16

Popular Sovereignty in the Trump Era

A Case Study of Pedagogy and Practice

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> Ensure equal representation for all. Protect rights of individual and minority groups. Ensure majoritarian procedures of decision making. Ensure full voter participation. Ensure capacity for constitutional change. Establish an independent but also a democratic judiciary. Ensure a diversity of political parties. Proscribe lobbying. Ensure wealth redistribution. Ensure efficiency. Protect rights to safety, education, privacy, food security, speech, equality, medical care, the ability to support oneself, a decent life, religion, marijuana use, and cheap rehabilitation. Prohibit tobacco use. Set the voting and drinking age at 18. Ensure renewable energy, rehabilitative criminal justice, taxation by wealth, a minimum wage.

This is a partial list of required attributes of a new constitution. The list was generated by students during a final class exercise in a first-year seminar on popular sovereignty in the United States that we taught jointly at Williams College and the University of North Carolina, Chapel Hill, in the fall of 2018. For the exercise, students were asked to design a constitution for a country resembling the contemporary United States, knowing what we now know after two-plus centuries of American government. Self-contradictory and partial, and not supported in its entirety by all the students, the list nonetheless reveals key fault lines of teaching about democracy in the Trump era and encapsulates our experience with the class.

This exercise asked students to determine the core elements of a good constitution. They had spent the semester studying strains of democratic theory, as well as political science and sociology research on political behavior and governance, and following the hotly contested 2018 election campaigns. Here we outline the goals and approach of the course, paying particular attention to the challenges it raised and the successes and failures we experienced in addressing those challenges. We focus in particular on two assignments: first, a paper assignment in which students reflected on democracy in a cultural and social register and second, the

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constitutional design exercise referenced above. Each of these examples illustrates the crux of the class: the students' concern for the survival and health of democracy in tension with their reticence to accept key demands of democracy – principally, accepting policy losses resulting from disagreements with fellow citizens. In what follows, we explore this tension through the lens of the class.

THE CONTEXT

In the aftermath of the 2016 election, emails, blog posts, and articles about how to teach politics and society in the Trump-era undergraduate classroom ricocheted among social science faculty: How should one treat the president's unfactual statements and claims? How best to characterize his assaults on democratic practices, norms, and institutions? Should Trump be described in the classroom as a populist, an oligarch, a proto-fascist, or simply the president? What about the American regime itself: a liberal democracy, a backsliding democracy, a decaying (or "rotting") constitutional democracy? It seemed clear that the country was in new terrain, and that the new administration shared important elements with other right-wing authoritarians and populist parties around the globe. But what that meant for teaching the rules and regularities of American political life was less clear.

While these sorts of questions animate researchers too, they have a special urgency and complexity in the classroom for a number of reasons. First, many features of Trump's candidacy and presidency are abnormal, even unprecedented, in American political history, so the lessons of "normal" social science that populate many syllabi may not always seem applicable. This includes the mundane: Should tweets be covered in the same way as traditional pronouncements by a president's administration? Doubtful. But they also include the more ominous: Should Trump's repeated attacks on the media as "traitors" and "public enemy number one" be treated as just another example of presidents' fraught relations with the media? Surely not.

Secondly, even with American exceptionalism largely discredited in the academy, squaring the American experience under Trump with the rise of nationalism and populist politics elsewhere might require faculty to embrace new analytic and pedagogical tools. Many students, arriving on campus following high-school civics classes, start with the assumption that American traditions and institutions are uniquely effective and stable. There is a reason why some of the most sought after texts since 2016 include work by comparativists like Steven Levitsky and Daniel Ziblatt (*How Democracies Die*) and theorists like Jan-Werner Müller (*What is Populism?*). Instructors might find these texts at least as helpful for contextualizing Trump for students in their American politics classes as traditional texts like Neustadt's *Presidential Power*.[1]

[1] Levitsky and Ziblatt, *How Democracies Die*; Müller, *What Is Populism?*; and Neustadt, *Presidential Power*.

