

POLARIZATION AND DEMOCRATIZATION

by

Arend Lijphart

University of California, San Diego

alijphart@ucsd.edu

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Are there solutions to the serious problem of political polarization in the United States?

The two main approaches would be efforts to change attitudes and efforts to change institutions and rules. Both are difficult, especially in the short run, but institutional changes are probably somewhat less daunting. I shall follow the latter approach.

My point of departure will be the fact that polarization between Democrats and Republicans is almost entirely caused by the increasing extremism of the Republican party and especially its right Tea-Party wing—as extensively documented by Thomas E. Mann and Norman J. Ornstein (2012). Democrats may have moved slightly to the left in recent decades, but Republicans have moved much farther to the right. In comparison with progressive parties in other advanced industrial democracies—in Europe, Australia, and New Zealand—the Democratic party looks like a center or slightly left-of-center party instead of a party of the far left. In a similar comparison with conservative parties elsewhere, however, the Republican party is not just clearly on the right of the political spectrum but considerably farther to the right. A striking example of this difference is the acceptance of universal health insurance by almost all conservative parties, but not by the Republican party in the United States which not only opposes it but rejects it with great passion and vehemence. Paul Krugman (2013) has recently called the Republican party the “crazy party.” This is a judgment that European conservatives are likely to agree with.

We can probably not change the minds of Republicans like Ted Cruz and Eric Cantor, but we can try to reduce their extraordinary influence—which cannot be justified in terms of basic democratic principles. The key to my recommendations for institutional reform is to try to limit the power and influence of (1) the Republican party as a whole, which has drifted far to the extreme right, and (2) in particular the extreme right wing in the party. These recommendations are also recommendations to make the American political system more democratic. In fact, my diagnosis of the polarization problem is that it reveals a serious democratic deficit in the United States and the need for far-reaching democratization. Most of my proposals are radical in American, but not in comparative terms. Are they so radical that they are not practical or feasible? I am not holding my breath, but I shall argue that they are certainly not completely impossible to implement.

1. Abolish primary elections. There is broad agreement on the diagnosis that extremism is fostered by the primary system, because primary elections tend to have low turnout and the more committed and ideologically extreme voters are much more likely to turn out to vote than more moderate voters. If primaries are the problem, one logical solution is to get rid of them and to return the function of nominating candidates for office to the formal party organizations. Since primaries were originally instituted in order to make the political system more democratic, the proposal to abolish them looks undemocratic. What has happened, however, is that low levels of voter participation have made them a means for small minorities, especially more extreme minorities, to wield undue—and undemocratic—influence. Moreover, it is hard to argue that elections without prior primary elections are undemocratic because no other democracy has anything similar to American primaries. A few may have

voting procedures that are called “primaries” but that are limited to formal dues-paying party members or that parties adopt on a voluntary basis. American-style primaries have four distinctive characteristics (with some variations from state to state): they are imposed on the parties by the state; they are conducted by public officials; they allow any voter who declares himself or herself to be a member of a party to vote in that party’s primary; and they apply pervasively to almost all elections. The United States is unique in this respect; primaries are clearly not a necessary ingredient of democracy.

2. Fair Vote’s Top Four proposal. A proposal that would reform, instead of abolish, primaries, but that would also decrease the influence of extremist minorities is the Top Four method advocated by the Center for Voting and Democracy (2012). Like California’s Top Two system, all candidates must run against each other in a single primary election, but instead of only the two candidates with the most votes advancing to the general election, the top four candidates qualify. Fair Vote further proposes that in the general election “ranked choice voting” (which I shall describe more fully in the next paragraph) be used to determine the eventual winner. Two advantages: First, about 20 percent support in the primary is sufficient to advance to the general election, which is therefore likely to have a broader spectrum of candidates, including more moderate and independent-minded candidates. Second, moderate candidates stand a better chance of election in the higher-turnout general election than in the low-turnout primary.

