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RUNNING TO THE EXTREMES: EVALUATING THE POLARIZATION OF CONTEMPORARY POLITICAL CONTESTS

*Robert Steinbuch**

The conventional electoral wisdom took the assumption of a centrally-measured, singular mode distribution of voters and suggested that candidates should campaign to the poles in primary elections to appeal to the politically left or right of center electorate in their parties; then, once the candidates win their primaries, they should moderate their positions to appeal to the majority of the voters in the political center. Such an approach was employed with success. This paradigm, however, appears to be changing. Recently, various candidates have been selectively appealing to the political boundaries in general elections, rather than moving to the median on voters-preferences. These candidates have come to recognize that while their base voters are more likely to vote for them than for candidates from the other party, these voters are less likely to vote at all if they see the candidates from their party only slightly more in tune with their views than the candidates from the opposite party.¹ Thus, candidates employing the New-model (“New-model”) have become more polarized than we would have expected employing the conventional model.

New-model candidates, however, understand that they need to be careful in choosing which anchor issues to adopt so that their appeal to their bases does not directly reduce gains achieved by persuading centrist swing voters. The key to this approach appears to be the adoption of anchor issues that do not directly impact the centrally-measured electorate. And, this is achieved by choosing intensity issues; that is, candidates anchor to their bases on issues about which their bases feel far more passionately than the general population.

This phenomenon is best seen recently with the issue of gay marriage. A recent CBS poll described that Americans are fairly split on their support or opposition to a constitutional amendment banning gay marriage, with slightly more in this poll supporting the Amendment.² However, while three

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1. *But see*, Sunshine Hillygus & Todd Shields, *Moral Issues and Voter Decision Making in the 2004 Presidential Election*, POL. SCI. & POL., Apr. 2005, at 201, 207, available at <http://www.apsa.com/imgtest/PSApr05HillygusShields.pdf>.

2. *Poll: Most Oppose Gay Weddings*, CBS NEWS, Feb. 28, 2004, available at <http://www.cbsnews.com/stories/2004/02/24/national/main601828.shtml>.

quarters of proponents of gay marriage would, nonetheless, vote for a candidate who opposes gay marriage, over half of those who oppose gay marriage would *never* vote for a candidate who differs with them on this valence issue.³ Accordingly, candidates opposing gay marriage could drive up friendly voters in a general election by campaigning to the right without significantly diminishing their appeal to independent swing voters.⁴ Indeed, many have suggested that ballot measures on partisan issues, such as the many measures on gay marriage that have traversed the recent electoral landscape, often enhance voter turnout in general elections for candidates supporting those issues, with little negative effect on swing voters.⁵ The result is greater partisan campaigning, as the electoral benefits are tangible and the corresponding costs are negligible.

3. *Id.* The Pew Research Institute has developed the same findings. *Gay Marriage a Voting Issue, but Mostly for Opponents*, PEW RES. CTR., Feb. 27, 2004, available at <http://people-press.org/reports/display.php3?ReportID=204> [hereinafter PEW RES.] (“For the most part, gay marriage is a make-or-break voting issue only to the opponents of that idea; supporters of gay marriage generally say a candidates stance would not affect their [sic] vote.”).

4. Interestingly, the disconnect between intensity and position is not similarly seen on other traditional valence issues such as abortion and gun control. PEW RES., *supra* note 3 (“About one-in-five voters (19%) say they would not vote for a candidate who disagrees with their position in support of continued access to abortion; 15% say they would not vote for a candidate who takes the opposite view Roughly three-in-ten Republicans (29%) say they would not vote for a candidate who believes it is more important to control gun ownership than protect the rights of gun owners. A sizable minority of men also take that position (25%). While the vast majority of Democratic voters (68%) believe it is more important to control gun ownership than protect the right of Americans to own guns, relatively few Democrats (19%) say they would not vote for a candidate who disagrees with them on this issue. Fully 44% of Democrats say they would vote for a candidate even if they differed with him or her on that particular issue.”).

