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Debating the Causes of Party Polarization in America

Paul Frymer

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INTRODUCTION

It has only been a decade, but the mood in America since the new millennium has largely been one of anger and disenchantment. This decade began with a disputed presidential election, followed by 9/11, two wars, a bad economy, and numerous natural disasters that have captured the public imagination. Pundits from the right and left use television, radio, the Internet, and cell phones to rant about all that is wrong with the politicians in office. Even the brief moment of hopefulness, unity, and call for nonpartisanship in the wake of Barack Obama's 2008 election quickly descended into a bitter partisan war of attrition. His historic legislative victory on health care reform was marked by intense ideological rancor and partisan line drawing, in contrast with the overwhelming bipartisan majorities that passed similarly historic social welfare legislation in the 1960s. Since then, Democrats and Republicans have spent much of their time in separate trenches exchanging threats and barbs, and little time deliberating and compromising on policy.

In light of these developments, it is not surprising that academics have devoted much research and attention to the phenomenon of party polarization.[1]

1. *See, e.g.*, NOLAN MCCARTY, KEITH T. POOLE & HOWARD ROSENTHAL, POLARIZED AMERICA: THE DANCE OF IDEOLOGY AND UNEQUAL RICHES (2006); Geoffrey C. Layman, Thomas M. Carsey & Juliana Menasce Horowitz, *Party Polarization in American Politics: Characteristics, Causes, and Consequences*, 9 ANN. REV. POL. SCI. 83 (2006) (reviewing the

In the last few decades, the number of moderates in Congress has declined and both Democrats and Republicans have become more internally unified and more externally opposed in legislative voting.[2] The most recent midterm elections of 2010 threaten to further exacerbate party polarization, as a number of candidates from the far right defeated some of the few remaining moderates in Congress. In past midterm elections such as 1974 and 1994, when, like 2010, there was a large transfer of seats between the parties, the newly elected members were central in pushing for a much more partisan legislative agenda.[3] Party polarization, then, is likely to continue for at least the near future.

In his provocative Article, Professor Richard Pildes surveys the bevy of research on the causes and consequences of party polarization. He criticizes arguments that focus on the roles of individuals and culture in producing polarization, and instead emphasizes historical and institutional explanations. He highlights a variety of institutional devices such as closed primaries and partisan gerrymandering that have helped place more ideologically extreme candidates in office at the expense of political centrists. But he puts singular emphasis on the importance of the Voting Rights Act of 1965 in creating a polarized American electorate. Passage of the Act in 1965, he argues, began a process that led to the enfranchisement of African American voters as white Southern Democrats moved simultaneously into the ranks of the Republican Party, causing both national parties to become internally unified and more politically polarized. Although he acknowledges that certain reforms, such as switching from closed to open primaries and reforming the politics of redistricting, could marginally help to reduce party polarization, he is not sanguine that a reduction in party polarization is on the horizon. This hyperpolarized political landscape is likely to remain because the Voting Rights Act created a fundamental structural shift in the form of American electoral politics, one that is part of a more "mature" era of American politics.[4]

Professor Pildes's historical-institutional approach to understanding the origins of contemporary polarization is compelling. Once created and entrenched, new political institutions such as closed primaries and the Voting Rights Act have the potential to reshape political behavior in important ways. In this brief Essay, I would like to push him further with this approach, to take more seriously the forms and implications of historical-institutional analysis. When utilizing a historical-institutional approach, we need to be careful not to

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extensive academic literature on the recent era of partisan polarization).

2.   MCCARTY ET AL., *supra* note 1, at 23–24.

3.   DAVID W. ROHDE, PARTIES AND LEADERS IN THE POSTREFORM HOUSE (1991) (noting the role of a wave of newly elected Democrats in 1974 in empowering liberal partisan interests over centrists); *see also* THOMAS E. MANN & NORMAN J. ORNSTEIN, THE BROKEN BRANCH (2006) (noting a similar role played by newly elected Republicans in 1994 in empowering conservative interests over centrists).

