NEW AMERICA

POLITICAL REFORM

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CAN OUR POLITICAL INSTITUTIONS HANDLE OUR POLITICAL DIVISIONS?

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New America's Political Reform program was launched at the beginning of 2014 and is led by Mark Schmitt, a noted expert on money in politics and electoral reform who was previously the editor of the *American Prospect* and a senior fellow at New America from 2005 to 2008. Some of our partners include the Brennan Center for Justice, the Washington Center for Equitable Growth, Every Voice, the Century Foundation, and the R Street Institute.

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EXECUTIVE SUMMARY

The United States is a politically divided nation. These divisions have only grown deeper in the past decade. They are increasingly paralyzing our democratic institutions, which rely on cooperation and compromise to function. They are threatening to tear our country apart.

Divided societies have survived as democracies. But to do so, divided societies require careful attention to the design of their political institutions.

For too long, political reformers have attended to the downstream consequences of division, trying to bridge ever-widening political divides by getting political elites to build relationships and work together across party lines. This paper argues that these efforts may be futile. Instead, we need to attend to the institutional choices that are exacerbating these divides. We may not heal the divisions overnight. But to the extent they exist, we can manage them.

Scholarship on managing divided societies through democratic structures leads to three basic institutional recommendations: a weak executive, a strong legislature elected through proportional representation, and a high degree of federalism. Unfortunately, the U.S. only has one of these features: federalism.

This paper briefly covers each of these three topics, assessing the ways in which our political institutions exacerbate our political divides, and how they could instead mitigate and diffuse our divides.

The recommendation is straightforward. We need to shift the institutional balance of power — away from the executive, and towards the legislature and state and local government, to the greatest extent possible. Fortunately, our existing Constitution allows us to make the necessary changes. It is more a matter of political understanding and political will.

INTRODUCTION

The United States is a politically divided nation. These divisions have only grown deeper in the past decade. They are increasingly paralyzing our democratic institutions, which rely on cooperation and compromise to function. They are threatening to tear our country apart.

American presidential elections have always left the losing party disappointed. But disappointment no longer captures the levels of existential threat and categorical disgust members of the losing party now feel after an election. Arguably, we are now approaching 1860 levels of division, when Lincoln's election as President precipitated a civil war after the southern states decided the newly elected president's values were anathema to their values, and therefore they would be better off seceding.

The geographical divide today is far less clean than it was in 1860, when the Mason-Dixon line offered a clear geographical division between North and South. But the divide is no less real: the U.S. is increasingly two different countries,[1] with less and less shared real estate,[2] both physical and mental.

More and more, there is Blueland: the cosmopolitan coastal states and most of the large cities and college towns in between, the places where college-educated whites and people of color live, where the knowledge economy thrives. And there is Redland: the more traditionalist, predominantly white exurbs and rural areas where college degrees are rarer, and where work means physically demanding labor.

In these two different lands, different values, different worldviews, and different facts dominate. Increasingly, they also have very different economies — big cities are mostly thriving; rural and small-town America is stagnating.[3]

Most significantly, the two different lands harbor deep distrust of each other. In Redland, a politics of resentment is brewing: a deep-felt sense that the cities are thriving on the backs of the hard-working (white) men and women who have been forgotten.[4] This is whom Donald Trump speaks for when he says in his inaugural address: "The forgotten men and women of our country will be forgotten no longer." To many in Blueland, there is no such thing as a good Trump voter. No matter what, Trump can never be their president. And anybody who voted for him is morally suspect, and not to be trusted.

Certainly, there is still some territory in the middle. But it is rapidly vanishing. In 2016, six in ten Americans lived in a "landslide county" — up from 38 percent of voters in 1992.[5]

Our existing democratic institutions worked well for a period of time during which both of our political parties were loose coalitions, with enough overlap on a variety of issues to allow for compromise and

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deal-making. They worked well when there was enough national consensus on broad questions about what it meant to be an American.

Divided societies place significant stress on democratic institutions. As political scientist Arend Lijphart writes: "Most experts on divided societies and constitutional engineering broadly agree that deep societal divisions pose a grave problem for democracy."[6]

Democracies can survive in deeply divided societies. But survival is challenging. It is not a given. It depends on having democratic institutions well-suited to handle divisions.

