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CAN AMERICAN POLITICAL PARTIES DISAGREE BUT STILL GET ALONG?

David A. Hopkins*

RUSSELL MUIRHEAD, *THE PROMISE OF PARTY IN A POLARIZED AGE* (HARVARD UNIVERSITY PRESS 2014). PP. 317. HARDCOVER \$ 39.95.

Most political scientists who specialize in the study of American politics have traditionally viewed the institution of the political party with a certain degree of benevolence. As we are constantly reminded by students, relatives, friends, acquaintances in the news media, and colleagues in other academic disciplines, this inclination decidedly sets us apart from many of our fellow citizens. But the congressional expert appreciates the critical role played by parties in supplying leadership and organizational structure to the legislative branch; the scholar of the presidency recognizes how the president's party provides a loyal base of support among both fellow elites and the mass public that makes effective governance possible; and the behaviorist notes the crucial importance of party identification in placing voters within the political world and mobilizing them to participate in elections. Defenders of a strong and vibrant party system must contend with an American political culture in which parties are frequent targets for dissatisfaction of every sort and "partisan" is a familiar epithet. Yet many scholars continue to share the view expressed by the pioneering political scientist E. E. Schattschneider, who wrote in 1942 that "the political parties created democracy and . . . modern democracy is unthinkable save in terms of the parties," even as the current state of party politics in America inspires growing concern both within and outside the academy.¹

Though it follows in this tradition, Russell Muirhead's *The Promise of Party in a Polarized Age* is, as its title indicates, also very much a product of our contemporary era.² While the intellectual pedigree of anti-partyism in American thought stretches back over more than two centuries to *Federalist #10* and George Washington's Farewell Address, the specific sins of which the parties are accused have varied over time, from demagoguery to corruption to philosophical incoherence. The most discussed, and lamented, attribute of contemporary American politics is the phenomenon of partisan polariza-

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1. E. E. SCHATTSCHNEIDER, *PARTY GOVERNMENT I* (1942).

2. RUSSELL MUIRHEAD, *THE PROMISE OF PARTY IN A POLARIZED AGE* (2014).

tion—a term that is popularly applied to a set of related but analytically distinct trends that have progressed steadily over the past thirty years. These developments notably include: (1) an increase in the collective partisan unity and aggregate ideological extremity of elected officeholders and candidates at the expense of a declining moderate bloc in each party; (2) a resurgence of party-loyal voting in the electorate after several decades of rampant partisan defection and ticket-splitting; (3) an expansion of sharp partisan conflict into new policy domains, such as racial and cultural issues, that previously cut across party lines; and (4) a growth in the extent to which the interaction of party leaders with their counterparts in the opposition takes the form of personal rancor and procedural hardball, echoed by more vituperative expressions of mutual ill-feeling between Democratic and Republican supporters in the mass public. As the surging tide of partisanship strains against a constitutional framework designed by avowed anti-partisans to divide power among multiple independent actors, resulting over the past quarter-century in such visible manifestations as frequent legislative gridlock, multiple government shutdowns and other governing crises, and even a presidential impeachment, many analysts have come to view party polarization as the biggest challenge faced by the contemporary political system. A number of prominent empirically-oriented scholars—including Norman J. Ornstein, Thomas E. Mann, and Morris P. Fiorina—have concluded that these developments pose a serious threat to the present and future character of representative democracy in the United States.³

The phenomenon of polarization is reflected in a growing academic literature, a steady stream of popular punditry, and a series of rhetorical pledges by politicians who make (mostly unfulfilled) promises to transcend it—such as candidate George W. Bush’s vow to be “a uniter, not a divider”⁴ and President Barack Obama’s claim to govern a nation that is “more than a collection of red states and blue states [but] the *United States of America*.”⁵ Yet near-ubiquitous complaints about the polarized state of politics today are often unaccompanied by a coherent, plausible vision of a preferred alternative. Scarcer still are contemporary analyses that reaffirm political scientists’ traditional advocacy of strong, well-organized parties and vigorous electoral competition, even as they acknowledge the evident flaws in the current party system. *The Promise of Party in a Polarized Age* aims to fill this void, advancing an ideal of “not less partisanship, but better partisanship” that strives to preserve parties’ beneficial attributes while simultaneously avoiding the pathologies that have caused such increasing alarm among observers of twenty-first-century politics.⁶