4.   Richard H. Pildes, *Why the Center Does Not Hold: The Causes of Hyperpolarized Democracy in America*, 99 CALIF. L. REV. 273, 288 (2011).

focus too narrowly on a specific institution or institutional practice without connecting it to the broader set of forces that make up the political landscape. Political transformations tend to emerge less from one dramatic moment or legislative act than from the intersection and interaction of multiple institutions, each of which is the product of different historical and structural trajectories.[5] In this mix of multiple orders and politics, some institutional developments can end up having quite singular influences on a range of political matters; other institutions, however, we cannot understand as providing causal forces without understanding the ways that they interact with and are implicated by the behavior of the broader political universe. To single out one institution or historical event as in some way singularly transformative necessitates explaining how such institutions exert authority and influence regardless of the other institutions hovering in the midst. Without that, we risk missing longer-term forces and patterns that remain vital—an exogenous shock may have altered but not displaced these forces—and will eventually restore a certain version of the previous order.

Party polarization is not a new reality in American history, suggesting that its causes are a varied combination of old and new forces.[6] The research on previous eras of partisan polarization is fairly sparse, but scholars have typically explained these periods as the result of partisan alignments that are intensely divided over one or a set of national issues such as federalism, civil rights, or economic policy.[7] At the same time, these polarized alignments are constantly in tension with other institutional features of American politics, particularly the existence of single-member, winner-take-all electoral districts. This specific constitutional feature has long undermined the possibilities for ideological and partisan polarization in America because it fragments representative constituencies into local, independent districts—enabling minority groups to have undue influence—and incentivizes national party leaders to emphasize strategies that appeal to the median voter.

The developments that Professor Pildes points to have all played important roles in shocking this system for the short term, leading to an important degree of short-term party polarization. But are these events singularly transformative, as Professor Pildes suggests, or part and parcel of centuries-old features of American politics with intersecting and, often, inconsistent institutional dynamics that differently promote periods of both ideological moderation and ideological polarization? If current polarization has

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5.   *See* KAREN ORREN & STEPHEN SKOWRONEK, THE SEARCH FOR AMERICAN POLITICAL DEVELOPMENT (2004) (arguing that political change occurs amidst the "intercurrence" of institutional forces, all of which are operating on different historical and political logics).

6.   *See, e.g.,* Hahrie Han & David W. Brady, *A Delayed Return to Historical Norms: Congressional Party Polarization After the Second World War,* 37 BRIT. J. POL. SCI. 505 (2007).

7.   *See* JAMES L. SUNDQUIST, DYNAMICS OF THE PARTY SYSTEM (1983); V.O. Key, Jr., *A Theory of Critical Elections,* 17 J. POL. 3 (1955).

a longer historical and institutional legacy, will these fairly recent developments usurp the power and authority of the party system in the long run? The rest of my comments will engage this question by examining the different institutions raised by Professor Pildes and questioning whether these institutions—while powerful and important—have actually remade politics in a fundamental way, or if they are pieces of a broader pattern of political realignment that tends to ebb and flow over time under the constitutional pressures of two-party moderation. I will conclude by noting the irony that this modern period of party polarization, and the scholarly reaction to it, presents for those who have long advocated stronger and more ideologically "responsible" political parties.

I.
REEXAMINING THE CAUSAL EFFECT OF THE VOTING RIGHTS ACT ON PARTY POLARIZATION

The Voting Rights Act of 1965 is one of the nation's most important statutory reforms to expand and enhance democratic representation. Quite arguably, it was only with the Act's passage that democracy became a substantive reality across the United States.[8] Along with the passage of the Civil Rights Act a year earlier, the Voting Rights Act represents the culmination of decades of fighting for civil rights in the middle of the twentieth century. The Act made it more difficult to discriminate or intimidate people from voting and scrutinized electoral rules with either the purpose or effect of diluting the representation of African Americans and Latinos in the South and other select regions. As a result, the Act dramatically boosted African American political participation in the South. In turn, African Americans continued to move in dramatic numbers into the Democratic Party, with a simultaneous exodus of white voters—particularly in the South—to the Republican Party.[9] Since the passage of the Act, not only has the Democratic Party never won the majority of the *South's* white votes, it has never won a majority of the *nation's* white votes. In the decades since the Act's passage, the Democratic Party's near century-long hold on Southern elected officials ended, as the Party of Lincoln in many ways became the Party of Dixie.[10]

Professor Pildes is thoroughly convincing in emphasizing the importance of the Act both in altering the political landscape and in ending the abnormal and incomplete state of democracy that predated the Act. Extensive academic and public attention to the revolution in civil rights attests to the importance of the era, and its role in subsequent national party realignment. But I wonder

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8.   *See* Francisco E. González & Desmond King, *The State and Democratization: The United States in Comparative Perspective*, 34 BRIT. J. POL. SCI. 193 (2004).

