaries. Most importantly, preparation means educating a generation of socialist and labor activists about how and why the state protects capitalist profitability both through its own constitutional mechanisms and often with repressive measures that violate its own legality.

Could an Electoral Transition Succeed?

Hypothetically, yes. But to imagine a successful socialist transition that does not entail a decisive defeat of the capitalist state and repression of capitalist political institutions assumes implausible preconditions. First, because it is impossible to win all levers of governmental power in one election, we would have to imagine several wave elections over a multiyear period. Second, this would require mass working-class mobilizations involving large demonstrations and strikes that don't ebb over multiple years. These would be necessary to maintain intense pressure on nonsocialist

politicians and career bureaucrats and sustain electoral armies to reelect socialist (or at least working-class) majorities at the federal and state levels. Activists in these movements would have to be willing to continue to mobilize, despite the enormous sacrifices of time, energy, and attention to their personal lives, for a socialist cause that would yield few tangible benefits for the first several years.

The problem with these suppositions is that historically, working-class struggle is episodic but capitalist reaction is continuous. Ultimately, the electoral road—even one that combines electoral victories with mass strikes and protests—depends on a type of working-class mobilization that is wildly out of sync with the actual patterns of workers movements since the nineteenth century. Workers have been able to organize to win substantial gains from employers and the state in most of the world at one point or another. However, these struggles have always been episodic. They sometimes win tangible victories at the high point of mass struggle or in the aftermath. They often change cultural values as well. But then they inevitably recede. There are good reasons for this. First, under capitalism workers do not own the means of production. Rather they depend upon their ability to work for employers in order to pay their bills. Consequently, they cannot strike continuously. Second, although for socialists mass movements are exciting, for most participants that excitement is combined with enormous sacrifice. Workers who organize surrender precious hours after stressful work days. They have to forgo time with their children and often need to choose between attending meetings or rallies and working the second jobs they need to pay for their housing, health care, or children's education. Understandably, when meaningful victory appears remote it is difficult to get people to become activists even at a minimal level. When a movement grows, the passion and possibility of success attract larger numbers. But eventually, commitment levels are difficult to maintain and the lure of normal lives chips away at the movement's base.

Capitalist counter-reaction, by contrast, is persistent. Even if ruling classes suffer partial defeats and have to make temporary concessions, their struggle to maintain their dominance and expand their advantages proceeds. U.S. workers, for example, mobilized in multiple waves between the Civil War and the late twentieth century. Strikes and militant organizing crested in the late nineteenth century, again after World War I, again in the mid-1930s, and again after World War II. These waves yielded partial victories: legalization of unions, limits on the work day, and workplace safety legislation, to name a few. Yet employers' counterattacks, particularly since the 1970s, have been persistent, frequently violent, and have whittled away most of those gains. The vast majority of workers today are not unionized. Consequently, they enjoy no real workplace protections. Bureaucratic regulatory agencies rarely protect workers, even if the laws say they should. And most workers need to work more than forty hours just to survive. Employers' struggles are not episodic for very practical reasons. While workers' struggle requires independent organization, demands personal sacrifice, and often runs counter to dominant ideological and cultural assumptions, capitalist and bureaucratic counter-reaction is relatively cost-free. Capitalists do not need to surrender family time in order to squeeze employees. They do it at work when they shape the pace of production and negotiate contracts. Government bureaucrats similarly give up no free time to assist employers. They are on the clock when they interpret and enforce regulatory regimes in line with a pro-business agenda. For business owners and state officials, anti-worker reaction is their day job. And they can keep doing it, day after day, year after year, regardless of their levels of enthusiasm.

