

Political Dysfunction (in the United States)

POL 395.01

Fall 2018

Professor Sanford Clark Gordon

I. Introduction

There is a keen sense among observers across the ideological spectrum that the political system of the United States is, or has become, dysfunctional. In this seminar, we will explore precisely what this means, with particularly close and recurring attention to four questions: first, what are the evaluative criteria by which one can assess the performance of a political system – and that of the United States in particular; and what can one reasonably expect from it given the historical peculiarities of the American experience? Second, in light of those evaluative criteria, what are the sources of political dysfunction in the United States? Third, how can we evaluate political dysfunction in the United States comparatively – both temporally (in relation to other periods in U.S. history) and cross-sectionally (in relation to other advanced industrial nations)? Finally, are there institutional solutions that might alleviate some of the most acute problems that we identify, without creating new pathologies in the process?

II. Contact and Meeting Information

Professor

Sanford Clark Gordon

19 W. 4th St., Room 311

Phone: (212) 998-3708

E-mail: sanford.gordon@nyu.edu

Office Hours: Mondays 9am-11am, or by appointment

Class meetings

Thursdays, 9:30am-12:00pm, Waverly Building Room 435

III. Required Readings

The following books are available for purchase at the University bookstore:

- Kramer, Katherine J. 2016. *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker*
- Lee, Frances E. 2016. *Insecure Majorities: Congress and the Perpetual Campaign*
- Mann, Thomas E., and Norman J. Ornstein. 2016. *It's Even Worse Than It Looks: How the American Constitutional System Collided with the New Politics of Extremism*

Additional reading materials are available via NYU Classes, NYU libraries, or the web.

IV. Student Responsibilities and Course Grading

Formal Course Requirements

Class Participation

20%

Active participation in classroom discussion is an essential component of the seminar experience. During our discussions, students will be expected to demonstrate successful mastery of the week's assigned readings, and to be ready to comment on other students' response papers (see below). If you feel that shyness is preventing you from participating as fully as you would like, I would be happy to meet with you to discuss strategies for improving your performance in class discussions.

Bi-Weekly Response Pieces

40%

Every other week, half of the students will each prepare a 400-500-word response piece on the assigned readings. The response should not be a summary; rather, it should (a) address a perceived deficiency in one or more of the arguments encountered in the readings; (b) advance and argue for the importance of a question unaddressed in those readings but pertinent to the general topic of that particular week; *or* (c) consider how some facet of contemporary American politics may be better understood by taking the perspective of one or more of the readings for that week.

Students will be divided into two groups: A and B. Members of Group A will write on the assigned readings for Weeks 2, 4, 6, 8, 10, and 13 (Week 12 is Thanksgiving). Members of Group B will write on the readings for Weeks 3, 5, 7, 9, 11, and 14. At the end of the semester, I will drop the lowest paper score when calculating final grades.

Assignments must be uploaded to NYU Classes *no later than* 5pm on the Tuesday preceding the course meeting; so, for example, if you are a member of Group A, you must upload your response for the September 13 class no later than 5pm on Tuesday, September 11. (Note that the 5pm deadline is programmed into Classes – at 5:05, the option to upload your comments for the week will disappear.)

After the Tuesday deadline, I will compile the response papers into a zip file and place it in that week's Resources folder on Classes for viewing by the entire class. Please reserve time to have a look at the response papers of your fellow students.

Final Research Paper

40%

Students will write a research paper, approximately 15 pages in length (12 pt. font, double-spaced, with 1 inch margins on all sides), on a topic related to the material covered during the semester. Students must get approval on the topic from Professor Gordon by October 26. Research papers are due in class on December 13, when each of you will offer a brief presentation of your paper to the class.

Policy on missed exams and late papers

Short Papers: Response papers will not be accepted past 5pm on the Tuesday before class.

Research Paper: In general, research papers will be penalized 1/3 of a grade (e.g., from a B+ to a B) per day late.

V. Academic Integrity

All of the work you do in this course is expected to be your own. Absolutely no cheating or plagiarism (using someone else's words or ideas without proper attribution) will be tolerated. All ideas not your own must be properly cited. Any cases of cheating or plagiarism will be handled according to university policy. For more information on university policy, see <http://cas.nyu.edu/academic-programs/bulletin/policies/academic-policies.html>.