9.   EARL BLACK & MERLE BLACK, POLITICS AND SOCIETY IN THE SOUTH 122–25 (1987).

10.   *See, e.g.*, John H. Aldrich, *Southern Parties in State and Nation*, 62 J. POL. 643, 647–48 (2000).

what Professor Pildes's intention is in focusing so specifically on "a single Act of Congress"—the 1965 Voting Rights Act—as the beginning of the process that "set into motion" the current polarization.[11] By specifically focusing on the passage of the Voting Rights Act as the key historical event that unleashed forces that would shape the "underlying foundations of American politics," Professor Pildes needlessly downplays a broader set of historical and institutional features at work.[12] This may just be a rhetorical move on his part, emphasizing legislation that has long been seen as important but more a product and piece of the era than a catalyst. But in so doing, he downplays other more enduring historical and institutional features at work during this time that, when incorporated into the argument, may well point to different causal explanations for the current polarization.

Few would disagree that the Voting Rights Act itself is a product of broader historical forces. Decades of disenfranchisement of Southern black voters, combined with close to a century of institutionalized discrimination in the South, created an unsustainable situation. As a result, by the middle of the twentieth century, if not decades earlier, numerous forces—economic, international, electoral, and cultural—bore down on the absence of democracy in the South.[13] The civil rights movement brought these historical forces to a head, forcing a dramatic transformation in all areas of American life. The erosion of racial hierarchies in the South, along with a resulting set of policies designed to alleviate inequalities stemming from more than two hundred years of racial discrimination, led to passage of the Voting Rights Act and several other massive political transformations.

Had the Voting Rights Act never been passed, would the broader civil rights transformations have altered the South, the nation, and the nation's party system on their own? There seems little evidence in the academic literature to suggest that the Voting Rights Act itself, and not the broader set of forces from the civil rights movement, was singularly transformative.

Many scholars date the beginnings of partisan realignment in the South as far back as the New Deal elections of the 1930s, as a product of events happening both in the South and in the North. President Franklin Roosevelt's elections of that decade brought an infusion of liberal groups and pro-civil rights groups into the Democratic Party, such as Jewish immigrants, Northern African Americans who first voted in a majority for Democrats in 1936, and laborers in the more radical Congress of Industrial Organizations ("CIO") that formed in 1938.[14] These groups gained power at the local level of the party in

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11. Pildes, *supra* note 4, at 287.
12. *Id.*
13. GUNNAR MYRDAL, AN AMERICAN DILEMMA: THE NEGRO PROBLEM AND MODERN DEMOCRACY (1944); FRANCES FOX PIVEN & RICHARD A. CLOWARD, POOR PEOPLE'S MOVEMENTS: WHY THEY SUCCEED, HOW THEY FAIL (1977).
14. *See generally* ANTHONY S. CHEN, THE FIFTH FREEDOM: JOBS, POLITICS, AND CIVIL

many parts of the North, pushing the national Democratic Party to slowly take stronger stands on civil rights issues. President Roosevelt most notably replied to this pressure by creating the Fair Employment Practices Commission (FEPC) in 1941, by nominating civil rights liberals and judicial activists to the federal courts, and by authorizing the Justice Department to be more aggressive in fighting against civil rights violations.[15] As Anthony Chen finds in his study of New York state politics during the 1940s, the Republican Party quickly and strongly opposed fair employment policies designed to remedy civil rights inequities. Nationally, Republicans in Congress increasingly opposed programs such as the FEPC because they viewed it as infringing on economic freedoms.[16] Meanwhile, with the Supreme Court's 1944 decision in *Smith v. Allwright*[17] that banned the white primary, African Americans began to register to vote and participate, providing optimism to leading scholars of racial and Southern politics of the time, such as W.E.B. Du Bois, V.O. Key, and Henry Lee Moon, who argued that the political levers of white control over the South were beginning to unravel.[18]

This shift of political power, in turn, created problems in the Democratic Party between its Northern and Southern wings, contributing to a slow but steady movement of Southern whites away from the Democratic Party and eventually toward the Republican Party. In 1948, after President Harry Truman integrated the armed forces with an executive order, Strom Thurmond ran for president as a Dixiecrat, winning Louisiana, Mississippi, Alabama, and South Carolina in that year's election.[19] At that year's Republican National Convention, GOP Chair, Guy Gabrielson, reached out to Dixiecrats, claiming a common affinity between the two parties over support for states rights.[20]

RIGHTS IN THE UNITED STATES, 1941–1972 (2009); Brian D. Feinstein & Eric Schickler, *Platforms and Partners: The Civil Rights Realignment Reconsidered*, 22 STUD. AM. POL. DEV. 1 (2008); DAVID KAROL, PARTY POSITION CHANGE IN AMERICAN POLITICS: COALITION MANAGEMENT (2010) (detailing the beginnings of African American and Jewish support for the Democratic Party in the 1930s); Eric Schikler, New Deal Liberalism and Racial Liberalism in the Mass Public, 1937–1952 (September 2010) (unpublished paper presented at the American Political Science Association Meeting).