5. David E. Campbell & J. Quin Monson, *The Religion Card: Gay Marriage and the 2004 Presidential Election*, at 6 (2005), available at <http://www.nd.edu/~dcampbe4/RELIGION%20CARD.pdf> (“the gay marriage ban also appears to have boosted turnout among Bush supporters”); Wikipedia <http://en.wikipedia.org/wiki/Image:Turnout.png> (indicating that voter turnout in the 2004 presidential election was at its highest since 1966, with a notable spike during the 1992 presidential election); *but see* Daniel A. Smith, *Was Rove Right? The Partisan Wedge and Turnout Effects of Issue 1: Ohio's 2004 Ballot Initiative to Ban Gay Marriage*, at 7, 13, 21–22 (2005), available at http://law.usc.edu/academics/centers/cslp/conferences/direct_democracy_05/documents/smith.pdf. (“Cognizant of the potential mobilizing effects of ballot measures, parties have tried to use ballot measures to activate their base supporters on Election Day Democrats, such as California Senator Dianne Feinstein concurred, saying that the gay marriage measures ‘did energize a very conservative vote,’ as ‘it gave them a position to rally around.’” However, the author concludes that while the presence of the anti-gay marriage amendment on the ballot did have a positive effect on support for President Bush in the 2004 election, the percent of turnout was not affected by the level of support for the measure.”).

Augmenting this effect is the fact that the proportion of independent voters has decreased; the 2004 Presidential election showed a very high level of party-line voting.⁶ As a result, the appeal to swing voters becomes less relevant as their proportion of the total voting pool diminishes. The end result is that driving up partisan voter turnout becomes more important than persuading independent voters—i.e., the New-model becomes the controlling strategy.

The polarizing effect of this new paradigm of electoral politics is likely to result in a concomitant enactment of legislation that passionately appeals to a relative minority, while only moderately appealing to a majority-forming portion of the population. The question is whether this is how we want to enact legislation. James Madison addressed this very issue in *The Federalist Papers*:

By a faction, I understand a number of citizens . . . who are united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens.⁷

Madison's solution to this conundrum was the development of the republican form of government: "The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a

6. Hillygus & Shields, *supra* note 1, at 202, 204 (2005); see also Election Results, CNN.com, <http://www.cnn.com/ELECTION/2004/pages/results/states/US/H/00/epolls.0.html>.

7. THE FEDERALIST No. 10, at 43–44 (James Madison) (George W. Carey & James McClellan eds., 2001).

general conflagration through the other States.”⁸ The problem is that Madison’s approach seems premised on the old paradigm. The New-model may subvert the Federalist’s solution. Under the New-model, the intensity of minority factions may overwhelm the relative indifference of larger groups.⁹ This phenomenon is seen in modern-day pork-barrel legislation.¹⁰ Thus, now we often see legislation, rather than appealing to a majority as a whole, is composed of many small components each appealing to a small group.

The New-model suggests that we will need to continue to think about how we envision the role of factions in the creation of legislation. Do we want government to be limited to what is strongly preferred by most, with the accompanying republican checks on democratic tyranny? Or, are we comfortable with a system that distributes legislative benefits to smaller groups with the hopes that in the end the distribution will be, by chance or design, equitable?

8. *Id.* at 48.

9. In fact, minority factions can and do combine to create apparent majorities wherein coalition factions agree to support each other’s proposals. The result is that member factions achieve their policy preferences under the guise of majority support.

10. One political science scholar well defines pork-barrel legislation as follows:

Appropriations of public funds by Congress (or other legislative assemblies) for projects that do serve the interests of any large portion of the country’s citizenry but are nevertheless vigorously promoted by a small group of legislators because they will pump outside taxpayers’ money and resources into local districts these legislators represent. Successful promotion of such pork barrel legislation (often through skillful logrolling) is very likely to get the legislator re-elected by his constituents. Classic examples of such pork[-barrel legislation include Federal appropriations bills for dams, river and harbor improvements, bridge and highway construction, and job-training centers, as well as legislation designed to prevent closure of obsolete or unneeded military institutions, prisons, VA hospitals and the like.

Paul M. Johnson, *A Glossary of Political Economy Terms*, <http://www.auburn.edu/~johnson/gloss/>. Logrolling, in turn, is a “practice common in the [United States] Congress and in many other legislative assemblies in which two (or more) legislators agree for each to trade his vote on one bill he cares little about in exchange for the other’s vote on a bill that is personally much more important to him.” *Id.*