VI. Weekly Schedule

Part 1. Preliminaries

Week 1 (September 6) What Dysfunction?

What are some common complaints with the operation of the U.S. political system? Are they static, or do they vary over time? What are the evaluative criteria we should employ to evaluate whether a (the) political system is functioning appropriately – aside from “my preferred policies are/aren't being implemented?” What are some obstacles to achieving the “first best?”

- Mann, Thomas E., and Norman J. Ornstein. 2016. *It's Even Worse Than It Looks: How the American Constitutional System Collided with the New Politics of Extremism*, 43-80.
- Committee on Political Parties of the American Political Science Association. 1950. “Toward a More Responsible Two-Party System, Part I: The Need for Greater Party Responsibility” 15-28.

Week 2 (September 13) Foundational Considerations

Group A thought papers due by 5pm on September 11

What is the web of preferences and expectations that gives rise to a political “order” beyond the description of its formal institutions? Is a stable order better understood as a shared set of commitments, norms, and obligations, or “ambition counteracting ambition?” In a heterogeneous polity, how should we balance the need for compromise with the possible infringements that such compromise might entail?

- Machiavelli, Niccolo. 1531. *Discourses on Livy*, nos. 2-6.
- Madison, James. 1788. *Federalist #51*.
- Graber, Mark A. 2014. “Belling the Partisan Cats: Preliminary Thoughts on Identifying and Mending a Dysfunctional Constitutional Order.” *Boston University Law Review* 94(3): 611-647.
- Gutmann, Amy, and Dennis Thompson. *The Spirit of Compromise: Why Governing Demands it and Campaigning Undermines It*, Introduction and Chapter 1.

Part 2. Accountability

Week 3 (September 20) Voter Competence

Group B thought papers due by 5pm on September 18

In his second annual message, President James Madison wrote that “a well-instructed people alone can remain permanently a free people.” Recent research suggests that voters are prone to numerous cognitive biases or impairments that might prevent them from holding politicians accountable. How worried should we be about the competence of voters? Would a more

informed electorate generate better politician behavior? And what counts as evidence for the competence or incompetence of voters?

- Brennan, Jason. 2016. "Against Democracy." *The National Interest*, September 6, 2016.
- Achen, Christopher H., and Larry M. Bartels. 2017. *Democracy for Realists: Why Elections Do Not Produce Responsive Government*, chs. 4-5.
- Ashworth, Scott, and Ethan Bueno de Mesquita. 2018. "Learning about Voter Rationality." Blog post summarizing their article in the *American Journal of Political Science*, available at <https://ajps.org/2017/10/26/learning-about-voter-rationality/>.
- Fowler, Anthony, and Andrew B. Hall. 2018. "Do Shark Attacks Influence Presidential Elections? Reassessing a Prominent Finding on Voter Competence." *Journal of Politics* 80(4).

Week 4. (September 27) Electoral Distortions I: Voter Demobilization

Group A thought papers due by 5pm on September 25

It would seem that a necessary, if not sufficient, condition for politicians to internalize the preferences or concerns of citizens is that those citizens be able to vote. Concern exists, however, that extant policies in the U.S. may distort the composition of the electorate away from what it would be in a world of, say, compulsory voting. One of these is incarceration – which may have a direct (in the case of felon disenfranchisement laws) or indirect (via socialization) effect on voter turnout. Another is state laws requiring various forms of identification to vote. What are the political consequences of these policies? How might they erode accountability? Are the effects likely to be extensive or minimal?

- Weaver, Vesla M., and Amy E. Lerman. 2010. "Political Consequences of the Carceral State" *American Political Science Review* 104(4): 817-833.
- Highton, Benjamin. 2017. "Voter Identification Laws and Turnout in the United States." *Annual Review of Political Science* 20: 149-167.
- Hajnal, Zoltan, et. al. 2017. "Voter Identification Laws and the Suppression of Minority Votes." *Journal of Politics* 79(2): 363-379.
- Grimmer, Justin, et. al. 2018. "Obstacles to Estimating Voter ID Laws' Effect on Turnout." *Journal of Politics* 80(3): 1045-1051 (a critique of Hajnal et. al.).