15.   *See* KEVIN J. MCMAHON, RECONSIDERING ROOSEVELT ON RACE: HOW THE PRESIDENCY PAVED THE ROAD TO *BROWN* (2004); MERL E. REED, SEEDTIME FOR THE MODERN CIVIL RIGHTS MOVEMENT: THE PRESIDENT'S COMMITTEE ON FAIR EMPLOYMENT PRACTICE, 1941–1946 (1991).

16.   KAROL, *supra* note 14, at 112–15.

17.   321 U.S. 649 (1944).

18.   W.E.B. Du Bois, *A Chronicle of Race Relations*, 4 PHYLON 362 (1943); *see also* V.O. KEY, JR., SOUTHERN POLITICS IN STATE AND NATION (1949); HENRY LEE MOON, THE BALANCE OF POWER: THE NEGRO VOTE (1948). For a more recent detailing of the importance of the Supreme Court case in setting in motion a political transformation in the South, see Robert W. Mickey, *The Beginning of the End for Authoritarian Rule in America:* Smith v. Allwright *and the Abolition of the White Primary in the Deep South*, 1944–1948, 22 STUD. AM. POL. DEV. 22 (2008).

19.   SUNDQUIST, *supra* note 7, at 275.

20.   Feinstein & Schickler, *supra* note 14, at 21.

Whereas 92 percent of Southern voters in presidential elections voted for Democrats between 1932 and 1944, this number dropped to 38 percent between 1952 and 1964.[21]

Elections in the 1950s and early 1960s saw both Northern liberal Democrats replacing liberal Republicans in Congress and Southern Republicans slowly beginning to replace Southern Democrats.[22] Republicans were advancing throughout the South, gaining white voters in both urban and rural areas. They were also, as Professor Philip Converse found in 1963, benefiting from non-Southern whites migrating to the region, particularly as urbanization and industrialism spread.[23] While the Democratic Party supported the Civil Rights Act in 1964, Barry Goldwater's opposition to the Act as a Republican in that year's presidential election netted him five Deep South states.

To focus on the civil rights era as a whole rather than on the specific implications that derive from the passage of the Voting Rights Act recasts our understanding of the causal source of the current state of party polarization. Many of the critical realigning dynamics at work were driven more by different incentives and behaviors inherent in national two-party competition than the specific statutory act. Democrats began moving toward civil rights as a political strategy because Northern electoral coalitions were changing: African Americans migrated from the South to Northern cities, and laborers and immigrants infused Northern party ranks—putting a variety of pressures on the party to adapt. National Republicans also responded to these changing electoral dynamics, recruiting disenchanted whites in the South and blue-collar workers in the North.[24] Barry Goldwater, Richard Nixon, and Ronald Reagan were all from the West, not the South, when they took public stances, in the course of running as the Republican candidates for president, against key provisions of federal civil rights policy. To the important degree, then, that race was driving a partisan realignment during this time, it was a national process, not just a regional one driven by the Voting Rights Act. The Act certainly sped up the process, enabling and entrenching black participation in the Southern Democratic Party, but it did not, by itself, alter or challenge existing national

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21.   EARL BLACK & MERLE BLACK, THE VITAL SOUTH: HOW PRESIDENTS ARE ELECTED 62 (1992).

22.   *See* EDWARD G. CARMINES & JAMES A. STIMSON, ISSUE EVOLUTION: RACE AND THE TRANSFORMATION OF AMERICAN POLITICS (1989); DAVID LUBLIN, THE REPUBLICAN SOUTH (2004).

23.   Philip E. Converse, *A Major Political Realignment in the South?*, *in* CHANGE IN THE CONTEMPORARY SOUTH 195, 210 (Allan P. Sindler ed., 1963). On the changes in the South, see BLACK & BLACK, *supra* note 9, at 23–50.

