

## I

## The Anxieties of American Democracy

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Since 2006, the American Psychological Association (APA) has conducted an annual *Stress in America* survey to examine the sources of stress and its impact on the health and well-being of Americans. But only in October of 2016 did the APA deem it necessary to include questions about American politics and the upcoming election. Their findings were startling. Fifty-two percent of the respondents said that the 2016 election was a very or somewhat significant source of stress. Moreover, those who reported election-induced stress reported significantly higher overall levels of stress (APA, 2017).

Clearly, the stress of the 2016 election did not end on election night. The APA refielded its study in November of 2017. Not only had overall stress increased, but nearly two-thirds of Americans (63 percent) described the future of the nation as a very or somewhat significant source of stress, and more than half (59 percent) said that they regarded this as the lowest point in U.S. history they could recall. These reported levels of political stress rivaled those of more traditional sources such as personal finances, health, and work. The poll's findings seem to be confirmed by the reports of therapists that more patients are asking for assistance with their "Trump Anxiety Disorder" (Schwartzman, 2016).

While the APA didn't begin polling on political anxiety until 2016, American politics was angst-ridden long before Trump's election. Polls reveal that Americans' trust in political leaders and all federal government institutions has been falling for over 20 years.<sup>1</sup> In 2016, 40 percent of registered voters reported having lost faith in American democracy (Persily and Cohen, 2016).

<sup>1</sup> Pew Research Center. 2017. Public Trust in Government: 1958–2017. Retrieved from [www.people-press.org/2017/12/14/public-trust-in-government-1958-2017/](http://www.people-press.org/2017/12/14/public-trust-in-government-1958-2017/) (last accessed December 9, 2018).

The reasons for the loss of faith and the concomitant stress and anxieties are many. The first is the well-recognized resurgence of partisanship and ideological polarization among our political elites. The ability and proclivity of Democratic and Republican officeholders to work together has deteriorated. Such trends undermine Americans' faith in the ability of our institutions, especially Congress, to solve pressing social and economic problems. Moreover, the deepening partisan divisions at the elite level have reinvigorated intense partisanship within the electorate. While many democracies can flourish with strong partisanship and little inter-party cooperation, our Madisonian constitutional system, with its separation of powers and checks and balances, has resulted in an unsettling mixture of both gridlock and policy uncertainty.

The rise of dysfunctional government could hardly have come at a worse time. The past four decades have witnessed tremendous changes to the American society and economy. Income and wealth inequality has been a problem since the late 1970s. While the top 1 percent of taxpayers earned 8 percent of national income in 1980, that group has raked in more than 17 percent in recent years (Piketty and Saez, 2003). Although increasing economic inequality is a feature of many advanced democracies, the United States is a clear global leader.

Recent economic performance has not only been unequal, it has been marked by stagnation interrupted only by crisis. By almost all accounts, the wages of the middle class have been flat or falling in the 2000s. Total compensation has risen only when increasingly expensive health-care benefits are factored in. The financial crisis of 2007–2008 hit all Americans hard, but the effects have been the most acute and long-lasting for middle- and lower-income Americans.

Over this period, American society has become much more diverse. Following reforms of immigration law in the 1960s, migration (legal and undocumented) from Latin America, Asia, and Africa increased dramatically. While many Americans have embraced the newcomers, many others view mass immigration as a significant economic and cultural threat. The era is also marked by tremendous social change in the rights and social standing of women, the LGBTQ community, and racial and ethnic minorities. These social changes have provoked fear and anxiety among some Americans, even while these changes have also fallen far short of civil rights reformers' goals.

The pace of social and economic change has clearly fueled political conflicts and deepened polarization. But in turn, polarization has made it more difficult for our political system to address the important policy problems generated by economic and social inequality. Increases in economic inequality translate into growing political inequality. For example, in 1980, the top .001 contributors accounted for 15 percent of the money going into federal campaigns, in 2012 it was 41 percent (Bonica et al., 2013). Shockingly, the magnitude of wealth inequality is so great, the wealthy accomplished this feat while spending a slightly lower share of their wealth on politics (Bonica and Rosenthal, 2015).

