

Solutions to POLITICAL POLARIZATION in America

Edited by Nathaniel Persily



Solutions to Political Polarization in America

Edited by
NATHANIEL PERSILY
Stanford Law School



CAMBRIDGE
UNIVERSITY PRESS

CAMBRIDGE
UNIVERSITY PRESS

32 Avenue of the Americas, New York, NY 10013-2473, USA

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107451919

© Cambridge University Press 2015

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2015

Printed in the United States of America

A catalog record for this publication is available from the British Library.

Library of Congress Cataloging in Publication Data

Solutions to political polarization in America / edited by Nathaniel Persily.

pages cm

Includes bibliographical references and index.

ISBN 978-1-107-08711-8 (hardback)

1. Polarization (Social sciences) – United States. 2. United States – Politics and government.

3. Social conflict – United States. 4. Right and left (Political science) – United States.

I. Persily, Nathaniel.

JK1726

320.973–dc23 2014035265

ISBN 978-1-107-08711-8 Hardback

ISBN 978-1-107-45191-9 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

SOLUTIONS TO POLITICAL POLARIZATION IN AMERICA

Political polarization dominates discussions of contemporary American politics. Despite widespread agreement that the dysfunction in the political system can be attributed to political polarization, commentators cannot come to a consensus on what that means. The coarseness of our political discourse, the ideological distance between opposing partisans, and, most of all, an inability to pass much-needed and widely supported policies all stem from the polarization in our politics.

This volume assembles several of the nation's top analysts of American politics to focus on solutions to polarization. The proposals range from constitutional change to good-government reforms to measures to strengthen political parties. Each tackles one or more aspects of America's polarization problem. This book begins a serious dialogue about reform proposals to address the obstacles that polarization poses for contemporary governance.

Nathaniel Persily is the James B. McClatchy Professor of Law at Stanford Law School. He is an award-winning teacher and a nationally recognized constitutional law expert who focuses on the law of democracy, addressing issues such as voting rights, political parties, campaign finance, and redistricting. He has been appointed as a special master or court-appointed nonpartisan expert to draw redistricting plans for several states, including New York, Maryland, Georgia, and Connecticut. In 2014, he served as the senior research director for the bipartisan Presidential Commission on Election Administration.

For my wife, Andrea Persily

Contributors

Nathaniel Persily

James B. McClatchy Professor of Law, Stanford Law School

Alan I. Abramowitz

Alben W. Barkley Professor of Political Science
Emory University

Michael J. Barber

Assistant Professor of Political Science
Brigham Young University

Sarah A. Binder

Professor of Political Science
George Washington University
Senior Fellow
Brookings Institution

Adam Bonica

Assistant Professor of Political Science
Stanford University

Bruce Cain

Charles Louis Ducommun Professor in Humanities and Sciences and
Professor of Political Science
Stanford University

George C. Edwards III

University Distinguished Professor of Political Science
Texas A&M University

Jacob S. Hacker

Director of the Institution for Social and Policy Studies, and Stanley B. Resor
Professor of Political Science
Yale University

Gary C. Jacobson

Distinguished Professor of Political Science
University of California, San Diego

Elaine C. Kamarck

Lecturer in Public Policy, John F. Kennedy School of Government
Harvard University
Senior Fellow, Brookings Institution

David Karol

Professor of Government and Politics
University of Maryland

Frances E. Lee

Professor of Government and Politics
University of Maryland

Arend Lijphart

Professor Emeritus of Political Science
University of California, San Diego

Jane Mansbridge

Adams Professor of Political Leadership and Democratic Values
John F. Kennedy School of Government
Harvard University

Nolan McCarty

Susan Dod Brown Professor of Politics and Public Affairs
Woodrow Wilson School
Princeton University

Russell Muirhead

Robert Clements Professor of Democracy and Politics and Associate Professor
of Government
Dartmouth College

Paul Pierson

John Gross Professor of Political Science
University of California, Berkeley

Richard H. Pildes

Sudler Family Professor of Constitutional Law
New York University School of Law

Markus Prior

Associate Professor of Politics and Public Affairs
Woodrow Wilson School
Princeton University