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Finally, in an era of highly polarized politics, describing Trump with terms usually reserved for other nations and leaders might appear exceedingly partisan and alarmist to students, leading them to discredit the information. We found that students had quickly assimilated the Trump phenomenon into a familiar Republican-versus-Democrat dichotomy, glossing over or failing to absorb the remarkable institutional challenges, disruptions of conventions, and ideological reconfigurations occurring before their eyes. Given conservative assaults on higher education and efforts to undermine faculty ("liberal elite") expertise, instructors might be concerned that students will suspect a left-wing agenda behind genuine, objective questions about whether Trump's actions are consistent with liberal democracy. To simply normalize President Trump's actions seems pedagogically suspect and politically inadequate – part of the very phenomenon that needs to be better understood, a teaching version of "How was the play, Mrs. Lincoln?" What steps can instructors take to encourage open debate and expression in a context where previously accepted norms have been recast as partisan?

These dilemmas admit of no easy answers, and to be sure, they are not unique to the post-2016 classroom. Trump's presidency has amplified and clarified longer-term issues about how best to teach American students the promises and pitfalls of democratic representation. But they pose new, urgent challenges for pedagogy on popular sovereignty during the Trump administration.

Perhaps most immediately driving these conversations among faculty about how to teach in the Trump era is an awareness that students are the citizens – United States or otherwise – that we reach most directly. With democracy tottering, it is imperative that instructors get it right so that students, many of them newly enfranchised as voters, have the tools to be effective agents in the world they are inheriting. How does one teach young people about popular sovereignty – and their role in it – in a moment and context in which its sustenance, in any real fashion, seems tenuous at best? Further, how does one teach to democratically empower students given the real power imbalances of the traditional academic classroom (e.g., the "rules" are established and maintained by the instructor, grades are given)?

COURSE AIM AND DESIGN

With these and related questions in mind, we set out in the fall of 2018 to teach a course on popular sovereignty in the United States to first-year college students. The course was unique in many dimensions. First, we aimed to merge normative theory with empirical evidence and investigation, enrolling students in the work, not just of evaluating, but also of ascertaining the practices and limits of popular sovereignty. We wanted students to experience democratic citizenry, not just learn about it. Second, the course linked first-year students from two very different institutions: one a small liberal arts college, the other

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a large public research university. The goal here was for students to negotiate the types of differences that are present in a diverse democracy like the United States. Finally, it did all of this with students in their first semesters of college, as they were learning the opportunities higher education provides along with those that democratic citizenship provides. As they arrive in college, students are presented with new intellectual opportunities for their own exploration, which also dovetail with expanding possibilities for being democratic agents. We sought to use academic expectations, on-the-ground research, and challenging interactions to reinforce the connection between intellectual and democratic development as the students began a new chapter in their lives.

Many students, especially in the United States, come to college with predispositions and assumptions about American democratic institutions and practices based in high-school civics. Because these classes often teach about American institutions alongside the ideals of popular sovereignty and liberal freedoms – with the institutions at most modestly imperfect vehicles for the gradual realization of those ideals – we aimed to challenge those taken-for-granted assumptions by triangulating democratic theory, empirical and comparative social scientific research, and the students' own investigations. In separate sections on the people ("popular") and governance ("sovereignty"), students probed questions such as does democracy require minority protections, or are the two at odds? Can the will of the people be reliably discerned? Can a deeply divided society govern itself?

At the same time, given popular and elite despair about the state of democratic politics in the United States and elsewhere, we additionally aimed to give students the tools to better appreciate the demands, opportunities, and perils of democratic politics. Our hope was that through the substance of the course as well as the pedagogical approach we adopted, we would provide students with a realistic appraisal of the essential nature of collective democratic life as well as the forces with which they must contend in order to preserve and enhance it.

As instructors, we wanted not only to better understand both the apprehensions and beliefs of this group of young people but also to see whether an intervention of this sort – a class on the prospects of popular sovereignty (the course was titled *Power to the People?*) – would affect their orientation to or appreciation of the demands of democracy. After all, these were first-year college students just beginning their democratic participatory lives in a moment of global populist and nationalist upheaval. We hoped to learn from them how they saw their civic task at the same time that we aimed to prepare them for their new responsibilities. We sought to balance examination of general questions of popular sovereignty with specific questions raised by the contemporary moment.