24.   *See* CHEN, *supra* note 14; THOMAS BYRNE EDSALL & MARY D. EDSALL, CHAIN REACTION: THE IMPACT OF RACE, RIGHTS, AND TAXES ON AMERICAN POLITICS (1991); THOMAS J. SUGURE, ORIGINS OF THE URBAN CRISIS: RACE AND INEQUALITY IN POSTWAR DETROIT (1996).

party strategies. Instead, the Act was the result of a long-developing fissure within the Democratic Party that was pushed open by civil rights activists aligned with liberal organizations linked to New Deal liberalism; Republicans seized the opportunity, finding common ground between Southern white opposition to national government intervention and regulation.

The Voting Rights Act may have been more critical in engendering greater partisan polarization in the early 1990s. The issue here is whether racialized redistricting, as promoted by the statute's amendments passed in 1982, and later used as a legal and political strategy beginning in 1992, contributed more directly to Southern whites voting for Republican House candidates. To a certain degree it did. As Professor Pildes suggests, in 1992 and 1994, a number of moderate and conservative Democrats in the South who had survived the civil rights era with their old partisan identities intact were brought down seemingly because of redistricting. But the evidence here is hardly conclusive as scholars have pointed to a myriad of factors that pushed Southern whites towards Republican candidates in the 1990s as part of a broader set of forces that led to the "Republican Revolution" of 1994.[25] Those moderate Democrats who still remained were an endangered species even prior to the redistricting of the 1990s. As Professor Pildes readily pointed out, white moderate and conservative Democrats in Congress had been disappearing for decades, independently of redistricting undertaken in response to the Voting Rights Act. Moreover, there is reason to believe that the role of redistricting— to the degree that it has further promoted polarization—will not continue at the same pace. Since the Supreme Court's decision in *Shaw v. Reno* in 1993,[26] the drawing of majority-minority racial districts has become less common. As a result, we ought to see further redistricting that does not follow the more transformative consequences of the 1982 Voting Rights Act amendments.

Because the Act itself did not begin the realignment of region and nation, it is unlikely to have fundamentally altered the political landscape. However, the broader logic of a constitutionally prescribed, winner-take-all electoral system that provides incentives for politicians of both parties to pursue strategies targeting median voters was not displaced. Indeed, this logic was quite arguably central both to the process by which the civil rights realignment occurred and to subsequent developments that may well be the beginning of the end of this polarization. Democrats pursuing national electoral goals—from Jimmy Carter to Bill Clinton to, most recently, Barack Obama in the 2008 election—have continued to make appeals to Southern white voters, with occasional success, at least at the margins. If the Voting Rights Act polarized

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25. *See, e.g.,* DAVID T. CANNON, RACE, REDISTRICTING, AND REPRESENTATION: THE UNINTENDED CONSEQUENCES OF BLACK MAJORITY DISTRICTS (1999); Kevin A. Hill, *Does the Creation of Majority Black Districts Aid Republicans? An Analysis of 1992 Congressional Elections in Eight Southern States,* 57 J. POL. 384 (1995).

26. 509 U.S. 630 (1993).

voters in the South, the Democrats have done their best to prevent it, often fighting redistricting efforts and, as discussed in the next section, restructuring their party nomination rules to appeal to more Southern white voters.

As with other electoral realignments, the civil rights era's impact on the party system has taken place over a series of decades. Race continues to polarize Americans, as it has done for centuries. But partisan warfare does not always engage this division, often fighting along other axes of politics that reorient the coalitions and redefine the political fights. This is not easy—race, we know, seeps into many seemingly nonracial political battles and remains a foundation of inequality and division in America. But these divisions are as old as the nation, modernized and reformulated continually by a political landscape that is premised on moderating or even outright avoiding such divides.[27] With the two-party system in place, there is reason to wonder whether this will change anytime soon. The future of this modern-day polarization, then, depends on how the two parties appeal to Southern white and black voters, and whether new and potentially realigning issues will come to the surface that will again push these voters in new partisan directions.

II.
PARTIES AND PRIMARIES

Professor Pildes also points to other historical-institutional sources of modern-day party polarization, particularly closed primaries and gerrymandering. This analysis nicely supplements that of others who have pointed to a variety of institutional features—such as campaign finance laws, increasing party authority in Congress, and the rise of the national broadcast media—that have contributed to further party unity on both sides of the aisle.[28] My skepticism toward the potential longevity of the historical forces mentioned above, however, extends here to the institutions singled out by Professor Pildes. Have these institutions supplanted the moderating effects of longstanding constitutional forces, most notably the winner-take-all electoral system? It seems possible, but further evidence will be necessary to substantiate such claims.