Anti-racist and feminist movements have experienced similar ebbs and flows for similar reasons, and the reactions against them have been similarly consistent. The movements have won equal-rights legislation, outlawing formerly legal regimes of

discrimination in education, housing, and employment. In part, mass civil rights and women's movements have succeeded by fracturing governmental authority through pressure from below. In some cases, such as the 1965 Civil Rights Act, they pressed the federal government to impose restrictions within the various states, often against the resistance of state authorities. In others, they created an atmosphere that pushed the judicial branch to reinterpret the Constitution to outlaw educational discrimination by race or to declare that a woman's right to choose was a protected "privacy right." Here too, however, the racist and anti-feminist countermeasures have been incessant and have benefited from the systems of separation of powers and federalism. Local and state authorities have fought both racial and gender equality for decades. They have limited the right to vote, expanded school segregation since 1954, and virtually eliminated the right to abortion in much of the United States. The Supreme Court has ruled voter suppression and partisan gerrymandering—even with clear racial overtones—constitutional. And the court now appears poised to overturn *Roe v. Wade*.

Examples from other countries pose the questions of revolution and counter-revolution more starkly. They illustrate the global and historic nature of the conflict between episodic mobilizations from below encountering persistent reaction from above.

In 1936 the French Popular Front of Communists, Socialists, and republicans was swept to power following massive strikes. Workers won meaningful reforms that limited their work day and guaranteed vacation time. While the French ruling class was temporarily on its heels, it quickly recovered and began to roll back workers' gains after 1938. After 1940 the Vichy regime seized the opportunity the German invasion offered and wiped out workers' rights even more substantially.

In Chile from 1970 to 1973 and in Poland from 1980 to 1981 workers mobilized en masse. They formed new organizations such

as popular-power councils in Chile and Solidarity, a mass national union, in Poland. Whether either had the capacity to break apart the existing state and replace it with a government based on workers councils is impossible to determine in retrospect. But in both cases the old regimes depended on their control over the officer corps to declare martial law and destroy working-class organizations. In both cases the rulers were persistent: They relied on important sections of the state and waited for the critical moment to strike.

Any theory of socialist transition requires coming to terms with the practicalities of the U.S. capitalist state. It must be able to anticipate both governmental and bureaucratic resistance and state repression. Finally, it must address itself to the difficulties of maintaining militant working-class mobilization over long periods of time.

Both Chibber and Blanc raise valid cautions about what Blanc terms the “Leninist” model. The problem with their arguments, however, is that they vastly underestimate the complexities of the capitalist state in this country, the power of the constitutional order to preserve capitalist property relations, and the numerous modalities of class rule and repression. By not offering a realistic strategy for destroying that order or those modalities, they have created a vision of socialist transition that is somewhat ethereal and not at all practical.

Historical Context for a Socialist Victory and Its Strategic Implications

Eric Blanc characterizes the perspective he disputes as the “insurrectionary approach”: “According to this conception, there will at some point be a deep crisis and the emergence of institutions of dual power (like workers councils). For the revolution to succeed, these dual power institutions will have to, through an insurrection, overthrow the entire existing

state and place all power into the hands of workers councils or some equivalent form of organization.”

He goes on to argue that “unlike democratic socialism, the insurrectionary approach has never even come close to being taken up by a majority of workers under a parliamentary regime.” We can agree that organs of dual power have not seriously threatened—objectively or subjectively—any established, stable capitalist democracy. Blanc continues that we should not “hinge our strategy ... on such an unlikely possibility.”

But a “democratic socialist” movement for such a revolutionary change—and Blanc agrees that we are talking about change on the order of a social revolution—is just as historically unprecedented. Further, no effort to create a workers’ government through parliamentary means has ever led to a successful socialist transition. In fact all such efforts have failed to overcome capitalist resistance and been turned back.

Before uniting behind an anti-capitalist program, the working class is likely to have gone through a period of deepening class struggle. Before becoming subjectively revolutionary, workers would have to have arrived at the conclusion that the satisfaction of their most basic needs is no longer possible under capitalism. This would be most likely during a period of profound political and economic crisis.

Moments of the potential collapse of a large social system are very rare, and the ultimate collapse itself can only happen once. (In this sense, a movement of workers councils aiming to take state power is of course an “unlikely possibility.”) Such crises undermine the legitimacy of the system and make revolutionary alternatives seem more attractive. It is in this context that we have to contemplate the behavior of the state apparatus and the legitimacy of the existing state institutions in the eyes of the working class.