With two explicit aims of the course – to educate students about the idea and practice of popular sovereignty and to equip them with the intellectual and practical tools for democratic participation – the decision to include a substantial amount of hands-on research had a dual pedagogical aim. We wanted students to learn how to do basic research of the sort they would be expected

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to do throughout their college careers – in this case, how to find information about the democratic polity around them so that they could assess the scholarly materials they encountered in class. Additionally, we hoped that the students, armed with both their own observations and the scholarly insights of the class, would be better equipped to act as empowered democratic citizens, able to consider ideas and evidence with greater objectivity than their preexisting partisan dispositions might otherwise incline them. We wanted students to see that they could collect data about the world in which they live and subject it to thoughtful, critical analysis, guided by the insights of professional analysts.

We operationalized this decision about practical democratic investigation in two primary ways. First, we decided to teach the course, with the same syllabus, at our two institutions, at the same time to similar groups of students (nineteen first-year students at each), with frequent sessions combined via videoconferencing. One of us was teaching at a large public university in the South and the other at a small liberal arts college in the Northeast. While both institutions are known for being "liberal," in fact the student populations are considerably different geographically, socially, and politically. Our hope was that the experience of bringing the students together across this difference would additionally expose students to the practice of learning about and negotiating differences as well as discovering commonality – both fundamental attributes of a thriving democratic politics in our estimation.

Second, we taught the course in an election year (2018) and asked students to investigate different aspects of the democratic practices that were unfolding. These included gathering evidence and conducting research on the voters and candidates on Election Day; the public conversation about issues through the media and social media; representative bodies such as Congress and nongovernmental advocacy groups representing societal interests; and federal and state constitutions. Here, too, our idea was to invest in students the power and ability to ask questions about the performance of various features of democratic functioning. The two classes compared notes about their investigations regularly, culminating in a joint trip to Washington, DC.

During that trip, students worked in teams that bridged the two institutions, meeting with legislative, nonprofit, journalistic, and other leaders to investigate core practices of governance. They also met as a full group with legislators of both parties, journalists, and others for discussions about the performance of government at that moment. Many students commented that the independent research and combined conversations were an important highlight of their first semesters.

POPULAR SOVEREIGNTY AND PEDAGOGY UNDER TRUMP: EVIDENCE FROM TWO ASSIGNMENTS

A midsemester analytic essay assignment as well as the end-of-semester constitutional design exercise described earlier give some insight as to how students

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responded to the course. What we describe here with these examples is largely consistent with how students responded, in writing and discussion, to course materials throughout the semester, and thus are, we believe, usefully illustrative of our experience overall.

In general, we found students to be pessimistic, even cynical, about the state of democracy in the United States and concerned about the country's capacity for change. This is not surprising: It is consistent with standard indicators of public opinion. During the course, students read scholarship that drew attention to the many deficiencies, inadequacies, and problematic features of contemporary democratic life in the United States. But while students expressed concern that democracy was in decline, they, at the same time, had difficulty reconsidering their own partial views of what American democracy should look like. This challenge – the tension between concern about democracy and reticence about accepting the demands of democracy – became a fundamental crux of the class.

Generous in the abstract but generally uncompromising when it came to concrete formulations, students' vision of healthy democratic politics seemed at times to be actually antidemocratic. This was hinted at by a common theme in students' midsemester papers about the necessary ingredients for democratic flourishing. Students spent the first part of the semester considering the challenges to creating a common public and an ascertainable public will, beginning with *Federalist 10* and running through evidence about contemporary polarization. They were then asked to evaluate a claim made by theorist Melvin Rogers that "placing the fate of democracy in the domain of culture requires … that we see our present moment as a fight about what kind of people we want to be and what kind of society we long to create."[2]

Although students offered many thoughtful reflections about current social and political conflicts, most framed these conflicts, implicitly or explicitly, as problematic because they prevent consensus and action on what the students took to be common or "mutual goals" of liberal progress. Rather than seeing democracy as something to be fought for and preserved, or as a sociocultural achievement, they tended to define "what kind of people we want to be," in terms of policy stances (e.g., "what kind of people 'we' want to be towards immigrants").[3] Similarly, in a final evaluation comment, one student admonished, "Talk about race. American democracy was founded on white supremacy."

But the generic need to collaborate in a diverse polity does not depend on the specific historical development of American government, even though the capacity to do so is affected by the specific history. In other words, although

[2] Rogers, "Democracy Is a Habit."