This approach is a refreshing corrective to much of the normative response to polarization in the popular media, which often draws upon older anti-party themes. Aside from those who simply complain that their least-liked party is too extreme or wields too

3. THOMAS E. MANN & NORMAN J. ORNSTEIN, *IT’S EVEN WORSE THAN IT LOOKS: HOW THE AMERICAN CONSTITUTIONAL SYSTEM COLLIDED WITH THE NEW POLITICS OF EXTREMISM* (2012); MORRIS P. FIORINA WITH SAMUEL J. ABRAMS & JEREMY C. POPE, *CULTURE WAR? THE MYTH OF A POLARIZED AMERICA* (2005); MORRIS P. FIORINA WITH SAMUEL J. ABRAMS, *DISCONNECT? THE BREAKDOWN OF REPRESENTATION IN AMERICAN POLITICS* (2009).

4. David Horowitz, “*I’m a uniter, not a divider*,” SALON (May 6, 1999), http://www.salon.com/1999/05/06/bush_2.

5. Barack Obama, President, 2012 Presidential Acceptance Speech (Nov. 7, 2012).

6. MUIRHEAD, *supra* note 2, at xii.

much power, most critics of our current partisan battles fall into one of two categories, which I will label the Neo-Progressives and the Bipartisans. The Neo-Progressives, like their turn-of-the-century namesakes, regard partisan politics with innate skepticism, even when they actively participate in it themselves. They view political conflict as largely artificial, fanned by pandering politicians or corrupting special interests for their own selfish benefit, and advocate a variety of institutional reforms—jungle primaries,⁷ anti-gerrymandering restrictions, stringent campaign finance regulations—that are intended to reduce the scope of partisan disagreement by productively tinkering with the mechanics of the democratic process.

Yet the Neo-Progressives display limited faith in the wisdom of the average voter. They tout scientific inquiry, objectivity, and expertise as a preferred means of settling political disputes and addressing social problems, and perceive the modern Republican Party in particular to be a malevolent force that cynically but effectively exploits mass ignorance and prejudice. Neo-Progressives overwhelmingly reside on the ideological left—even the far left—but demonstrate little enthusiasm for the rough-and-tumble skirmishes or messy compromises that characterize the real world of politics. Their political affect mirrors Barack Obama’s cool and intellectual demeanor, technocratic bent, and visible distaste for old-fashioned political give-and-take, even if their enthusiasm for Obama’s actual record in office is sometimes less than fulsome.⁸

The Bipartisans, in contrast, view savvy deal-making as the essence of politics at its best. They celebrate now-rare cases of successful policy collaboration between Democratic and Republican leaders, regarding the four decades between World War II and the presidency of Ronald Reagan as an idyllic political age populated by a cadre of heroic figures who forged national consensus by exhibiting seriousness of purpose, prudence in judgment, and country-over-party statesmanship. Rather than view voters with derision or condescension, Bipartisans claim to speak on behalf of a sensible and well-meaning American public that remains (by their account) ideologically centrist, politically pragmatic, and habitually exasperated by partisan squabbling. They applaud politicians who claim to “stand on principle” to the extent that said principle compels them to take more moderate issue positions than the bulk of their fellow party members; otherwise, they view insistent adherence to ideological precepts both as morally suspect—

7. Jungle primaries, also called “top-two” or “qualifying” primaries, require all candidates for a single office to compete against each other in a preliminary round of voting, with the top two finishers advancing to the general election regardless of their party affiliation. Now in place in California, Louisiana, and Washington, jungle primaries are claimed by their advocates to reduce polarization by allowing voters to support (presumably moderate) candidates across party lines. Unlike the similar blanket primary, which was declared unconstitutional by the United States Supreme Court in *California Democratic Party v. Jones*, 530 U.S. 567 (2000) because it infringed on the parties’ associational rights, the jungle primary does not result in official party nominations. Its constitutionality was upheld by the Court in *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442 (2008).