Week 5 (October 4) Electoral Distortions II: Gerrymandering

Group B thought papers due by 5pm on October 2

By its very nature, political representation entails a mapping from the preference profile of the electorate to the preference profile of the representative assembly. In the United States, the mapping is geographic, and in the House, subject to revision following each decennial census. How might the irreducibly political process of drawing district boundaries distort the quality of representation in Congress? What special considerations should and should not be prioritized by map makers? What should the role of the courts be in this process?

- "Political Science Professors in Support of Appellees and Affirmance." Brief of *amici curiae* to the Supreme Court of the United States, in *Gill v. Whitford*. September 5, 2017.
- "The National Republican Congressional Committee in Support of Appellants." Brief of *amici curiae* to the Supreme Court of the United States, in *Gill v. Whitford*. August 4, 2017.
- Roberts' opinion in *Gill v. Whitford*.

Week 6 (October 11) Economic Power and Political Power**Group A thought papers due by 5pm on October 9**

This week, we try to cram an entire semester's worth of material into less than three hours. So far, we've discussed potential distortions in political accountability directly traceable to distortions in voting. With that as a backdrop, how does economic and organizational power translate into political influence in the U.S.? Most importantly, to the extent that it does, should this even count as "dysfunction," or is it appropriate that actors with more "skin in the game" exercise disproportionate influence in the policymaking process? The literature on "capture" has existed largely in parallel to the literature on money in politics. Are these distinct mechanisms of democratic distortion, or do they reflect two sides of the same coin? What evidence is most appropriate in discerning the extent and normative implications of disproportionate influence by elites?

- Yackee, Jason Webb, and Yackee, Susan Webb. 2006. "A Bias Towards Business? Assessing Interest Group Influence on the U.S. Bureaucracy." *Journal of Politics* 68(1): 128-139.
- Carpenter, Daniel P. 2013. "Detecting and Measuring Capture." In Carpenter, Daniel P., and David Moss, eds., *Preventing Regulatory Capture*. New York: Cambridge University Press.
- Gilens, Martin. 2012. *Affluence and Influence: Economic Inequality and Political Power in America.*, chs. 2-3.
- Hansen, Wendy L., and Michael S. Rocca. 2018. "The Impact of Citizens United on Large Corporations and Their Employees." *Political Research Quarterly*, forthcoming

Week 7 (October 18) Representation and the Hollow Center**Group B thought papers due by 5pm on October 16**

The final week of this part of the course provides a bridge to our discussion of polarization in the next. Specifically, we consider how distortions in the incentives for candidates across the ideological spectrum might confound democratic accountability. What are the institutional and behavioral factors that might discourage moderates from running for office? Can voters achieve meaningful representation if their legislators are polarized? How can we tell?

- Hall, Andrew B. 2018. *Who Wants to Run? How the Devaluing of Political Office Drives Polarization*. Unpublished book manuscript, chs. 3-6.
- Thomsen, Danielle M. 2014. "Ideological Moderates Won't Run: How Party Fit Matters for Partisan Polarization in Congress." *Journal of Politics* 76(3): 786-797.

Part 3. Polarization, Gridlock, and Governance**Week 8 (October 25) Causes and Consequences of Elite Polarization****Group A thought papers due by 5pm on October 23**

What is polarization? What are its origins? Why are public officials and the activist class so much more at odds than the American public at large (although wait until next week)? Is polarization symmetric? What are the consequences of polarization for the functioning of American government and the U.S. political system more generally? This brings us back to some of the themes of Week 2's meeting: does effective governance require compromise and consensus or mutually opposing forces?

- Barber, Michael, and Nolan McCarty. 2015. "Causes and Consequences of Polarization." In Mansbridge, Jane, and Cathie Jo Martin, eds., *Political Negotiation: A Handbook*, pp. 37-89.
- Mann, Thomas E., and Norman J. Ornstein. 2016. *It's Even Worse Than It Looks: How the American Constitutional System Collided with the New Politics of Extremism*, ch. 3, 5, and 6.