Capitalist Democracy in the Face of Class Struggle

One does not need to look very deeply into United States history to observe how willing are ruling elites to resort to severe limitations on democracy to maintain their dominance. Even such a moderate change as the 2018 election of a Democratic, more labor-friendly, governor in Wisconsin led the Republican legislature to pass a measure during Governor Scott Walker's lame-duck session limiting the powers of the incoming governor in order to safeguard Walker's "right-to-work" legislation. The North Carolina legislature's September 11, 2019, "stealth override" of a Democratic governor's budget veto provides another illustration of the limitations on electoral democracy. Political movements for reforms much more threatening than those involved in these two states are likely to be met with even more blatant anti-democratic measures.

In times of crisis the repressive functions of the state apparatus come to the fore. These can be supplemented by the "soft" power of the FBI, National Security Agency, Department of Homeland Security, and (internationally) the CIA. In a period when the rule of the dominant class is explicitly threatened, all of these will be used against the movements advocating socialism, not excluding their electoral arms.

Any program of democratizing the existing state would of necessity involve purging its bureaucracies. Such a move would not be perceived as—and in actuality would not be—a mere replacement of one group of officials by another. It would entail a fierce battle on all fronts—in the courts and in the streets. Its success would not be achievable via the actions of the workers' legislature or executive alone.

Further, the historical conditions we are discussing will involve the need for immediate solutions to critical problems. Workers will expect their government to encroach widely on capitalist property rights in order to produce meaningful reforms. They will need to check the power of the repressive

apparatus mobilized against them and begin taking the measures necessary to pull society out of the depths of its crisis. Then they will have to impose their own repressive force against the capitalists and other counter-revolutionaries fighting to prevent the success of the revolution and overturn its gains.

It is likely that institutions like workers councils will arise in a period of intense struggle. Among the roles they will play will be to defend workers' social movements against the force of the state and to defend democratic rights. Blanc suggests, reasonably, that workers may need to defend an elected government against a coup. Yet, this alone would be a revolutionary step and likely provoke violent reaction. A parliamentary regime presiding over the current constitutional order would not be in a position to continue the revolution. For better or worse, only if and when workers councils are able to cohere a force with both the physical power and firm intent to break through legal and constitutional limits in order to complete the revolution can the transition to socialism be carried out.

Legitimacy, Elections, Insurrection, and Workers' Power

Although the U.S. government enjoys a substantially higher level of legitimacy than did the collapsing Romanov, Hohenzollern, and Hapsburg monarchies, we should not overstate that legitimacy. Both major political parties and the U.S. Congress consistently earn higher disapproval than approval numbers in polls, and voter turnout in all U.S. elections is notoriously low, illustrating that people generally have low expectations for the institutions of the state to improve their lives.

However, the positive aspect of viewing the state as legitimate means that when people do demand reforms they will look to elect leaders likely to carry out those reforms. Not only do we agree with Eric Blanc that "working people will try

to use the existing institutions of political democracy under capitalism to further their interests and to transform society," we also believe that any electoral success of an independent workers party would represent a *positive step* toward an eventual socialist revolution. Some reforms will be achievable by this means, others not. It will be the full experience of an increasingly widespread, conscious social movement, inside the electoral arena and out, that enables working people to learn the specific limits of the existing system, including its state.

Because we believe that these limits will ultimately prove that the U.S. state cannot be used to implement a socialist transition, we believe the state must be transcended and replaced by workers organizations dedicated to carrying out the tasks of a social transformation. It is impossible to predict the form that the deployment of the revolution's force will need to take. But what distinguishes our position from Blanc's is not that we call for an insurrection and he does not. Rather we argue that revolutionary workers' institutions will be able to lead a socialist transition, while the attempts of left parties to win control of the current branches of the U.S. government will not.

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