8. For example, prominent Neo-Progressive activist Larry Lessig, a law professor at Harvard University, announced in September 2015 that he would launch a presidential candidacy designed to serve as a public referendum on a package of institutional reforms—campaign finance regulations most prominent among them. Lessig has often been critical of Obama’s presidency for being insufficiently transformative. See Andrew Prokop, *Larry Lessig: Bernie Sanders Has Been “Seduced” by Consultants, Is Too Focused on Winning*, Vox, (Aug. 26, 2015, 11:35AM), <http://www.vox.com/2015/8/26/9210417/lawrence-lessig-president>. Lessig abandoned the presidential race two months later after failing to qualify for participation in the Democratic Party’s series of televised presidential debates.

because it represents tiresome self-righteousness or the excessive indulgence of doctrinaire party activists—and as presenting a serious practical impediment to the proper working of government in a separation-of-powers system. They venerate the shrinking bloc of political figures like John McCain, Joseph Lieberman, and Michael Bloomberg who adopt the persona of the maverick partisan (or non-partisan) and who separate themselves from their party, or both parties, by positioning themselves at or near the political center rather than further to the left or right.

In contrast to these familiar perspectives, *The Promise of Party in a Polarized Age* presents an intellectual defense of partisanship as an honorable cause rather than an avoidable or necessary evil. Unlike the Neo-Progressives, Muirhead views partisan differences as properly reflecting an enduring tension among fundamentally irreconcilable but legitimate and sincerely-held values, chiding conflict-averse liberals who “are reluctant to admit that they are in a partisan contest” and who “expect that reason alone will cause everyone eventually to agree with them.”⁹ Muirhead also demonstrates little enthusiasm for Neo-Progressive electoral reforms; he briefly endorses the stricter regulation of campaign money¹⁰ but explains at greater length why proposals designed to combat polarization by opening primary elections to voters outside the party are unlikely to succeed and might even prove counterproductive.¹¹ In addition, he criticizes Barack Obama for echoing Neo-Progressives by often portraying his policies—and himself—as hovering above mere partisanship and ideological dogma in a higher plane of pure logic and common sense:

Obama could not see the enduring relevance of liberalism and conservatism, and he could not recognize the partisan character of his own convictions. . . . The post-partisan pretense that political argument is unnecessary amounts to a form of free-riding, where we neglect the team that carries our side of the argument from one contest to the next. Hidden in this pretense is an arrogant insistence that everyone should agree with us, without the bother of explaining why.¹²

The Promise of Party in a Polarized Age also challenges several of the Bipartisans’ key beliefs and assumptions. “No law of nature places the optimal policy between the ideally preferred points of liberals and conservatives,” contends Muirhead. “On fiscal policy, health care, foreign policy—on any policy, the best approach might well be the position advocated for by one party.”¹³ He explicitly prefers unified to divided party control of the federal government¹⁴ and displays even less patience with contemporary nostalgia for the post-war era of cross-party coalition-building, arguing that it mostly reflected the anomalous presence in the Democratic Party of southern conservatives who also represented a major obstacle to the expansion of civil rights: “Racial segregation

9. MUIRHEAD, *supra* note 2, at 14.

10. *Id.* at 247.

11. *Id.* at 146-72.

12. *Id.* at 210-11.

13. *Id.* at 245-46.

14. MUIRHEAD, *supra* note 7, at 260-64.

was not a sorry by-product of the system of bipartisan accommodation—it was the cause and the purpose of the system.”¹⁵ Nor does Muirhead share the Bipartisans’ discomfort with the commitment of many political leaders to non-centrist ideologies. “The ideological dimensions of politics today are in themselves hardly troubling,” he writes, “and are far less severe than the ideological contests that roiled nineteenth- and twentieth-century politics.”¹⁶

Yet, *The Promise of Party in a Polarized Age* is by no means a celebration of our increasingly polarized political world. While inhabiting the political scientist’s familiar role as a champion of parties and partisanship, Muirhead simultaneously surveys the current state of party politics with considerable dismay. As a result, the book treads very carefully. It extols party loyalty, but of a particular, high-minded sort. It welcomes partisan competition, but within limits that our contemporary parties admittedly fail to respect. It identifies the necessary contribution of parties to healthy and meaningful politics, but decries the merciless behavior of scheming party leaders who primarily seek strategic advantage over the opposition. The “promise of party” is alluring, but is far from being fulfilled.