Professor Pildes's examples of the polarizing impact of closed primaries have an important logic behind them. Professor Pildes aptly notes that closed primaries give parties more control and enable radical voters within the party coalition to have an unequal say. This is a provocative claim and further research ought to explore whether it is true. Yet, regardless of whether closed primaries do in fact increase party polarization, other institutional dynamics that are layered around the primary process exert a countervailing influence on electoral and representative outcomes. Most importantly, majoritarian electoral

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27.   PAUL FRYMER, UNEASY ALLIANCES: RACE AND PARTY COMPETITION IN AMERICA (1999).

28.   *See* MCCARTY ET AL., *supra* note 1.

rules that mandate only one winner from many electoral districts will continually push parties to produce moderate candidates capable of winning the median voter's support.[29] Recognition of this logic explains why the Supreme Court has often stayed out of determining the mechanisms of the party primary processes, deferring to the national parties to figure it out for themselves.[30] After all, if parties want to get elected, they ought to devise the way in which they nominate candidates in the manner that best leads to their candidate winning the election—something scholars have found that party leaders indeed devote extensive attention to.[31]

Of course, at any one time in the U.S. government, we will have 536 differently elected individuals—all of whom come from a different electoral vote, as even the two senators elected from the same state are elected in different years by different electorates. As such, some districts will have electoral medians that are more polarized than the national median. It is difficult to make any type of institutional change without amending the Constitution to alter the inherent dynamics of a Hawaii or Utah. But this is a product of having an institutional structure that impedes the formation of a national consensus. The incentives created by such electoral rules tend to lead to greater moderation rather than party polarization.

This may allow, I should stress, for a series of years or, potentially, decades when even small changes in institutional design can have a significant impact on national politics. Institutional design is not entirely insulated from a variety of short-term exogenous shocks such as changing technology, war, the economy, and movements in popular opinion. But these features of institutional design ought to serve as an enduring moderating influence unless the exogenous force is so sharp as to fundamentally reshape partisan battles. Third-party candidates typically fail; ideological renegades, unless they are able to transform national public opinion, typically face a political moment of either moderating their politics or being remembered only as gadflies.[32] Unless there is a fundamental shock to the party structure, it is unlikely to change the underlying political dynamics. Some have argued that the modern era has indeed been witness to such fundamental changes—the reform of the party nomination structures in the 1970s, changes to party rules in Congress, the role of Political Action Committees ("PACs") and other interest group money, and the role of the media. But to date, parties have remained quite resilient, in part because the constitutional incentives provided by the winner-take-all system have remained intact.

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29. *See* ANTHONY DOWNS, AN ECONOMIC THEORY OF DEMOCRACY (1957).

30. *See* California Democratic Party v. Jones, 530 U.S. 567 (2000); Timmons v. Twin Cities Area New Party, 520 U.S. 351 (1997).

31. DANIEL J. GALVIN, PRESIDENTIAL PARTY BUILDING (2010); PHILIP A. KLINKNER, THE LOSING PARTIES: OUT-PARTY NATIONAL COMMITTEES, 1956–1993 (1994).

32. *See* DOWNS, *supra* note 29.

Since parties themselves recognize the need to win elections to maintain their vitality, we should expect that whenever local institutional rules get in the way of long-term party incentives of winning office, these rules will eventually and fairly quickly be reformed by those with an eye toward the unchanging constitutional incentives that push toward moderation. Again, it is the winner-take-all form of elections that encourages U.S. parties to be as non-programmatic as they are. Such elections provide incentives for the candidates to position their political stances to accommodate the politics of the majority of the district's voters. In the United States, where the majority of voters tend to lie in the middle of the ideological spectrum as construed by most policy debates, it leads the "[p]arties in a two-party system [to] deliberately change their platforms so that they resemble one another."[33] By no means does every candidate make such a moderate appeal; some candidates are sincere about their politics regardless of political calculation, others miscalculate what the majority of the voters support, and still others are beholden to political coalitions or specific interest groups and thus unable to moderate their image. But over time, parties need to win elections to remain politically relevant. Losses lead to disgruntled politicians and party voters who demand changes. This necessity to win, then, leads party actors not only to strive to be non-programmatic, but also to work constantly to ensure that their party's organizational structure enables them to do so.