[3] Unless otherwise noted, all quotes are from papers students wrote for the class, and are offered without identification of the specific student.

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the country's history of white supremacy continues to constrain the practice of true democratic deliberation and collaboration, it does not vitiate the importance of those features of democracy (if anything, it only underscores the urgency of the need). Students often struggled with the juxtaposition of the empirical reality of the country's antidemocratic practices, historical and current, with the value and meaning of democratic negotiation in theory and aspiration. Feeling fury and despair at the former, they were reluctant to grant legitimacy to the latter even while they were unable to articulate an acceptable alternative. How might American democracy be redesigned to improve representation? They found it very challenging to address that question.

These discussions implied that students' dissatisfaction with today's democracy might actually have more to do with frustration that their preferred policies were not being adopted than with a systemic evaluation of democracy. In these papers, few of the students grasped that a culture of democracy, especially in a country as large and diverse as the United States, requires a commitment to negotiating differences and a willingness to lose some disputes – that a democratic culture involves sharing a polity with people who differ from them. The despair many of the papers expressed over current divisions was because the divisions were impediments to realizing the students' own normatively desired ends (a problem of democratic outcomes), not because of the challenges those divisions pose to the collectivity (a problem of democratic process and culture). Their responses failed to take into account that insistence on those substantive ends, or a culture that would support those ends, might foreclose the very democratic politics they were reflexively celebrating.

This instinct to prioritize substantive policy ends over democracy showed up even more clearly in the constitutional design exercise, where students insisted on "rights" to so many things, often directly related to the politics of today, that they ended up removing many important areas of social and economic policy from democratic control. By creating a right to renewable energy, a living wage, and marijuana use (though prohibiting tobacco use), for example, they avoided subjecting these multifaceted issues to the scrutiny of democratic contestation.

This tendency to be superficially magnanimous about democracy but less charitable in discussing specifics had parallels to US citizens' calls for lawmakers both to be more bipartisan or compromising and, simultaneously, to be unyielding on the partisan positions about which they care. Perhaps this is just another way of saying we live in polarized times. And given that the majority of the students had a vision of democracy that was, in actuality, *liberal* democracy, to be unrelenting in this particular moment of illiberal populist resurgence is perhaps a virtue – it might even be a necessity for students who find their communities to be under attack by Trump administration policies and rhetoric. It did suggest to us that were we to teach this course again, especially to students new to social science study as these students were, we should reinforce the distinction and relationship between democracy and liberalism.

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Students spoke, again, almost reflexively, certainly reverently, of the virtues of the former, but their comments in these two exercises and elsewhere suggested that they were perhaps more concerned with the latter, and in fact, with their present and partial definition of liberal rights, a definition that, as a gross generalization, could perhaps best be described as liberal (even libertarian) on social/cultural issues and statist on the economy.

This was the deeper challenge – students seemed largely unable to disentangle liberalism from democracy, or to see where tensions might exist between their commitment to democracy and their commitment to a particular set of liberal entailments. When these tensions did present themselves, students by and large stood firm on their interpretation of liberal commitments, at the expense of democracy. If – even in the artificial environment of the classroom setting – the perceived stakes are too high to relent, the prospects of negotiating democratic differences are disheartening.

This challenge was made more complex by the fact that many students struggled to distinguish, or prioritize, what might be vital to the preservation of democratic community (e.g., a right to equal representation) from what is more clearly about contemporary social problems (e.g., a right to marijuana use). Students struggled to distinguish core principles of the constitution from particular policy instantiations of core principles that might be considered subsidiary – to be worked out at some future date by some future polity given future conditions. For example, students disagreed about whether wealth redistribution or full employment were as fundamental to a democratic constitution as the assurance of political equality or whether these were better conceived of as preferred policy means for achieving political equality.

Another example comes from a debate over whether the constitution should secure life. A preference for women's reproductive freedom and an unwillingness to step outside current political rhetorical frames made a large number of students uncomfortable agreeing to a requirement that their new constitution protect citizens' lives. In fear that a future polity would interpret that in a manner similar to how today's social conservatives have (right to life being a mandate to restrict access to abortion), students refused to allow language about life, in any variant, in the hypothetical constitution. The students – overwhelmingly pro-choice on the matter of abortion – could not view the more general question other than through the lens of contemporary abortion politics. They resisted what we, as instructors, took to be a fundamental requirement of any social contract, a general right to life, on the grounds of the narrower question of abortion rights.