A Partisanship of Ideas and Ideals

Political parties can be regarded in a number of ways: as coalitions of social groups, as amalgamations of program beneficiaries, as networks of policy-oriented activists, and so forth. For Muirhead, parties properly exist to advocate ideas. He is somewhat reluctant to identify ideology per se as the parties’ *raison d’être*—perhaps because, like many political theorists, he is sensitive to the ways in which party doctrine often deviates from pure philosophical reasoning. But he also declines to emphasize instrumental interests or salient social identities as essential foundations of partisanship, despite their important role in shaping the political orientations of many Americans. Muirhead prefers to describe the Democrats and Republicans as each ideally advancing “broad goals that define a partisan conception of the common good.”¹⁷ Partisanship becomes “respectable, even noble,” he writes, when it is based on “principles, convictions, and attachments.”¹⁸

Why is it the party itself, rather than its associated *ethos*, that deserves our fealty as citizens? While one can adhere to personal convictions in isolation, Muirhead argues, partisanship is inherently a collective enterprise that involves productively engaging with others in the political arena. Partisanship at its best also requires recognizing the legitimacy of the opposition and the limits of social consensus; being a partisan tacitly acknowledges the rightful existence of other parties and the political contestation of one’s own beliefs. The ideal partisan is thus principled and passionate, but also modest, open-minded, and averse to combativeness and zealotry. He or she “aims to shape the moral character of the political community” but recognizes that opponents subscribe in

15. *Id.* at 243.

16. *Id.* at 253.

17. *Id.* at 202.

18. *Id.* at 253.

good faith to an alternative set of values that retain a validity of their own.¹⁹ Muirhead cites two former senators, Democrat Edward Kennedy of Massachusetts and Republican Alan Simpson of Wyoming, as model partisans who identified with opposite ideologies and often took distinct stances on issues, but who both cultivated warm personal relationships with members of both parties, prized concrete action over symbolic purity, and maintained a knack for legislative deal-making that broke through gridlock and zero-sum political calculation in order to further the greater good of the nation.²⁰

Muirhead thus aims to rescue such a recognition of partisanship's virtues from increasing attacks in our polarized era by the likes of the Neo-Progressives and the Bipartisans. He responds to their critiques by drawing a key normative distinction separating "high" partisanship, characterized by cheerful public-spiritedness, respect for the opposition, and devotion to forging a "connection between the details of policy and the moral character of the country," from the "low" partisanship of narrow ambition, strategic maneuvering, and incessant mutual belligerence.²¹ The problem with our contemporary politics is therefore not its deeply partisan character, but the ascendance of the wrong *kind* of partisanship.

Because *The Promise of Party in a Polarized Age* concedes that low partisans have largely succeeded in supplanting their loftier counterparts, this ostensible intellectual defense of political parties devotes much of its text to deploring a number of visible manifestations of party strength in the current era. For example, Muirhead calls for the abolition of the "Hastert Rule," an unofficial norm associated with former Republican speaker Dennis Hastert that prevents legislation from reaching the floor of the House of Representatives unless it is backed by a majority of the ruling party, regardless of whether the bill would command majority support in the House as a whole.²² He criticizes the presidential administration of George W. Bush for firing federal prosecutors over partisan considerations—in at least one case, a U.S. Attorney was forced from office after resisting pressure from Republican officials to seek the indictment of Democratic politicians—and thus infringing on the neutral administration of justice.²³ The attempt of the Republican-controlled House of Representatives to exploit a necessary raise in the federal debt ceiling in 2011 as procedural leverage to extract budgetary concessions from the Obama administration also serves, in his view, as an example of low partisanship at its most indefensible.²⁴

In fact, Muirhead is sufficiently critical of our contemporary political environment that his faith in the promise of party itself seems to waver. One puzzling digression praises Nebraska's unicameral legislature, the only formally non-partisan state legislative body in the nation.²⁵ Strict party-line voting, an unremarkable practice in many parliamentary democracies around the world, is held to deprive enacted legislation of its "dig-

19. MUIRHEAD, *supra* note 2, at 215.

20. *Id.* at 53.

21. *Id.* at 213.

22. *Id.* at 191-94.

23. *Id.* at 217-24.