For example, the Democratic National Committee, after a series of poor electoral showings blamed at least in part on both a primary process that emphasized liberal elements of the party's coalition, as well as a sense among certain members of the party that civil rights were overly dominating the party's agenda and hurting its electoral chances, worked with a combination of congressional and state leaders and the Democratic Leadership Council to initiate reforms during the 1980s and 1990s. Among other changes, they restructured the nomination schedule by "front-loading" primaries early on in the campaign season, a move quickly adopted by the Republican Party as well.[34] In 1996, for instance, 73 percent of the Republican Party's delegates had been chosen by the end of March; by comparison, only 21 percent of the Democratic Party's delegates had been chosen at the end of March in 1972. The hope in front-loading was to diminish the power of upstart outsiders who spend all their money and energy to have a good showing in one of the earliest state contests—typically the New Hampshire primary or the Iowa caucus. Front-loading limits a candidate's outsider strategy because it privileges candidates who have large campaigns that are organized in many different states at once.

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33. *Id.* at 115.
34. *See generally* GALVIN, *supra* note 31; KLINKNER, *supra* note 31; Jon F. Hale, *The Democratic Leadership Council: Institutionalizing a Party Faction, in* STATE OF THE PARTIES 249 (Daniel M. Shea & John C. Green eds., 1994).

Super Tuesday is another example of how state parties appear to have increased their influence over the nomination process. Since 1984, the Democrats have held many Southern state primary elections on the same day. By grouping these Southern primaries together early on, party leaders hope to attract candidates who will appeal to Southern white voters, resulting in the nomination of a more moderate national candidate.[35] If a conservative Southern white candidate runs on Super Tuesday, he or she will most likely end up with a commanding lead over other Democratic Party contenders. Even if no Southern candidate runs for president, Super Tuesday is important because it forces all candidates to adopt policy positions consistent with the interests of Southern voters. Super Tuesday received a great deal of support from Southern states and the Southern Legislative Conference, and Southern states enacted legislation to enable the primaries to take place.

Placing party primaries in a broader institutional context, then, reveals the enduring influence moderating institutions have for long-term partisan dynamics. The two-party system's winner-take-all approach provides political actors with durable incentives to moderate their political message.

CONCLUSION

For much of the twentieth century, scholars of American politics have celebrated the idea of "responsible" national political parties as an enhancement of democratic participation and decision making. Perhaps most notable of these scholars was a political scientist-turned Princeton University president-turned Chief Executive of the United States, Woodrow Wilson. Wilson, writing on the eve of the twentieth century, advocated reforms to make the two major parties more ideologically and politically coherent and in the process led the two parties to become more politically distinct.[36] Wilson believed that such a party system would make it easier for the American electorate to make informed decisions in the voting booth and would offer national leaders an opportunity to enforce the public's mandate in the legislative realm. An exceptionally partisan report published by the notoriously nonpartisan American Political Science Association in 1950 subsequently echoed his ideas.[37] In the report, the blue-ribbon committee comprised some of the nation's most notable political scientists declared: "Popular government . . . requires political parties which provide the electorate with a proper range of choice between alternatives of

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35. *See generally* GALVIN, *supra* note 31; KLINKNER, *supra* note 31; Jon F. Hale, *The Democratic Leadership Council: Institutionalizing a Party Faction, in* STATE OF THE PARTIES 249 (Daniel M. Shea & John C. Green eds., 1994).

36. WOODROW WILSON, CONGRESSIONAL GOVERNMENT: A STUDY IN AMERICAN POLITICS (1885).

37. *Toward a More Responsible Two-Party System: A Report of the Committee on Political Parties*, AM. POL. SCI. REV., Sept. 1950, at 1.

action."[38] To be more responsible meant to be more programmatic, more coherent, and better able to enact legislation. It also meant that the opposing party provided an equally coherent and distinguished voice: "The fundamental requirement of accountability is a two-party system in which the opposing party acts as a critic of the party in power, developing, defining, and presenting the policy alternatives which are necessary for a true choice in reaching public decisions."[39]

When Wilson advocated stronger parties, he was writing critically in response to his own Democratic Party, which he believed failed to provide a coherent policy mandate even when given legislative majorities from the national public: "Eight words contain the sum of the present degradation of our political parties: No leaders, no principles; no principles, no parties."[40] Over the next half century, the nation's leading scholars of party politics quoted his words often, usually in response to the Democratic Party's inability to pass New Deal and civil rights legislation because of a bloc of Southern legislators known as the "Conservative Coalition" who were affiliated with the party, but who continually crossed over to the Republican side whenever the appearance of race graced the legislative agenda.[41] Even with the passage of key civil rights legislation, this theme remained into the 1970s, when the Democratic Party in Congress, frustrated with more conservative members of their party presenting obstacles to the majority's legislative goals, passed significant reforms to strengthen its leadership and make it easier to keep disgruntled members in line.[42] When the Republicans took over the House of Representatives in the 1990s, they made similar reforms. House leader Newt Gingrich, in 1995, placed many of his party's most ideological members in prominent positions, further pushing the Republicans to the right in legislative battles.