It is not surprising that studies routinely show that policymakers are far more responsive to high-income voters than middle-income voters.

It was against the backdrop of these longer-term trends, but well before the election of Donald Trump, that the Social Science Research Council (SSRC) launched its “Anxieties of Democracy Program.” This multifaceted program includes working groups on political participation, distribution, climate change, security, and the media. The coeditors and several of this volume’s authors headed the working group on American institutions. Our charge was to examine the capacities of our governing institutions for effective, responsive, and accountable governance in the United States. This volume reflects the outcome of those examinations.

As a group, we identified a core set of institutional challenges. The first and most prominent is the consequences of the long-term rise in partisanship and ideological polarization that has transformed American politics over the past three generations. But unlike many other academic interventions, we accept polarization and hyper-partisanship as an inevitable feature of our political life, at least over the short to medium term. Thus, rather than focusing on ways of reducing polarization, our attention is on its effects and how those might be mitigated. We also set out to explore whether there are aspects of our institutions that have continued to function well even in our intensely partisan environment.

Despite the recognition that our Madisonian constitution fits uncomfortably with Westminsterian party discipline, we also eschewed major constitutional reforms. Constitutional amendment and revision – challenging even during consensual eras – seem foreclosed by the persistent divides in American politics. This recognition, however, does not blind us to the fact that constitutional norms and practices are evolving under the stress of the shifts in our party system. The powers and performance of the Congress, the executive, and the judiciary have been profoundly reshaped by the polarized currents of American politics. Our federal balance between the national government and the states is also transforming. At the same time, we are interested in the various resiliencies that have held the system in place.

But an exclusive focus on the changes wrought by polarization and partisanship would be limiting. Americans obviously share many other anxieties about the performance of our institutions. An especially relevant set of anxieties focuses on rising economic inequality and how those inequalities have shaped the political sphere. Money in politics and how it speaks has long concerned us, but the potential scale of political inequality generated by our current economic system has heightened worries about the role of special interest lobbies, corporations, and wealthy individuals. At the other end of the continuum, we worry about the opportunities for the poor and marginalized to have a voice in the system.

The working group on American institutions structured our discussions and subsequent work across three broad themes. The first theme concerned the

changing nature of representation in the United States. Second, we explored how changes in the political environment have affected the internal performance of institutions with a focus on Congress. Finally, we asked how the effects of polarization, partisanship, and inequality have manifested themselves in government performance and policy outcomes.

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Anxieties about representation have clearly increased in recent years. Considerable research has undermined the idea that elective representatives are highly responsive to the views of the typical voter. The apparent correlations between representative behavior and voter preferences appear to be largely driven by responsiveness to the interests of higher-income Americans (Gilens, 2012, Gilens and Page, 2014, Bartels, 2016). Findings about legislative polarization also undermine arguments about electoral responsiveness. For example, Democratic and Republican legislators represent nearly politically and demographically identical districts in increasingly disparate ways (Bonica et al., 2013). Together these concerns about “plutocracy” and polarization suggest a fundamental disconnect between typical voters and their representatives. Several pieces in our volume take up aspects of these anxieties. The first three chapters of this volume take up the concerns about the influence of wealth and political inequality.

In an era where corporate profits are an increasing share of gross domestic product (GDP) and the market power of large firms has risen dramatically, the fear that big business will use its economic clout to shape political outcomes has become central to our constellation of anxieties.<sup>2</sup> In an extensive review of the academic literatures in political science and sociology in Chapter 2, Anthony Chen catalogues how the evidence for and scholarly understanding of “business power” has evolved over time. Despite long-time concerns about corporate domination, pluralists of the mid-twentieth century were generally sanguine about the possibilities of democratic checks on corporate political demands. The rise of the new social movements of the 1970s that pushed back against business interests appeared to support the case for optimism. Evidence of intra-business political disputes also was seen as an important constraint on business power. But in reviewing more recent studies of corporate political activity and policy success, Chen makes the case that business interests have clearly reasserted themselves and have been successful in moving policy toward the preferences of specific firms and industries as well as toward those of the corporate community at large.

<sup>2</sup> On trends in market power and corporate profits, see DeLoecker, Jan and Jan Eeckhout. 2017. “The Rise of Market Power and the Macroeconomic Implications.” NBER Working Paper No. 23687, August.