24. MUIRHEAD, *supra* note 2, at 248-52.

25. *Id.* at 183-90.

nity” and is thus to be vigorously resisted in American institutions.²⁶ In another passage, Muirhead expresses hope for the arrival of a centrist third party to hold the balance of power in Congress and thus work to neutralize the ideological extremity of the Democrats and Republicans. After the skillful manner in which *The Promise of Party in a Polarized Age* distinguishes its broader argument from familiar anti-partisan themes, it is somewhat disorienting to encounter specific claims that so closely echo those of Neo-Progressives and Bipartisans, while the improbable future emergence of mass electoral support for a Centrist Party dedicated to such causes as “immigration, tax reform, or global warming legislation”—much less any evidence that such a party would generate sufficient popular enthusiasm to overcome the substantial structural impediments to a multi-party system in the United States—also represents a lapse in Muirhead’s normally sturdy appreciation of political practicalities.²⁷

The book thus exhibits a perceptible darkening of tone as it progresses from theory to practice. Its extensive and compelling descriptions of the potential virtues of party are almost entirely unaccompanied by confirmatory illustrations from the contemporary political world; tellingly, one of its two specifically identified personal exemplars of high partisanship is deceased (Kennedy) and the other (Simpson) long retired from elective office. Even the 2010 enactment of the Affordable Care Act, surely a recent milestone in the pursuit of many Democrats’ shared conception of the common good, receives substantial criticism in *The Promise of Party in a Polarized Age* due to Obama’s insistence—presumably reflecting the advice of political handlers consulting relevant public opinion data—on promoting his health care reform proposal to voters by explaining how its provisions would serve their own personal interests rather than portraying it as a realization of broader liberal virtues.²⁸

The widening rift over the course of the book between ideal and actual party politics suggests the presence of a serious dilemma. Perhaps the appealing logical distinction that *The Promise of Party in a Polarized Age* draws between the high partisanship of principle and the low partisanship of political combat is exceedingly difficult to achieve in practice. The act of investing the Democratic and Republican parties with “purpose” and “meaning” by bestowing on them the responsibility to hold aloft the twin banners of liberal and conservative ideals may raise the stakes of political conflict to a sufficient extent that the rough tactics of low partisanship become increasingly justified in the eyes of party supporters as a means of preventing or limiting the triumph of an opposition devoted to undermining those values. Because bipartisan cooperation requires leaders on both sides to remain open to agreement and resistant to demonizing their opponents, a collectively polarized and acrimonious politics can result even if only one of the parties adopts an increasingly purist or confrontational disposition.

Such tradeoffs are not new. In 1950, E. E. Schattschneider led the American Political Science Association’s now-defunct Committee on Political Parties in drafting a long report entitled “Toward a More Responsible Two-Party System.”²⁹ In this report,

26. *Id.* at 247-48.

27. *Id.* at 199.

28. *Id.* at 211-16.

29. Am. Pol. Sci. Ass’n., *Toward a More Responsible Two-Party System*, 44 AM. POL. SCI. REV. 21 (1950).

Schattschneider and his colleagues faulted the mid-century American parties for failing to present voters with a sufficiently distinct choice of policy alternatives, for lacking the internal unity and discipline necessary to implement their stated platforms, and for displaying inadequate responsiveness to the preferences of their respective activist populations. The committee recommended an extensive series of reform measures intended to bolster party “responsibility” by encouraging the leaders of each national party to develop an ambitious legislative program and by providing them the means to enforce adherence to this agenda among officeholders and candidates, arguing that “the party struggle is concerned with the direction of public affairs . . . [and] the discussion of public affairs for the most part makes sense only in terms of public policy.”³⁰

Schattschneider and his collaborators explicitly denied that reforming the parties in order to ensure the development of extensive and conflicting policy commitments would lead to political polarization. “Needed clarification of party policy in itself will not cause the parties to differ more fundamentally or more sharply than they have in the past,” they predicted.³¹

Nor is it to be assumed that increasing concern with their programs will cause the parties to erect between themselves an ideological wall. There is no real ideological division in the American electorate, and hence programs of action presented by responsible parties for the voter’s support could hardly be expected to reflect or strive toward such division.³²

Yet as the parties subsequently became more internally coherent and externally distinct in the manner that the committee members envisioned—not because party leaders responded to their report by immediately adopting its roster of recommended reforms, but instead due to a number of interlocking historical developments such as the inception of the civil rights era, the regional realignment of the South, the decline of patronage-based political machines, and the rise of the modern conservative movement—they also became more ideologically differentiated, to the point that some contemporary critics view the advocates of party responsibility as having succeeded all too well in realizing their objectives. The “clarification of party policy” that the Schattschneider committee sought ultimately occurred via the growing influence of ideologically-motivated activists within the organizational structure of the parties—especially on the Republican side—combined with the migration of misfit factions like conservative Democrats and liberal Republicans into their more appropriate partisan homes.

