



Monday November 29th 2010



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## US politics

*This house believes that America's political system is broken.*

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## Rebuttal statements



### Defending the motion

Fellow at the Center for American Progress

The nature of our party system has changed in the past few decades, and the lesson of the past decade is that the party that does not hold the White House has every incentive to refuse to co-operate with the president's party. The result is that George W. Bush in his second term and Barack Obama in his first found it impossible to tackle the big problems confronting the country.



### Against the motion

Senior Fellow, Ethics and Public Policy Center

What determines the success of a president is not process so much as the radiating effects of legislation and the country's objective conditions. The stimulus package passed with virtually no GOP support. Imagine that unemployment had gone down and the economy was booming. Does anyone believe Mr Obama and his party would not have reaped the benefits at the polls?

Skip to... **Moderator** | **Pro** | **Con**



## The moderator's rebuttal remarks

Nov 19th 2010 | [Mr Christopher Lockwood](#)

I expected this debate to get lively, and I was right. I also expected it to become pretty partisan, and that has happened too: the reality, as both Matthew Yglesias and Peter Wehner point out, is that whichever party is in power is prone to blame the system for the frustrations it experiences in office, while the out party will tend to blame the in party and declare the system blameless. Where I am a bit surprised, however, is in the voting. By a margin of three-to-one, our audience seems to agree that the system is indeed broken. Which is odd, since so many of the comments suggest the opposite. And even Mr Yglesias contends that there is nothing that a few tweaks—I imagine he has the Senate filibuster rules in mind—could not fix. But it is early days.

Perhaps the most interesting point that Mr Yglesias raised is the notion that co-operation no longer pays. Democrats helped George Bush pass some of his key bills (tax cuts, school reform), but found that they got no credit for it, refused him co-operation in his second term and found that it did them no harm at all in 2006 or 2008. Now the Republicans are repaying them in their own coin. I can see that the president is likely to scoop up all the credit for the good stuff. But does the electorate really not care if the opposition party fails to co-operate? Newt Gingrich and his House Republicans certainly paid some kind of a price for the breakdown in the relationship with Bill Clinton. If Republicans, for instance, fail to co-operate on extending the Bush tax cuts, that might very well hurt them. If they pick health-care reform, that might well hurt them too.

Mr Wehner's strongest line, I thought, was to remind us that it is important to see the political system in its historical context. The ideals of limited government, with power devolved as far as possible down to the states, are ones that have surely served America well, even if (though I suppose he would dispute this) they are making things awkward just now. No one has yet quoted George Washington and his famous saucer, but the first president was of the view that the Senate is there

to slow things down. A number of audience members have apparently channelled him, including Jeffrey Smith, who maintains that gridlock in the legislature is actually proof that the system is working as intended. And John Hamilton notes that it is "hard to believe that a system that has functioned more or less for over two centuries could 'break' in a matter of two decades". Others of you draw favourable parallels with other countries. I liked Perrir's critique of Canadian democracy, and the listing of the ways in which the American system is better.

A lot of the commenters worried about money. When (literally) billions of dollars get spend on elections, and a mayor can spend \$100m of his own money getting himself re-elected, a lot of you feel that corruption of the political class is pretty much inevitable. Neither speaker addressed this in opening remarks, but they

might like to.

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## The proposer's rebuttal remarks

Nov 19th 2010 | **Matthew Yglesias** 1

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The motion at hand is not about partisan politics, so I find it disappointing that rather than engage with the issues in a serious way, Peter Wehner has decided that disparaging Barack Obama instead of discussing American political institutions should be the order of the day. In his view, however, the key issue is the popularity of the Obama administration, which he deems to be low due to the poor quality of Mr Obama's governing. In the latest Gallup poll, 48% of voters say they approve of Mr Obama's performance and 45% say they disapprove. Hardly the best result in the world, but scarcely a root-and-branch rejection of his agenda either.

I wonder if Mr Wehner would apply this logic to the administration of George W. Bush, of which he was a part. Depending on which pollster you rely on, Mr Bush was, by the end of his term, either the least popular president since Richard Nixon or the least popular president since systematic public polling began. Does he think the administration he worked in was the worst of the post-war era? I find it hard to believe that he does. I also find it hard to believe that he is ignorant of the close connection between presidential popularity and macroeconomic performance. Similarly, it strikes me as odd that he refers to "bail-outs of companies" as an example of Democrats governing "in a manner that was far more liberal than the public expected or wanted" when the bail-outs in question were initiated by the Bush administration and supported by the Republican congressional leadership.

But to return to the subject of debate, it is worth revisiting the presidency of Ronald Reagan, which Mr Wehner hails as the real solution to the problems of the late 1970s. Reagan, according to Mr Wehner, "governed exceedingly well". But of course no president governs unilaterally. Reagan's legislative agenda, like Mr Obama's or Mr Bush's, had to move through Congress. Fortunately for him, the 47 Democrats who were in the Senate after the election of 1980 did not set about filibustering every single Reagan administration initiative. Instead, [cloture votes](#) were relatively rare in the 1980s, increased in the 1990s and skyrocketed during the Obama administration.