A major source of the resurgence of business has been its outsized role in the advocacy sector, a fact amply documented in Chapter 3 by Lee Drutman, Matt Grossmann, and Tim LaPira. These authors use longitudinal data on federal lobbying activity to identify the “top tier” of the top 100 entities in the lobbying community. Some of their findings are reassuring. While the lobbying expenditure threshold for inclusion in the top 100 increased 75 percent from 1998 to 2012, the median expenditure rose by the same amount, indicating little increase in cross-sectional lobbying inequality. Moreover, the share of lobbying undertaken by business interests has been stable. But their other findings are more disquieting. In the early 2000s, there was quite a bit of churn in the entities that constituted the top 100. From 1998 to 1999, 24 members of the top 100 business spenders dropped from those ranks. But the persistence of organizations on that list has increased dramatically. From 2011 to 2012, only five business organizations left the list. A similar pattern is evident among nonbusinesses. The result is a very highly stratified lobbying industry. Moreover, elite lobbying organizations have dramatically increased the breadth of their lobbying activities. They increasingly lobby on more issues, contact more agencies, and contact legislators about more bills. Consequently, the likelihood that a member of a persistent lobbying elite will be active on an issue is growing.

While recent concerns about the disproportionate influence of the wealthy have speculated that the source of the problem lies in the campaign finance system, scholarship on the question has produced mixed results. This is especially true of studies that try to link the contributions of groups and political action committees to congressional decisions. In Chapter 4, Brandice Canes-Wrone and Nathan Gibson suggest that scholars may have been looking in the wrong place by focusing on political action committees rather than individual donors. Using data from the American National Election Study (ANES) and the Cooperative Congressional Election Study (CCES), Canes-Wrone and Gibson measure the policy preferences of the national “donorate” of each party as well as the policy preferences of voters in each state. This allows them to estimate the impact of donor preferences on Senate roll call voting behavior. While they find that donor opinion had little effect on Senate votes in early 1990s, they find a substantial impact of national partisan donor opinion over the past decade. Based on their estimates, senators weigh the views of donors at least as much as they weigh the opinions of their constituents. Moreover, their evidence suggests that senators are responsive to donors, not the wealthy per se. This suggests that campaign finance may be an important source of unequal responsiveness. Raising even more anxieties about the functioning of the campaign finance system, Canes-Wrone and Gibson find that it is the least electorally vulnerable senators who are most responsive to donors’ interests: the senators who personally need the money the least are the most influenced by it.

In Chapter 5, Daniel Gillion and Patricia Posey come at these questions of unequal representation and responsiveness from the opposite vantage point.

Rather than ask why the wealthy are so powerful, they address how poor and marginalized communities have any political impact at all. A persistent anxiety of democracy is that majoritarian political institutions are unlikely to register the interests and viewpoints of disadvantaged minorities. Although there has been much research on the impact of minority protest on policy outcomes, the precise nature of how that influence arises is an open question. In their piece, Gillion and Posey examine the effect of minority protest on congressional elections from 1960 to 1990. They find that protest activity in a congressional district is associated with changes in vote shares consistent with the ideological leanings of the protest. They argue that protests can serve as a signal of incumbent vulnerability, which can lead to better and more experienced challengers.

While some scholars often argue that polarization and the consequent loss of responsiveness to voters is caused by parties that have become too strong, in Chapter 6, Daniel Schlozman and Sam Rosenfeld argue that the central problem is that parties have “hollowed out” significantly over the past several decades. While partisanship runs high among the voters, parties as organizations are weak. They fail to mobilize voters, control nominations, and develop policy expertise. As weakened institutions, they argue that today’s parties facilitate the capture of our democracy by “donors and demagogues.” To Schlozman and Rosenfeld, a restoration of an organizationally strong and issue-oriented party system is key to reducing the anxieties of American democracy.

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Part II of the book focuses on the internal dynamics of our representative institutions. These authors address the common lament that the quality of legislative deliberation and debate has deteriorated as Congress has become a more partisan institution. Such concerns are related to broader worries about the general coarseness and dumbing down of political discussion in the United States.