Just as ideological polarization proved to be a natural consequence of a party system increasingly organized on the basis of policy differences, the emergence of parties that are consciously devoted to upholding distinct sets of principles and values seems likely to encourage the increasing use of low partisan tactics in service of these convictions—including electoral mud-slinging, apocalyptic rhetoric, process-related brinkman-

30. *Id.* at 15.

31. *Id.* at 20.

32. *Id.*

ship, majoritarian ruthlessness, and the violation of previously-respected institutional norms (such as the now-automatic use of the filibuster by the minority party in the Senate, once a rare occurrence). It is hardly a coincidence that the party that is more openly dedicated to the advancement of an ideological movement (the Republicans) is also the more procedurally aggressive of the two.³³ In the current political environment, Republican members of Congress who take a pragmatic, bipartisan approach to governing risk suffering a backlash from peers, conservative media personalities, and primary electorates that could threaten their political careers. Given the failures and concessions that are inherent in democratic politics, especially in a decentralized constitutional system of checks and balances, perhaps it is infeasible in reality to promote a partisanship of principles without leaving politicians vulnerable to the charge by other party members that they have insufficiently upheld those principles while in office. Even Alan Simpson, cited in *The Promise of Party in a Polarized Age* as a personification of partisanship at its best, retired from Congress in 1996 after he was removed from a Republican leadership position by his Senate colleagues in favor of the more conservative and hard-charging Trent Lott of Mississippi.

To be sure, ideological commitment, partisan loyalty, and governing style are not necessarily synonymous; after all, John Boehner and Ted Cruz took similar positions on most political issues even as they engaged in a long-running battle over the strategic direction of the congressional Republican Party. But neither are they completely unconnected. The clarification of the two parties' respective philosophical tenets over the course of the past half-century has brought our politics closer to a national debate over fundamental ideas, but has also reflected the increasing influence of partisan actors who ultimately prefer conflict to compromise.

While we should entertain no illusions about the practical challenge of realizing the ideal of high partisanship while avoiding regular manifestations of low partisanship, this objective is not necessarily less attainable than the rival aspirations of the Neo-Progressives and Bipartisans, who often overstate both the likelihood and the desirability of a political world without sharp partisan differences. A modern party system in which the two sides regularly agree on most important issues facing the nation is no more realistic than one in which disagreement exclusively occurs in a friendly and open-minded manner. By emphasizing the civic benefits of robust partisanship, *The Promise of Party in a Polarized Age* provides a welcome intellectual defense of American parties at a time in which they are once again taking the brunt of popular frustration with politics, and refreshingly acknowledges that the United States is unlikely to return to an era in which elected Democrats and Republicans occupied overlapping positions on the ideological spectrum.

With polarization here to stay, it is time for scholars and commentators alike to cease entertaining the notion that it can be readily reversed. Instead, we should turn to a more open and thorough discussion of the ways in which the polarized party system's most dangerous practical effects might be ameliorated. This dialogue would presumably focus on the consideration of institutional reforms to the internal operation of Congress,

33. JACOB HACKER & PAUL PIERSON, *OFF CENTER: THE REPUBLICAN REVOLUTION AND THE EROSION OF AMERICAN DEMOCRACY* (2005).

but it should also encompass the acknowledgment of the role played by the constitutional structure itself in producing frequent procedural stalemate and providing strong incentives for the partisan opposition to obstruct and embarrass the majority. The mass electorate, too, should be held responsible for its own contribution to our current condition. If they share Muirhead's attractive but ambitious vision of a politics of high partisanship untainted by the blight of low partisanship, American citizens can help to realize it by shifting their support to candidates—in primaries as well as general elections—who pledge to fulfill its spirit.