3. Instant Runoff Voting without primaries. In Australia, this method has been used since the 1920s for elections to the House of Representatives. (It is basically the same method as ranked choice voting, mentioned above, and is often also called the alternative vote or

preferential voting.) The voters are asked to indicate their first preference, second preference, and so on among the candidates in a single-member district. If a candidate receives an absolute majority of the first preferences, he or she is elected. If there is no such majority, the candidate with the lowest number of first preferences is dropped, and the ballots with this candidate as the first preference are transferred to the second preferences. This procedure is repeated by excluding the weakest candidate and redistributing the ballots in question to the next highest preferences in each stage of the counting, until a majority winner emerges. It has the same advantages as Fair Vote's Top Four proposal—better chances for moderate candidates to participate in the general election and for them to get elected in this higher-turnout election—and in addition it saves the money that would need to be spent on primary elections.

The above three suggestions have focused on ways to reduce the influence of the far right in the Republican party. The next twelve will deal with reforms that decrease the disproportionate influence of the Republican party as a whole.

4. Remove the unfair Republican advantage in House elections. Republicans won a clear majority in the House of Representatives in the 2012 election in spite of the fact that Democratic candidates won about 1.4 million more votes than Republican candidates. The 1996 House election had a similar outcome (Shugart 2012). It is entirely normal in plurality SMD (single member district) elections that the parties' seat proportions do not correspond to their vote proportions. Usually, large parties win disproportionately many and small parties disproportionately few seats (roughly according to the so-called cube rule). But it is very rare that a party winning the most votes receives fewer seats than the runner-up. The main

examples in other plurality SMD elections are the British 1951 election, won by the Conservatives even though Labour had won more votes, and the 1978 and 1981 elections in New Zealand, won by the conservative National party although the Labour party won more votes in both of these elections. The 1951 outcome in Britain was very controversial and the 1978 and 1981 results in New Zealand even more so: it eventually led to the abolition of plurality SMD and the adoption of a proportional representation (PR) system. The spurious Republican majority in the 2012 House election was the result partly of gerrymandering and partly of the natural concentration of Democratic voters. In all five of these instances, the conservative parties were the spurious winners, at least partly due to the tendency of left-wing voters to be concentrated in urban areas. Congress could take action to prevent gerrymandering by mandating impartial commissions to draw election districts in each state or ideally by establishing a single national commission, and the courts could put constraints on excesses of partisan gerrymandering. In order to make sure that no spurious majorities can ever occur, additional seats could be awarded to the party winning the popular vote to give it a legislative majority. This is a solution that has no empirical precedents anywhere, but in PR systems it is often used to make the outcomes more purely proportional (Lijphart 1994, 146-48).

The importance of this one factor can be seen in the hypothetical situation of the Democratic party having won the 2012 House election. The Republicans would have been the same extreme right-wing party, but it would not have mattered much: no or much less gridlock, no threats to shut down the government or to default on the country's debt. Polarization

would have been manageable. The conference that produced this volume on “Solutions to Political Polarization in the US” might not have taken place either!

5. PR for House elections. More radical than the above reform of the plurality SMD system would be the adoption of PR for House elections. The most likely result would be a system of about four main parties (and a few small ones); the major parties would be liberal Democrats, more centrist Democrats, moderate Republicans, and extreme right-wing Republicans. Winning voting coalitions would probably consist of mainly centrist Democrats and centrist Republicans—which would diminish the power of extreme parties, especially what is now the extreme wing of the Republican party. Getting rid of plurality SMD would not be a radical move in comparative terms: among the advanced industrial democracies, only the United Kingdom and Canada still use this electoral system.

6. Reducing the Republican advantage in Senate elections. The Republican advantage in House elections does not always or inevitably lead to a spurious majority. Their advantage in Senate elections is much greater. Small states tend to the Republican side, and the equal representation of the states gives the Republican party disproportionate power. This problem is harder to solve because the Constitution sets the equal representation of all states, large and small, in unamendable stone. The extreme voter inequalities that are the result plus the obstacles to change them are the main reason why Robert A. Dahl (2001) judges the United States to be democratically deficient in his *How Democratic is the American Constitution?* In principle, however, the solution would be to make the number of seats somewhat more proportional to the population of the states, as in the Senates of Canada and Australia, or much

more proportional, as in the similar federal houses in Germany, India, Austria, and Belgium (Lijphart 2012, 195).