This is precisely the core of our debate. In the relatively recent past, America's political institutions functioned quite differently from how they function today. It can be the case that the way things worked in the 1980s was healthy, or it can be the case that the way things have worked more recently is healthy, but it cannot be both.

Of course it is perfectly reasonable for a person of conservative convictions to think, as Mr Wehner seems to, that obstruction-enabling institutions are good when a Democrat is in the White House and bad when it is a Republican. I personally would not mind having things the other way around. But in the real world, neither of us can have our way on that.

So with that out of the way, I hope we can move on to treat the motion in a serious way. America faces some substantial policy problems. The country's fiscal and immigration policies need to be overhauled, the tax code is inefficient and the challenge of climate change must be confronted. Traditionally in America, unlike in culturally similar but institutionally different nations such as Canada or Britain, big changes have occurred through broad bipartisan legislative coalitions. This is because our institutions, unlike those of Canada or Britain, generally require bipartisan co-operation in order to pass legislation. Fortunately for us, America, again unlike Canada or Britain, traditionally lacked ideologically coherent, well-disciplined legislative caucuses.

However, the nature of our party system has changed in the past few decades, and the lesson of the past decade is that the party that does not hold the White House has every incentive to refuse to co-operate with the president's party. The result is that Mr Bush in his second term and Mr Obama in his first found it impossible to tackle the big problems confronting the country. This is not a desirable outcome, and it would be considerably easier to alter our institutions somewhat than to conjure up a return to the old party system. So we should change. In the future, I hope to hear fewer partisan jabs and learn what part of the argument Mr Wehner actually disputes.

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## The opposition's rebuttal remarks

Nov 19th 2010 | **Peter Wehner** 1

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Matthew Yglesias's core arguments are that (a) our political institutions are in "a period of crisis" because bipartisan co-operation is next to impossible; (b) co-operation is next to impossible because of the emergence of "more ideologically rigorous parties"; and (c) the best path back to power by minority parties is "blanket obstruction". Because the party system has changed so profoundly, he writes, our institutions need to change with it.

Mr Yglesias's analysis—while provocative and containing some element of truth—rests on a somewhat simplified account of history. For example, he insists that

Mr Yglesias's analysis—while provocative and containing some element of truth—rests on a somewhat simplified account of history. For example, he insists that Democrats did poorly in 2002 by co-operating with President George W. Bush and they did well in 2006 by opposing him.

What he leaves out is that Mr Bush was a political colossus in 2002 because of his actions in the wake of the September 11th attacks. Republicans were bound to do well in the midterms regardless of what strategy Democrats followed—and one reason Republicans gained seats in both the House and Senate was because Democrats opposed Mr Bush on an important policy matter. (Democrats insisted that every part of the newly created Department of Homeland Security be subject to collective bargaining; Mr Bush campaigned relentlessly against it, effectively nationalising the election.) Obstruction by a minority party can sometimes make things worse, not better, for them.

As for why Republicans lost in the 2006: what most hurt Republicans in that midterm election were corruption scandals, mis-steps by the Bush administration (like its poor response to Hurricane Katrina in 2005) and the fact that the Iraq war was going badly. These events badly weakened Mr Bush, and this weakness encouraged Democratic opposition to his policies more than the other way around.

Mr Yglesias asserts that immigration reform failed because of Democratic obstruction. But lack of Republican support was at least as injurious. Mr Bush now concedes he made an error in not tackling the immigration issue at the start of his second term. By the time he turned to it, his presidency had been hobbled by the events listed above, and his political weakness invited resistance from both parties. In this instance, again, presidential weakness led to political opposition rather than vice versa.

As for Barack Obama: his presidency demonstrates that bipartisan support, which every president hopes for, is not necessary in order to get things done. He enacted almost everything he wanted to even without GOP support. And this lack of bipartisanship had almost no effect on the 2010 midterm elections. Mr Obama's party suffered a historic rebuke in large part because his economic policies are widely seen to be failing and because his signature domestic legislation, health-care reform, is a mess. If a dozen Republicans had lent their name to ObamaCare, therefore giving it the patina of bipartisanship, it would still be incoherent and massively unpopular—and Democrats still would have been wiped out in the midterms.

What determines the success of a president is not process so much as the radiating effects of legislation and the country's objective conditions. Think about it this way: Mr Obama's stimulus package passed with virtually no GOP support. Now imagine that unemployment had gone down instead of up and the economy was booming rather than struggling. Imagine, if you will, that the stimulus package was perceived to have succeeded instead of failed. Does anyone believe Mr Obama and his party would not have reaped the benefits at the polls?

Beyond all this, two other points need to be emphasised. The first is that among the profound insights of the American founders was the importance of setting up a system of government that prevented bad legislation from becoming law. Our modern sensibilities have a hard time accepting that "paralysis" is preferable if the alternative is movement in the wrong direction. But it is.