The chapters in this section provide at least some cause for optimism. In Chapter 7, Lee Drutman and Peter Hanson evaluate the common complaint that the Congress of our partisan era has lost its capacity to deliberate effectively. Legislation has increasingly been produced and packaged by leaders who bring bills to the floor under rules that restrict both amendments and debate. Laments about the lack of deliberation are often followed by the recommendation that Congress should return to the procedures of “regular order” that allow robust debates and amendments to committee-produced legislation. Drutman and Hansen, however, show that at least in the important area of appropriations, the norms of regular order are alive and well. They find that on spending bills, members of both the majority and minority parties are able to participate in debate and to offer successful amendments. In fact, despite

heightened partisanship, the amendments of the majority party are no less successful than the minority. But despite these bipartisan advantages, they find that extremists are able to exploit the afforded opportunities to engage in ideological messaging and to force divisive votes. This “paradox of regular order” may help to explain why given its apparent virtues it is disappearing on non-spending legislation and why it may eventually be reined in for the appropriations process.

In Chapter 8, James Curry and Frances E. Lee also take up the laments about the erosion of legislative processes. They provide some reassurances that abandonment of regular order has not crippled Congress. They argue that Congress has shown an ability to undertake major actions under both the decentralized, committee-dominated “textbook Congress” and the modern centralized, leader-driven contemporary Congress. In their view centralization is not the cause of congressional dysfunction, but an adaptive response to the highly partisan environment, which would otherwise strangle a decentralized legislature. In their account, centralized negotiating processes are essential for managing crises and logjams, enhancing flexibility in consultations and coalition building, and permitting legislative entrepreneurship. Curry and Lee also provide compelling evidence against claims that centralization is harmful. First, they find that the coalitions backing enacted laws are just as bipartisan in the party era as they were in the decentralized era. While Congress may well produce less legislation, there is no strong evidence that the outputs have become more partisan. Second, they demonstrate, contrary to the conventional wisdom, that committees and their chairs and ranking members continue to play an important part in the policy process. While the number of formal committee reports is down, informal mechanisms of committee consultation have emerged.

Lee and Curry also stress some of the benefits of legislative centralization. They argue that it has worked to the benefit of voters through the clarification of responsibility and the articulation of policy differences. Leader-driven agendas provide voters with significantly more information about where the parties stand on important issues. Centralized procedures are better able to formulate the “Democratic” or “Republican” alternative on issues. At the same time, strong leadership can screen out attempts of individual legislators to message in ways that muddy the water. Together Curry and Lee’s arguments imply that the insistence of some observers that congressional dysfunction would be cured by a return to regular order is based on a misdiagnosis of the underlying problems and conflates cause and effect.

As Kenneth Benoit, Kevin Munger, and Arthur Spirling point out in Chapter 9, anxieties that the intellectual level of political discourse in a democracy is invariably regressing to the least common denominator are as old as democracy itself. Clearly concerns about our modern media culture’s effect on the attention and informedness of voters have amplified these concerns. Quantitative studies of the reading level of presidential State of the Union (SOTU)

addresses have lent support to these concerns. But Benoit, Munger, and Spirling provide assurance that anxieties about the “dumbing down” of American political discourse are overblown. Not only are such worries hard to reconcile with the fact that Americans are increasingly well educated and that our IQs are increasing, they are not born out in direct evidence about the sophistication of political discussion. First, they argue that inferences drawn from the SOTU address are unreliable. The declining trends in the sophistication of the SOTU appear to be outliers as they are not found in any other major political corpus including congressional debate and Supreme Court cases. Second, the changes they do find are relatively inconsequential and mirror broader changes in language patterns generally. Specifically, there are no trends in word complexity, just a broad movement to shorter sentences.

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A considerable amount of our anxiety is rooted in the fact that we face major policy challenges ranging from income inequality and slow economic growth to inadequate health-care coverage and spiraling costs to climate change and environmental degradation at the same time that our government seems so ill-equipped to address them. Thus, Part III of the book addresses the anxieties surrounding the policymaking and governance capacities of our political institutions.