More than a century after Woodrow Wilson promoted more coherent and ideologically distinctive parties, then, it is at least somewhat ironic that one of Professor Pildes's Jorde lectures would take place at Princeton's School of Public Policy named for the former president. After all, it is in many ways the culmination of Wilson's vision that has come to alarm so many people today who are concerned with radical partisan polarization. A decade into the twenty-first century in an era when parties act with striking unity and ideological

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38.   *Id.* at 1.
39.   *Id.* at 1–2.
40.   A. JAMES REICHLEY, THE LIFE OF THE PARTIES: A HISTORY OF AMERICAN POLITICAL PARTIES 183 (1992) (citation omitted).
41.   *See* E.E. SCHATTSCHNEIDER, PARTY GOVERNMENT: AMERICAN GOVERNMENT IN ACTION (1942); *see also* JAMES MACGREGOR BURNS, THE DEADLOCK OF DEMOCRACY: FOUR-PARTY POLITICS IN AMERICA (1963). Regarding the actions of Southern Democrats in barring enactment of an assortment of New Deal legislation, see IRA KATZNELSON, WHEN AFFIRMATIVE ACTION WAS WHITE: AN UNTOLD HISTORY OF RACIAL INEQUALITY IN TWENTIETH-CENTURY AMERICA (2005).
42.   ROHDE, *supra* note 3, at 17–34.

distinctiveness, Professor Pildes offers a provocative challenge to the responsible party model. Instead of two unified and opposing national parties acting "responsibly" to provide Americans with a coherent choice, Professor Pildes talks of radical party polarization creating gridlock, government breakdown, bad legislation, a strategy of opposition at all costs, and general disenchantment.[43] Whereas past scholars envisioned powerful parties being led by enlightened leadership such as a Franklin Roosevelt or a John F. Kennedy, today we fear—depending on our ideological predisposition—George W. Bush or Barack Obama. The divide between FOX News and MSNBC further exacerbates this polarization by amplifying extremes in short sound bites and promoting an increasingly angry mood of voters on all sides. For skeptics of polarized parties, the modern era seemingly provides much evidence of their wrongdoing.

But have the dynamics that led people like Wilson toward the responsible party model changed or disappeared? Professor Pildes argues that the Voting Rights Act has significantly changed the political landscape, enabling both parties to become more unified and polarized against one another. But the underlying institutional foundations remain, and it is thus questionable whether the modern era is a fundamental turning point, or simply part of the cyclical nature of partisan politics, alignments and realignments, and political culture.

Other questions remain. Professor Pildes makes a point of clarifying that he is not necessarily opposed to the potential merits of polarized parties, but his instincts throughout the Article clearly direct him to believe its consequences are largely negative.[44] This is entirely appropriate. While it is rare to find a legal or political science academic who is antidemocratic, all of us have quite different, if sometimes subtle, understandings of democracy, process, and outcomes; all of us also have different policy agendas that we hope will come to fruition. In part, then, our stance on party polarization depends on our own view of democracy. But at this point in time, we really do not have much evidence about the actual consequences of polarized parties. Barack Obama has, by some people's measures, had a pretty good two years as president in passing the major legislation he has promoted—is that in spite of party polarization or because of it? George W. Bush also had numerous successes during his eight years as president that seem to contradict an underlying idea of crisis, gridlock, and polarization. More broadly, we might even want to ask ourselves what constitutes "extreme" party polarization? Parties may be more internally unified, but are they ideologically further apart?[45] We currently do not have acceptable baselines to make this type of judgment. Yet a broader look at historical institutions indicates that the enduring features of American

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43. *See* Pildes, *supra* note 4, at 331.
44. *Id.* at 326.
45. *See generally* Layman, Carsey & Horowitz, *supra* note 1, at 84.

democracy that have been highlighted at least since James Madison—political checks and balances, electoral moderation, and an active legal system—are likely to remain a powerful counterweight against hyperpolarization in the years to come.