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American Political Dysfunction: The Legislative Dimension

By Adam Garfinkle

SYNOPSIS

Three sources combined go far towards explaining the recent galloping decay of American legislative political institutions.

COMMENTARY

POLLS CONSISTENTLY report that Congress owns the lowest job approval ratings of any US political institution, oscillating between nine and 31 percent over the past six years. The two major political parties come close behind.

The low marks reflect the widespread perception that the dominating, hyper-partisan Republican and Democratic leaderships are more interested in scoring points than in legislating. Not only that, often obvious commonsensical solutions to problems are avoided because party leaderships see festering problems as ammunition for jousting whenever the other side can be blamed for them. These perceptions, while occasionally exaggerated, are not far off the mark.

Explaining Institutional Decay

Three sources, now joined together, go far to explain the current predicament.

The first is that the two major parties have self-sorted in recent decades into ideologically more coherent entities. The fluid, give-and-take pluralism that used to characterise major party coalitions, and enable cross-aisle compromise, is no more. Both parties, commanded by narrow leadership cadres, now act as monolithic ideological blocs arrayed directly against once another.

Second, American politics used to be focused locally, with major party coalitions

forming only once in four years to nominate a presidential candidate. Over time that valence has flipped; accompanied by changes in media culture, that has made the president a more prominent political personality, and because the president is the only elected official (with the vice-president) who represents the entire nation, it's the office most prone to populist mobilisation.

Most importantly, the once-revolutionary Enlightenment project to base civic life on positive-sum relationships crafted into institutions by self-governing communities has atrophied. The idea that institutional design could harmonise the competitive and cooperative aspects of human nature to benefit the commonweal has fallen prey to the return of the zero-sum mentality, which sees only competition and conflict in political relationships.

On this the post-Enlightenment right and left concur: There are only winners and losers, only the survival of the fittest narratives and motivated ideological cores.

Loyal Opposition?

The classical liberal concept of a "loyal opposition" has thus been vitiated, as have the norms of civility, constructive debate, and respect for truth. In the zero-sum mind one's opponents are not honourable but evil; their triumph would spell not run-of-the-mill political challenge but imminent national doom.

That struggle becomes particularly acute when the electorate is near evenly divided, as it has been recently in the US. When a party gains a majority it tries to squeeze out every advantage before the pendulum swings back to the other side. Everything, including law and even the Constitution itself, gets instrumentalised for partisan purposes; no domain of government, no matter how formerly sacrosanct, is safe from politicisation.

In recent years, the impact of the zero-sum redux has registered most vividly among Republicans, with Donald Trump the poster child of the transactionalist dog-eat-dog, no-holds barred type. But "woke" Democrats are no less illiberal, and their conduct in high office might differ only in the identification of who deserves to win and lose.

This is how the zero-sum feeds on itself: Only one side need forsake the positive-sum, pushing the other to sink to that same level or else diminish as a political force. This is how party centres erode in favour of radicals and, once past a certain point, it's Enlightenment game over: Everyone loses except schemers, gifted liars, demagogues, and political consultants.

Biden's Stimulus

Several examples of US political decay-in-progress have been manifest already during the early weeks of the Biden administration. Two have been most prominent.

President Biden had an opportunity to launch his economic stimulus plan with significant Republican support in the Senate: His first Oval Office meeting was held to discuss the matter with ten Republican senators, some of whom had voted to convict Trump of impeachable offences just a few days earlier.

Biden would have had to compromise the “go big” scale of the stimulus, but the political benefits of pulling key Republican senators toward the centre and thus splitting the GOP would have diminished Trump’s influence over the party and promised less gridlock going forward.

But Biden decided instead to propitiate his own left flank by allowing the bill to include an array of novel anti-poverty measures unrelated to stimulating the economy. The bill thus ended up passing on a simple majority vote without a single Republican assent in the Senate or the House.

Those anti-poverty measures, described as temporary, are stalking horses for permanent changes leftwing Democrats seek, and are already providing fodder for exaggerated Republican claims about how dirigiste Biden’s views really are, or how manipulated by the left he is.

In truth, too, many Democrats want the Republicans fixed in a rightwing Trumpist position, because they judge the GOP thus easier to beat in 2022 and 2024 if they are. The never-ending campaign thus continues.

Voting Rights and Security

H.R. 1, officially known as the For the People Act, which is ostensibly about voting rights, furnishes another example. While Republican-dominated state houses in Georgia and elsewhere have been busy designing de facto racist legislation concerning voting modalities. Democrats at the Federal level assembled a bill so partisan and wide-ranging -- covering campaign finance issues as well as voting rights and security concerns -- that it will be dead-on-arrival in the Senate.

This is bad timing for a performative gesture, for, while voting fraud is vastly exaggerated, voting rights and technical security issues do require attention. But the Democrats seem as uninterested in actually solving these problems fairly and wisely as the Republicans in the Georgia state house: Both are instead straining to instrumentalise the issue for partisan advantage.

Voting rights and security issues would be easy to resolve were that actually the goal. Most voting rights disputes would disappear if election day every two years were made a national holiday, and the complex of fraud and security issues would all but vanish if Congress would authorise a national identity card for use as a voter registration document.

The fact that, the same Republicans who exaggerate fraud mostly oppose a national ID document reveals their actual motives: seeking ways to limit voting among minorities that tend to oppose them.

The present dysfunction in the US Legislative Branch shows no sign of abating even as public policy deficits worsen. The Biden administration may be the last one with a chance to pull the nation out of its zero-sum-plagued institutional death spiral. So far, the news on that count is not good.

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