Week 9 (November 1) Mass Polarization and Red-Blue Resentment

Group B thought papers due by 5pm on October 30

Henry Adams defined politics as "the systematic organization of hatreds." Last week, we discussed the phenomenon of polarization among elites. But what do we see in the public more broadly? What is "affective" polarization, and is it a problem? What are the underlying sources of resentment between different groups of citizens in the United States? Does Kramer's discussion of rural consciousness mask racial animosity, or is something different at work?

- Iyengar, Shanto, and Sean J. Westwood. 2014. "Fear and Loathing Across Party Lines: New Evidence on Group Polarization." *American Journal of Political Science* 59(3): 690-707.
- Kramer, Katherine J. 2016. *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker*, chs. 3-6.
- Optional: Pew Research Center. 2014. "Political Polarization and the American Public." Overview

Week 10 (November 8) Legislative Gridlock

Group A thought papers due by 5pm on November 6

What are the consequences of political polarization for how Congress does its job? Do changes in campaigning and the media landscape cause political divisions in the legislative setting or exacerbate preexisting ones? What institutional fixes might ease tensions and contribute to greater legislative productivity? And is legislative productivity a good thing in and of itself?

- Binder, Sarah. 2014. "The Dysfunctional Congress." *Annual Review of Political Science* 18: 85-101.
- Lee, Frances E. 2016. *Insecure Majorities: Congress and the Perpetual Campaign*, chs. 1-5.

Week 11 (November 15) Executive Overreach or Executive Sclerosis?

Group B thought papers due by 5pm on November 9

Is the solution to political polarization and conflict a more powerful executive? What do you make of the diagnosis of American politics offered by Howell and Moe? What do you think of their institutional solutions? Relic was published in April of 2016, meaning that it was written in the preceding several years. Would Howell and Moe have written the same book today? How does Levitsky and Ziblatt's idea of forbearance as applied to the executive branch affect your interpretation of the Trump presidency?

- Howell, William G., and Terry M. Moe. 2016. *Relic: How our Constitution Undermines Effective Government and Why We Need a More Powerful Presidency*. 95-179
- Levitsky, Steven, and Daniel Ziblatt. *How Democracies Die*, pp. 127-133.

- Johnston, David Cay. 2018. *It's Even Worse than you Think*, selections. NOTE: I may swap this reading for selections from Bob Woodward's new book, *Fear: Trump in the White House*. The book doesn't come out until September 11.

Week 12 (November 22) Thanksgiving. Class Will Not Meet

Week 13 (November 29) Monitoring the Citizenry

Group A thought papers due by 5pm on November 27

Shifting gears this week to talk about "street-level" political dysfunction. What is the role of the police in a democratic society? How much do police-citizen interactions depend on trust? How do high-powered incentives affect police behavior? How do race and policing incentives interact? What are the consequences of militarization of police forces for relations between the citizen and the state?

- United States Department of Justice, Civil Rights Division. 2015. "Investigation of the Ferguson Police Department." Washington, DC: USDOJ
- Mummolo, Jonathan. 2018. "Militarization Fails to Enhance Police Safety or Reduce Crime but May Harm Police Reputation." Proceedings of the National Academy of Science, forthcoming.

Week 14 (December 6) Can Decentralization Diffuse Dysfunction?

Group B thought papers due by 5pm on December 4

There is a widespread belief that in divided societies, decentralizing government authority might prove an attractive solution to problems of persistent problems of political conflict. On the other hand, calls for "states' rights" have an unfortunate history in the U.S. context, because of their association with the defense of slavery and later, Jim Crow. Does decentralization mitigate or exacerbate political conflict? Assuming the former, can a revitalized federalism work in a world where peoples' primary loyalties are more to parties than states? Does federalism as an institutional solution to political conflict rely on intangibles that can't be manipulated by public policy? Are there meaningful checks on decentralization that protect minority rights?

- Levy, Jacob T. 2007. "Federalism, Liberalism, and the Separation of Loyalties." *American Political Science Review* 101(3): 459-477.
- Bulman-Pozen, Jessica. 2014. "Partisan Federalism." *Harvard Law Review* 127(4): 1077-1146.
- Gordon, Sanford C., and Dimitri Landa. 2018. "A (m)adisonian Theory of Political Conflict." Typescript.

Week 15 (December 13) Brief Presentations of Final Papers

Final Papers Due