These multiple examples show how students were unable to extricate themselves from today's politics even after a semester of pulling back the lens to contextualize and historicize issues, institutions, and processes. Perhaps this was the result of a semester of investigating different perspectives on contemporary policy issues. During their earlier empirical research, students had

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spoken to voters, interest groups, and lawmakers on both sides of the aisle and had dived deep into internet subcultures to look at the different ideological framing of issues. Perhaps their increased awareness of deeply held issue positions in the United States only fortified them in their desire to see their own preferences enacted.

Regardless of the cause, the result was that students were stymied by today's politics and unable to imagine a constitution that committed to general principles while preserving or creating space for negotiating political differences – out of fear that those future negotiations might lead to policy choices which they saw as contrary to, or undermining of, their definition of liberal protections.

This impasse presented us with a thorny pedagogical challenge. As we taught the class, we were unable to sufficiently liberate students' imaginations such that they could conceive of a future polity – even if that required imagining one freed from the historical antecedents of the United States – that could be persuaded to make, or endorse, the value choices that the students preferred. More profoundly, this exercise revealed to us a need for new and different approaches to teach students that the practice of popular sovereignty requires processes by which to work through difference – different perspectives, different beliefs, different experiences. Instead of processes to elevate deliberation and persuasion, students' current sense of political vulnerability led them to want to mandate and instruct an imaginary polity.

LEARNING ABOUT DEMOCRACY IN THE AGE OF TRUMP: COMMITTED TO DEMOCRACY BUT UNWILLING TO ACCEPT THE ASSOCIATED RISKS

With the title of the course a question (*Power to the People?*), our aim was to leave room for students to conclude that the idea of popular sovereignty is untenable and/or that the practice of popular sovereignty is failing/under threat for any one of various reasons that the course investigated. To aid us in this process, we administered pre- and post-course surveys of students' attitudes about democracy and political life in the United States. While in their graded essays and class discussions they by and large concluded that democracy in the United States has degraded to an alarming level and that for it to be preserved we needed to restore agreement (on their substantive definition of liberal democracy), pre- and post-course surveys show that students maintained a high level of commitment to democratic precepts.

We surveyed the students at the beginning of the semester on a range of measures including support for democracy. At that time, nearly all students answered the question "How important is it for you to live in a country that is governed democratically" positively; only two answers were below 7 on a 1–10 index, with the modal response 10 and the mean 8.5. Students also expressed high levels of support for minority protections, freedom of speech, and the value of global democracy to American interests. Students were mixed

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on their judgment of American democratic performance at the beginning of the semester; eighteen of thirty-five rated it "very weak" or "weak," while the other seventeen rated it "strong." None rated it as "very strong." These responses were virtually unchanged at the time of the exit survey, revealing stable and high support for democracy and stable and mixed assessments of current democratic performance.

The students' generally high and sustained levels of commitment to democracy is noteworthy. Not only had the course materials and discussion exposed them to the real limits and deficiencies of democratic functioning in the moment, the political cultural environment in which they've been raised – from left, right, popular, and scholarly perspectives – is one of general despair about the state of democracy.

At the same time, should we be troubled that students remained committed to democratic precepts even when their midsemester essays about the ingredients for a healthy democracy and their end-of-semester foray into constitutional design showed a potentially problematic conception of democracy? Perhaps not. They too were struggling with the tension between formal democratic protections and the urgency of this moment when both democratic practices *and* liberal values appear under assault in new and more threatening ways.

The culminating class visit to Washington, DC, to meet with leaders and examine American governance firsthand, provided some clues to understand the tension that we perceived in their response to class discussions. Through full-class and small-group meetings with journalists, representatives, and other leaders in DC, students were able to interrogate not just *what* these actors did but *why* they did it. They asked leaders not only about their policy positions and the reasons for them but also about the political pressures and constraints under which they operated. Witnessing democracy in action in this way may have reinforced both their support for democratic principles and their skepticism about how those processes were actually working.