7. Full representation for the District of Columbia. An additional violation of democratic principles that helps the Republican party is the denial of representation (except in presidential elections) to the District of Columbia, which is solidly Democratic and which has a larger population than Vermont and Wyoming. A single DC voting representative in the House would not make much difference, but two more Democratic Senators would entail a significant boost to the Democratic party in the often closely divided Senate.

8. PR for Senate elections. The Australian example suggests a possible reform of Senate elections that would not require a change in the equal state representation rule. Australian Senators are elected in multimember districts (six states and two territories) by PR. If, in the United States, each state's two Senators would similarly be elected simultaneously—that is, in two-member districts—by PR, it would be more likely for the minority party to win one of the seats; slightly more than a third of the vote would be sufficient. This would generally help Democrats in the smaller states and Republicans in the larger states. On balance, it would decrease the Republican advantage to some extent. This system would work better if the number of Senators per state would be increased to three or four; with four seats at stake, the minority party would be to win a seat with about 20 percent of the vote. It would obviously require an increase in the total membership of the Senate to 150 or 200 members—a major change in American but not comparative terms: second chambers in other bicameral legislatures are generally smaller in size than first chambers, but also generally larger than 200 members.

9. Abolish the filibuster rule. Even after the elimination of the filibuster on almost all judicial and administrative appointments in November 2013, it remains a potent instrument on proposed legislation. Its complete abolition should be regarded as a basic and necessary democratic reform. In the current context, however, it is also worth emphasizing that the filibuster gives even more influence to the smaller states and therefore to the Republican party.

10. Increase voter turnout. Low voter turnout is a serious democratic problem, because it means unequal turnout that is systematically biased against less well-to-do citizens—and hence also against progressive parties and in favor of conservative parties. Compared with other democracies, voter turnout has been especially low in the United States, and the gap between more and less privileged citizens especially wide. The main culprit is the American rule of voter registration as an individual responsibility, combined with burdensome requirements for individuals to get registered. It contrasts with the many other democracies where voting is also voluntary but where voter registration is the government's responsibility. The obvious solution would be for the United States to adopt this more usual and more democratic practice—and thus, by raising the total turnout, to lower the relative share of the votes received by the increasingly extremist Republican party.

11. Mandatory voting. An even better method to guarantee high—indeed, almost universal—turnout is to make voting participation compulsory. It is the one solution that can effectively level the playing field between more and less privileged citizens and between progressive and conservative parties: it would completely eliminate the unfair advantage that Republicans have derived from low and unequal voter participation. I have advocated this solution for many years (Lijphart 1997), and I am pleased to see that Mann and Ornstein (2012,

140-43), too, include “making attendance at the polls mandatory” among their proposals. Their phrasing also means that we agree that mandatory “voting” does not entail any obligation to cast an actual vote. The only obligation is to go to the polls; at that point, citizens can make use of their right not to vote, to refuse accepting a ballot, and to go home. Mandatory voting is relatively rare—Australia and Belgium are the main examples—and many democrats have an instinctive (although not really rational) dislike of it.

12. A lottery as an incentive to vote. A potentially useful, although so far untried, alternative suggested by Mann and Ornstein (2012, 143) is “a lottery—an election PowerBall with a large prize, in which a person gets a ticket in exchange for a voting receipt. Lottery mania could enhance turnout substantially.” (In addition to mandatory voting, I find myself in agreement with several other Mann-Ornstein proposals, such as Instant Runoff Voting, nonpartisan districting commissions, limits on filibustering, and proportional representation.)

13. Halt attempts at voter suppression. Some political scientists have argued that low and unequal voter turnout does not make much of a difference with regard to the relative success of left-wing and right-wing parties. The overall evidence does not support this position and, significantly, politicians clearly do not agree with it. Calls for abolishing compulsory voting in Australia and Belgium have come mainly from conservative parties and have been opposed by progressive parties. In the United States, Republicans have been trying to improve their electoral fortunes by suppressing the right to vote. I do not know of any other instance of such efforts at voter suppression in advanced industrial democracies. It is a unique American phenomenon—and one more deficiency of American democracy. The big problem is the

decentralized system of election administration in the United States. Nationwide rules for voter registration and other election rules would be the best solution.