Second, in recent American political history we have seen ample examples of important bipartisan legislation becoming law—from welfare reform and NAFTA under Bill Clinton to No Child Left Behind, Medicare prescription drugs, the Patriot Act and authorisation for both the Afghanistan and Iraq wars under Mr Bush. In addition, the Supreme Court nominees for Presidents Clinton (Ginsburg and Breyer), Bush (Roberts and Alito) and Obama (Sotomayor and Kagan) all joined the high court without being filibustered and with little real opposition.

It is not clear to me, then, what exactly the "crisis" in our political institutions is. In recent years we have seen plenty of significant bipartisan legislation become law. Even when there is not bipartisan co-operation, major legislation (like the stimulus bill and ObamaCare) has still been passed. And when the public oppose legislation and are unhappy with the direction a president and his party are taking, they quickly rebalance the scales through elections. The system, in other words, is doing essentially what it was designed to do. To the degree problems do exist, they rest primarily with the quality of our political leadership and not with the underlying mechanics of America's system.

## Audience participation

Comments from the floor.



### Featured guest

John Samples 

I agree with the motion as I understand it. I begin by explaining "America's political system". I then turn to its failures.

America was meant to be a liberal democracy that combined the rule of the people and limits on government. The limits sought to protect, in James Madison's words, "the rights of the minority and the permanent interests of the community". This liberal democracy sought to fruitfully combine collective power with individual liberty.

Many people think the American government is broken because majorities do not get what they want all the time. But majorities should not always win in a liberal democracy. In America, power is fragmented, and minorities can often stop bills from becoming laws. This fragmentation is not a political disorder.

The New Deal greatly weakened liberalism in America. The Supreme Court granted Congress plenary power over economic life. The power to tax for the general welfare became the power to tax for whatever purposes Congress fancied. Congress delegated its legislative powers to the executive to create an administrative state largely insulated from the consent of the governed. After the second world war, the president gained virtual plenary power over war and peace. These changes (and others) created a progressive regime, a set of institutions that is now breaking down.

The progressive regime favoured politics over law to restrain government. In its famous "Carolene Products" footnote, the Supreme Court withdrew constitutional protections for economic liberty. It presumed the validity of regulation of business. The court counselled limiting government through political struggle. Liberalism through law gave way to self-help through superior organisation.

The progressive regime offered voters security through regulation and redistribution. The economy would be managed by progressive experts to maximise prosperity. The risks posed by old age and ill health would be overcome through government mandates, regulation and spending. In the Kennedy/Johnson/Nixon era, government promised to end poverty and pollution, among other problems. Around 1965, the progressive regime seemed to have triumphed. Some 70% of

Americans agreed that the federal government did what was right most or almost all of the time.

We know what comes next. Wars lost, Watergate, economic stagnation. The public loses faith in the federal government and never really recovers it. Trust in the federal government reached a historical low in 1994 and again this year. This distrust too is not a political disorder. History gives reason to doubt the competence of the progressive regime.

This distrust is not a trivial matter. The progressive regime requires public confidence in the competence of the government. After all, why give the federal government more control over health care given its record in Iraq and with Fannie Mae and Freddie Mac?

The regime's problems extend to ends as well as means. A government that promises a risk-free society at home and improbable transformations of impoverished despotisms abroad is promising too much. Such ends will always be beyond any government's means.

Telling citizens to engage in politics to protect their property and economic liberties had predictable results. Relatively small groups subject to regulation or redistribution have the most to lose (or gain) from policymaking. Larger groups have a lot to lose or gain in the aggregate but little individually. Mancur Olson, a leading American economist, thus explained the triumph of "special interest" politics at a cost to the general welfare. Many people observe the victories of the organised—observations that do not foster faith in the progressive regime.

Progressives may be thinking that this analysis ignores the popularity of entitlement programmes. Surveys do show such support. But these results are not dispositive. In a survey, the cost of supporting a programme is saying you do. When citizens must actually pay for government, the popularity of tax increases suggests another conclusion.

The progressive regime has been able to extract about 18% of national wealth to fund the federal government. Actual spending has almost always been higher. In the future, in the absence of cuts, actual spending will be 50% larger than the historical rate of extraction. It is no accident that the difference between spending and taxes has been (and will be) made up by future generations who largely lack representation. The progressive regime has not convinced living Americans that what the government provides is worth paying for, except at a considerable discount. The tax "deficit" is really a deficit of consent.

Progressives might counter that spending will be controlled. Nothing suggests that health-care spending can be controlled. The federal government has been trying to do so for almost three decades without achieving sustained reductions in outlays.

Progressivism depends on history more than most philosophies. Progressives modified the constitution of 1789 in the name of a living law adapted to changed circumstances. Now the political system is beset by questions of competence and consent: is the progressive regime itself growing old and dying? If so, what will come next?

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