At the same time, the cross-class engagement throughout the semester, culminating in the DC trip, simultaneously underscored similarities between students' experiences and highlighted the differences between the two institutions. Engaging directly with students from the other college, whose experiences were often considerably different from their own, students struggled to understand the different backgrounds from which they came. One wrote that they "loved the collaboration with the UNC students and being able to … interact with students outside of the Williams bubble was something I deeply appreciated about this course." This student's experience underscores how engaging with students from a different environment helped them clarify their own experiences and outlook. That lesson led back to a broader point of the course: connecting across differences to form a workable community (or polity).

Some students ended the course convinced of the problems but unclear about how to address them ("what am I supposed to do with this knowledge?") while

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others found a passion for civic mobilization – including one who transferred to a different college in order to participate more directly in activism. Students also valued the opportunity to listen and be heard across differences; through modelling such thoughtful deliberation, one student wrote that "seminar discussion allowed virtually all class participants a say on the subject matter."

Although as instructors we found the students' lack of distinction between polity building and policy preferences concerning, students' responses suggested that they experienced the class as an unusually broad, nuanced approach to these questions. They appreciated the opportunity to move beyond high-school civics and to consider the health of American democracy theoretically and empirically. In looking toward future iterations of the class, we plan to address these questions head-on, emphasizing the tensions and connections between democracy and liberalism and the tools students might develop to navigate related questions, whether as an academic exercise or as a practical political choice, thoughtfully. In particular, we plan to include more practical exercises in democracy in the class, giving students even more opportunities to see the challenges of working across differences up close and in person. If done well, we hope these additional exercises will allow students to appreciate the challenge of forging a collective life out of difference.

CODA, SUMMER 2021

In the fall of 2020, we once again taught *Power to the People?* In the midst of the COVID-19 pandemic, with students largely remote at both institutions (and masked and distanced when not), this was more of a *sui generis* experience than a replication of the prior course. Nonetheless, we took advantage of the new, technology-reliant mode of teaching to incorporate more hands-on investigations and collaborative work among students across the two institutions. Whether it was the practical, pedagogical shifts we made or simply coincidence, students this time seemed to better appreciate the challenges posed by working together and incorporating different perspectives – an understanding that was manifest both in their response to the projects as well as in their analyses of the challenges confronting US democracy.

As profound as the pandemic-induced alterations were, however, changes we made to the syllabus as a result of the dramatic shifts in the terrain of American politics were even more significant. Even while crafting the syllabus in the summer of 2020, it was evident that one plausible outcome of the November presidential election would be a refusal by President Trump to accept the results as legitimate – and concomitant legal challenges, procedural subversions, street protests, and violence by his supporters and allies. Anticipating this possibility and the need to address that sort of fundamental assault on democracy, we created a new final unit, titled, "The Popular Sovereignty Agenda and Challenges for the Next Administration," and we noted explicitly that the section was subject to modification depending on the political circumstances of the fall.

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Reflecting back on that decision, we thought we were hedging our bets given the fluid nature of American politics in 2020. We did not anticipate the events that would unfold on January 6th, 2021, when Trump's supporters left the rally he was holding to storm the Capitol in an effort to force lawmakers to invalidate electoral college results and reinstate him as president. The alarming developments of 2020, while disturbing and unprecedented, were foreshadowed by the rhetoric and practices evident during the first iteration of our class in 2018.

The stakes for our students in 2018 were sufficiently high that they could not imagine prioritizing democratic politics over their policy commitments. They sought to write policy preferences into a hugely expanded bill of rights in order to prevent current or future majorities from changing those policies. The armed, militant extremists and their sympathizers on the right also rejected the right of current or future majorities to implement their policies.

The two groups' approach to this mistrust of the populace was of course dramatically different; one was a thought exercise undertaken by young people for the purpose of imagining their ideal polity, the other a real-life, violent undertaking by those persuaded that the election had been stolen. One was the expression of a fulsome commitment to liberal rights, albeit a particular and time-bound conception of them; the other was an embrace of illiberal practices and ends. Yet, they share a cynicism about the value of practicing popular sovereignty in a meaningful way.

In the context of this growing skepticism, focusing higher education on democratic citizenship becomes all the more necessary. Based on our experience with these exercises, the 2018 class, and the 2020 reconsideration, we encourage educators to consider in-depth courses with hands-on exercises like these to help students fully conceptualize the opportunities and pitfalls of popular sovereignty in theory and in practice.

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