14. Public financing of elections. If unequal voter turnout is a help to conservative parties, unequal participation in terms of financial contributions is even more of a true boon. The Supreme Court's *Citizens United* decision has already helped the Republican party and its most extreme wing a great deal. All kinds of halfway solutions, like rules requiring disclosures by donors and recipients, would be of some help, but the only solution that can truly level the playing field is the public financing of elections.

15. Reforming the Supreme Court. The U.S. Supreme Court has been systematically favoring the Republican party in recent years. The *Citizens United* case and the invalidation of a key part of the Voting Rights Act are the most recent, but not the only examples. Mann and Ornstein (2012, 73) lament the retirement of Sandra Day O'Connor, which changed "the political and ideological complexion of the Supreme Court . . . Had O'Connor not retired, *Citizens United* either would [have been a narrower decision] or would have been decided 5-4 the other way." But it was O'Connor who paved the way for this development by casting the crucial vote to elevate George W. Bush to the presidency in 2000. Had Al Gore been elected president, it is very unlikely that John G. Roberts and Samuel Alito would be on Court now. The current rules governing the composition of the Supreme Court—its small membership of nine justices, their sequential appointment when a vacancy occurs, and life tenure—do not necessarily or permanently guarantee a conservative majority. However, the example of the German Constitutional Court—the closest equivalent to the U.S. Court of a powerful and assertive supreme judicial body among the advanced industrialized democracies—shows that

alternative rules can promote broader and more balanced representation: its larger membership of sixteen justices (eight elected by the Bundestag and eight by the Bundesrat); the twelve-year term limit; the requirement that justices retire at age 68; and the fact that usually two or more justices are elected at the same time, virtually guaranteeing that the new justices do not belong to the same side of the political and ideological spectrum. Justices appointed by Republican presidents have been in the majority since the mid-1970s—with an average lopsided advantage of about 7 to 2 until 2009 (Blow 2013). Making the composition of the Court more balanced and less Republican-friendly would take away another advantage that the Republican party has unfairly enjoyed.

Are the above proposals too radical, politically unrealistic, and also too partisan because they are tilted in favor of the Democratic party? I have already answered the first of these objections: they are radical only in American terms, not in comparison with the democratic rules in almost all other advanced industrial democracies; the United States is a truly “different democracy,” to use the title of a book on American government compared and contrasted—mostly contrasted—with the democratic systems of thirty other countries (Taylor, Shugart, Lijphart, and Grofman 2014). However, because my proposals are undoubtedly radical and far-reaching in American terms, is there any realistic chance that they can be adopted? This is a serious objection, because it would require a willingness of parties and politicians to vote against their own interests. The most difficult reform would be to make the Senate less unequal in terms of voter representation, because it would require the small states to give up their overrepresentation. However, respect for democratic principles may trump such narrow

self-interests. Remember that universal suffrage was adopted in most of the older democracies by parties and politicians who voted against their own self-interest since they had fared well under the older system of restricted suffrage.

Moreover, the premature conclusion that these basic reforms are not feasible becomes a self-fulfilling prediction: if we don't even try, we are certain to fail! What is needed is a concerted effort by both Democrats (capital D) and democrats (lower-case d) to highlight the democratic deficiencies of the current political system. It is difficult to understand why there is so little of this. Why hasn't the Democratic party been more vocal in pointing out the undemocratic outcome of the 2012 House election, and why haven't they been more insistent on calling John Boehner's Republican majority democratically illegitimate?

Finally, are my proposals too partisan? They would certainly help the Democratic party and progressive interests, but only by making the system more democratic (lower-case d) and leveling the political playing field. They would hurt Republican interests, but only to the extent that Republicans have benefited from undemocratic features of the political system. Therefore, Democrats and democrats—and also moderate and democratically sensitive Republicans—should be able to support these reforms with a clear conscience.

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