Jonathan Rodden

Professor of Political Science
Stanford University

Steven S. Smith

Kate M. Gregg Distinguished Professor of Social Science
Washington University

Natalie Jomini Stroud

Associate Professor of Communication Studies
University of Texas at Austin

Contents

Contributors *page ix*

Introductory Chapters

- | | | |
|---|--|----|
| 1 | Introduction | 3 |
| | <i>Nathaniel Persily</i> | |
| 2 | Causes and Consequences of Polarization | 15 |
| | <i>Michael J. Barber and Nolan McCarty</i> | |
| 3 | Confronting Asymmetric Polarization | 59 |
| | <i>Jacob S. Hacker and Paul Pierson</i> | |

Reforming the Electoral System

- | | | |
|---|--|-----|
| 4 | Polarization and Democratization | 73 |
| | <i>Arend Lijphart</i> | |
| 5 | Eroding the Electoral Foundations of Partisan Polarization | 83 |
| | <i>Gary C. Jacobson</i> | |
| 6 | Solutions to Polarization | 96 |
| | <i>Elaine C. Kamarck</i> | |
| 7 | Geography and Gridlock in the United States | 104 |
| | <i>Jonathan Rodden</i> | |

Strengthening Parties

- | | | |
|---|--|-----|
| 8 | Stronger Parties as a Solution to Polarization | 123 |
| | <i>Nathaniel Persily</i> | |

9	Reducing Polarization by Making Parties Stronger <i>Nolan McCarty</i>	136
10	Focus on Political Fragmentation, Not Polarization: Re-Empower Party Leadership <i>Richard H. Pildes</i>	146
11	Two Approaches to Lessening the Effects of Partisanship <i>Bruce Cain</i>	157
Empowering and Informing Moderate Voters		
12	Data Science for the People <i>Adam Bonica</i>	167
13	Using Mobilization, Media, and Motivation to Curb Political Polarization <i>Markus Prior and Natalie Jomini Stroud</i>	178
Lowering Barriers to Policy Making		
14	Beyond Confrontation and Gridlock: Making Democracy Work for the American People <i>Alan I. Abramowitz</i>	197
15	American Political Parties: Exceptional No More <i>David Karol</i>	208
16	Partisan Polarization and the Senate Syndrome <i>Steven S. Smith</i>	218
17	Finding the Center: Empowering the Latent Majority <i>Russell Muirhead</i>	230
18	Making Deals in Congress <i>Sarah A. Binder and Frances E. Lee</i>	240
19	Helping Congress Negotiate <i>Jane Mansbridge</i>	262
20	Staying Private <i>George C. Edwards III</i>	275
	<i>Index</i>	285

Introductory Chapters

Introduction

Nathaniel Persily

The topic of political polarization dominates discussions of contemporary American politics. Commentators may mean different things by the term, but widespread agreement exists that much of the dysfunction in the U.S. political system can be blamed on or explained by polarization. The coarseness of our political discourse, the ideological distance between opposing partisans, and most of all, an inability to pass much-needed and widely supported policies all stem from the polarization in our politics.

This volume assembles several of the nation's top analysts of polarization in American politics. However, unlike the many other volumes written on this subject, this book focuses on solutions to polarization. As such, it necessarily takes these authors, who more often analyze causes and consequences than propose remedies, out of their comfort zone. Debunking conventional wisdom and warning of unintended consequences tend to be more valuable coins in the realm of political science. The professional risks usually exceed the rewards of sticking out one's neck to suggest, with admittedly incomplete information, reforms that might address the most serious policy challenges of the day. We are, therefore, very thankful for the Hewlett Foundation, which helped alter the cost-benefit calculus and supported a conference that produced the chapters for this volume.

The proposals are intentionally brief, readable, and at times, tentative. But each suggests a direction for the country to address the widely maligned claim of polarization in our politics. They range from the mundane (e.g., tweaks to campaign finance laws) to the overly ambitious (e.g., compulsory voting, proportional representation, elimination of primary elections). Recognizing that the U.S. separation-of-powers system is uniquely threatened by polarization, several authors suggest (sometimes fancifully) constitutional change. However, most of the proposals take the basics of our constitutional structure

as a given. Still, much can be done short of a constitutional amendment or convention to address the many facets of America's polarization problem.