In Chapter 10, Suzanne Mettler and Claire Leavitt focus on how the “policy-scape” – the dense constellation of existing programs and policies – structures the opportunities for new policy innovations. As they demonstrate, the policy-scape is not a static element confronting policymakers, but one continuously reshaped by the interaction of changing economic and social forces with existing policy designs. They highlight four important ways in which the policy-scape shapes contemporary governance. First, the existing constellation of policies helps determine which avenues of policy intervention are open and which are foreclosed. Second, the complexity of the contemporary policy-scape makes reform harder and contributes to the gridlock and dysfunction related to excessive partisanship and polarization. This gridlock in turn forecloses the required maintenance and updating of policy regimes causing policy outcomes to drift in unintended ways. Strikingly, they find that among policies related to America’s top issue priorities more than half were overdue for reauthorization or were “out of date.”<sup>3</sup> Finally, the increased complexity of the policy-scape requires much more oversight from Congress at precisely the time that Congress’s capacity to perform it effectively has diminished. While Congress remains actively engaged in oversight during divided government, it has been

<sup>3</sup> They define “out of date” policies as those for which the elapsed time since the last reform exceeded the typical reform interval for that policy.

focused more on highly salient partisan issues rather than routine policy functions.

In Chapter 11, David Spence continues on the themes of governance in a polarized system by reviewing the potential effects of polarization on the administrative state. Given that administrative and regulatory agencies are central to many partisan fault lines such as health care, financial regulation, and the environment, their performance during our divided era profoundly shapes our governing capacities. Spence's review uncovers some notes of optimism. He notes that there is little evidence that agencies have either been paralyzed by polarized conflicts or have been driven to take extreme policy positions. At the same time, he suggests ample evidence that congressional gridlock and division have placed significant strains on agencies. Ultimately, our ideological divisions have mapped onto divergent views of the administrative state, which range from the impulse for greater insulation from political principals (e.g., the Consumer Financial Protection Bureau) to Steven Bannon's stated desire to "deconstruct the administrative state." These debates will shape the future role of administrative agencies in the constitutional system.

The general question of how polarization is likely to affect our constitutional system is taken up by Nolan McCarty in Chapter 12. Starting with the premise that lawmaking and oversight capacities of Congress have diminished, McCarty considers how the other branches of the federal government and the states are likely to respond. Will the president, judiciary, and the states successfully assert more policymaking authority? How might these assertions impact policy and its responsiveness to voters? Will the new constitutional balance of power lead to better or worse governance outcomes than the congressionally centered Madisonian constitution?

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While no single volume can diagnose and assess all of the causes for the anxieties that Americans share about the future of their democracy, we hope that this one will make a substantial contribution to increasing understanding of the root causes. Like any good diagnosticians, the contributors to this volume have sought to distinguish those causes from mere symptoms.

While, as is usually the case in collective scholarly endeavors, we reach no airtight consensus on root causes, several stand out as especially important. Clearly, the American political system has been stressed by dramatic social and economic changes over the past 40 years, which have increased both economic and social inequalities. These inequalities have not only polarized voters and activists, but have created the conditions for greater political inequalities. At the same time, our party system has become much more competitive with virtually every recent election raising the prospect for a change in party control of one governing institution or another, layering an intense partisanship atop all of the other social and economic cleavages (Lee, 2016, Fiorina, 2017).

Unfortunately, these conditions appeared in a political system that was not designed with political parties in mind. Our constitutional system premised on the consensus of large supermajorities is very vulnerable to intense polarization and deep partisan antagonisms. The results are deep challenges to the capacities of our institutions to govern.

Perhaps the more important contributions of this volume are its more complete accounting of the problems and its rejection of easy fixes. We often hear laments such as democracy has been imperiled because it has been “dumbed down” or that Congress could restore its position in the constitutional system if it would only return to regular order. Clearly, some of these laments are unfounded – political discourse has simply not been declining in sophistication. Others confuse cause for effect. If Congress returned to regular order in the current environment, things would only get worse.

We also hope that this volume inspires more social scientists to take up these sets of questions about the state and future of American politics. These are big, important questions. Research that can further clarify the problems and suggest potential solutions will have great potential to reduce our anxieties and restore our faith in our democratic institutions.

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