DEFINING POLARIZATION

Before turning to solutions it is important to define the problem. Polarization, like "corruption," is quickly becoming a catchall for whatever ails American politics. For purposes of this book, three separate but interacting phenomena fall within the ambit of "polarization." The first is ideological convergence within parties and divergence between parties – what we might call "hyperpartisanship." The second, often characterized as "gridlock," refers to the inability of the system to perform basic policy-making functions due to obstructionist tactics. Third, when we speak of polarization we often mean something beyond government dysfunction: a larger cultural phenomenon of "incivility," namely the erosion of norms that historically constrained the discourse and actions of political actors or the mass public.

These phenomena interrelate, but every solution to polarization does not address all three of its manifestations. Lowering the bar for policy making by eliminating or limiting the filibuster, for example, has not brought the parties closer together or made them more civil. Similarly, changes in the electoral system aimed at increasing the number of moderate legislators will only affect the potential for gridlock if party leaders allow votes to take place in which moderates might be peeled away from the party's position. And changing the tenor of media coverage of politics – were it even possible – would not necessarily result in a kumbaya moment leading to negotiation among elites with fixed views on the size of government. A comprehensive solution to polarization may require addressing these three different manifestations, but some may be more amenable to policy intervention than others.

Hyperpartisanship

As many have argued, the current state of high ideological definition of the parties stands as an example of "be careful what you wish for" for political scientists. For decades, political scientists decried the "irresponsible" party government that characterized the parties in Congress. In particular, the Democratic coalition, consisting as it did of Southern Dixiecrats and Northern urban liberals (among others), failed to exhibit the coherence that political scientists envied about European parties in parliamentary systems, particularly Great Britain. If only the parties could be more disciplined and ideologically defined, the

argument went, then they would be more accountable to voters and perhaps more likely to pass popular legislation that otherwise could not break through the “Conservative Coalition” that controlled Congress.

Fast forward to 2014, and the complaints have shifted 180 degrees. Now, the problem is excessive ideological coherence: the parties are too well defined. Their candidates offer clear options on virtually every major area of public policy. On health care, civil rights, the environment, taxes, education, immigration, and fiscal policy, the parties and their nominees have clearly defined and opposing positions. Claims that “there’s not a dime’s worth of difference between the parties” ring especially hollow in recent years. (Chapter 2 by Nolan McCarty and Michael Barber, which explores the causes and consequence of polarization, discusses these developments in greater detail.)

To be more precise, several rough measures for ideological coherence need to be kept in mind. The first is the increase in party-line votes in Congress. In both parties there are fewer defectors on any given vote than there have been in recent decades. Previously viewed as a sign of party “strength,” now this kind of partisan team support is seen as institutional weakness. Under conditions of divided government, such strong parties pose particular obstacles (all else equal) because the president then has fewer members of the ruling party in Congress that he or she can peel off to help enact preferred legislation.

Party-line voting does not, by itself, indicate *ideological* polarization, however. It only points to the strong bonds that exist among partisans when they are called on to be counted. In theory, at least, one party could want to cut \$1 in taxes and the other \$2, and a divided government could be unable to pass either bill or a compromise because of the rigidity of the parties’ positions and the willingness of partisans to fall in line.

Other measures of ideological coherence focus on where party members stand on certain issues: in particular, the congruence among partisans and the ideological distance between the median party members. Not only are partisans unwilling to compromise in the current environment but also their bargaining positions are so far apart that compromise on many issues is impossible. If 100% of one party’s membership wants to ban oil drilling, for example, and 100% of the other wants to increase it, not much room for bargaining exists. The more that such a dynamic – ideological similarity among co-partisans but extreme differences between opposite partisans – typifies the political landscape, the more we can say the parties are ideologically polarized. To be sure, there are some issues, such as foreign and national security policy, over which the parties in Congress are not internally coherent, but such exceptions are more atypical now than in recent decades.

Related to this point is the greater intensity of political preferences among co-partisans. Saying partisans are further apart from each other on some spectrum, either one as generic as liberal to conservative or more specific such as pro-life or pro-choice, does not necessarily suggest they feel intensely about such issues. In particular, it does not speak to the willingness of opposing partisans to bargain away their positions on certain issues in exchange for others. Under current conditions of ideological polarization, issues are perceived as life or death and opponents' positions are seen as beyond the pale. In today's Congress, it would appear that not only are the parties far apart on the issues but also that the ideological distance is matched by a widespread intensity of belief on a host of issues that might not have been seen as so fundamental and defining in previous eras. Moreover, because parties increasingly view bargains as zero sum from an electoral or political perspective, even policies that both parties support may not pass if one party has more to gain (in votes or public opinion) from a successful deal.

There is considerable debate as to whether the ideological polarization just described is limited to elites (particularly members of Congress) or extends to the mass public. At a minimum the following could be described as the modest scientific consensus on the question: (1) elites (i.e., members of Congress) *and* the mass public are more polarized now than in recent decades in that they are better sorted into parties and more consistently vote for their party's nominees and (2) the mass public is less polarized than elites, highlighted in no small measure by the fact that a sizable plurality now identify as independents. Beyond those points of consensus, scholars differ over the relative shape of the distribution of opinion of the mass public as compared to the parties in Congress. To some extent this distribution depends on the issue, because public attitudes on many "moral values" questions such as guns, abortion, and gay rights appear more bell-shaped than the distribution of preferences among elites. However, on many other issues, especially when framed exactly as the legislation that Congress considers, the mass public more closely mirrors elites.

One final point concerning hyperpartisanship: when people talk about polarization, they often mean more than just the division of the population or elites into two ideologically divergent and coherent camps. They also tend to imply that the camps are of nearly equal size. The parties are polarized, on this score, because the size of each of the two camps is roughly equal. If two-thirds of Americans (let alone legislators) were Democrats, then most would not consider our politics polarized, even if a smaller faction of Republicans was unified and extreme in its opposition. This is important to keep in mind when considering policy responses, because one could easily argue that the

best antidote to polarization is whatever measure might lead one party to have overwhelming dominance among the population and elites. Not only would it solve gridlock but it would also replace polarization with greater consensus.

Just to summarize, the notion of hyperpartisanship entails:

- (1) **Coherence** – the relative lack of internal divisions within each party
- (2) **Divergence** – the ideological distance between median party members
- (3) **Intensity** – the fact that partisans are not only far apart but they also care enough about their positions that they are less willing to budge
- (4) **Parity** – the political parties are of roughly equal strength

Gridlock

The U.S. Constitution is designed to disperse power and to make policy making difficult. Fear of concentrated authority was a natural consequence of our particular colonial origins, as well as a common theme for much of the political conflict throughout U.S. history. Even under conditions of political harmony, the structural features of the Constitution (such as checks and balances, bicameralism, federalism) exist as considerable obstacles to policy making not seen in most other democracies.

Under conditions of divided government in a separation-of-powers system, however, hyperpartisanship can lead to gridlock. Unlike a Westminster-style parliamentary government, in which party-line voting is key to execution of the government's agenda, party-line voting in the U.S. Congress can prevent an opposing president from executing his or her agenda. For much of the last century, this did not pose a problem. Even when we had divided government, the porousness of the parties in Congress and their decentralized power structure allowed presidents to make deals with members of the other party. When the party controlling Congress is unified and power is concentrated, the opposing president is less able to peel apart the opposing party coalition to get votes on his or her preferred policy.

A cohesive party can cause gridlock even when it does not control Congress, of course. Control of either house or of a sizable share of the Senate can enable a unified party to obstruct policies supported by a majority. Many additional veto points exist in the Senate (e.g., filibuster, holds, blue slip process) that allow for obstruction by a minority or even an individual senator. As described in the next subsection, several of these avenues for obstruction, reserved for extraordinary circumstances in the past, are now part of ordinary politics.

The willingness to use both ordinary and extraordinary tactics to prevent government from performing its most basic functions constitutes the most