Well-intentioned political reformers have spent the last decade fretting about our divisive politics, often making the case for more civil dialogue, more bipartisan relations, and more respectful politics. These efforts have failed to heal our political wounds because they've been focused merely on managing the downstream effects of institutional designs.

To offer a metaphor, rather than looking at how broken levees are flooding our discourse with political divisiveness, they've attempted to clean up the resulting floods with buckets, while the flooding only gets worse. It's time to look upstream. It's time to look at the way in which our institutions make divisions worse. It's time to fix the levees.

The U.S. is not the first democracy that has been deeply divided. Therefore, the U.S. can learn from the experience of other divided societies to better understand how some institutional arrangements diffuse divisions, while others exacerbate divisions.

The bad news it that the U.S. has two institutional features that make divided societies more polarized: a powerful, popularly-elected president, and a legislature that is elected through majoritarian elections.

But there is one piece of good news. The U.S. does have one institutional feature that has proven successful in mitigating deeply divided societies: federalism. By itself, however, federalism may not be enough.

What follows is a brief overview of how presidential power, legislative electoral systems, and federalism affect political divisions. The analysis here builds on a highly relevant 2004 *Journal of Democracy* article by Arend Lijphart, entitled "Constitutional Design for Divided Societies."[7]

THE CASE AGAINST PRESIDENTIAL GOVERNMENT

For much of the Obama administration, conservatives complained about executive over-reach. Now, liberals are also coming to dislike executive power. The comparative democratic literature says they are both right. A strong executive is political poison for a divided society.

"There is," Lijphart writes, "a strong scholarly consensus in favor of parliamentary government." By parliamentary government, he means a government in which the legislature holds most of the power. Therefore, he writes, "My advice is two-fold: to make sure the presidency will be a primarily ceremonial office with very limited political power, and not to elect the president by popular vote."[8]

Two reasons to limit the power and therefore consequentialism of presidential elections resonate particularly at this moment.

The first is an observation from political scientist Juan Linz, a strong critic of presidential systems: "Perhaps the most important implication of presidentialism is that it introduces a strong element of zero-sum game into democratic politics with rules that tend toward a 'winner-take-all' outcome."[9]

The all-consuming nastiness of the 2016 campaign is freshest in our minds, but presidential campaigns have, for several cycles now, been endless battle royales of blistering negativity. The size and scope of the campaign reflects the significance of the prize. But the consequence of these bitter and endless campaigns is that they make a divided society even more divided.

Long, negative campaigns are also a cause of our political divisions. In a recent study, political scientists Shanto Iyengar, Gauruv Sood, and Yphtach Lelkes found that more exposure to negative campaigning contributed to greater levels of what they call "affective polarization" — a measure of how strongly citizens view partisanship in an in-group versus out-group framework.[10]

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A second and related reason to dislike strong presidentialism, writes Lijphart, is that: "Presidential election campaigns also encourage the

politics of personality and overshadow the politics of competing parties and party programs." This is a problem because in well-functioning democracies, "parties provide the vital link between voters and the government."[11]

A more party- and program-based politics pushes voters to focus more on policy positions, and to be less focused on particular personalities. Obviously, partisan loyalty overwhelms "independent" judgment everywhere. (This is a timeless political science finding.) But presidential politics actively encourages cults of personality, which make politics even more emotional and less rational than it already is.

In a parliamentary system, the legislature generally gets to pick the executive, and the executive has much less independent power. This takes away the high-stakes, polarizing, personality-based nature of presidential elections, draining mass politics of at least some of the polarizing negativity of the campaign.

Another benefit of a legislature appointing the executive is that if the executive proves corrupt, incompetent, or ill (either mentally or physically), the legislature has power to remove the executive through a vote of no confidence, or a snap election. By contrast, presidential systems have presidential terms, and higher thresholds for removing presidents, again making elections much more consequential.

THE CASE FOR PROPORTIONAL REPRESENTATION

So, we should have a stronger legislature, and a weaker executive. But it also matters how the legislature gets elected.

Broadly speaking, there are two main approaches to legislative elections: majoritarian, and proportional representation. In majoritarian systems, candidates compete directly for a single seat, with the top vote-getter winning the election. This how the U.S. Congress gets elected today (other systems have been used in the past). Proportional representation systems allocate seats in the legislature based on overall vote percentages, so that parties are represented based on their overall popular support.

Single-winner majoritarian systems tend to produce just two parties.[12] Proportional representation systems create multiple parties, though the number typically varies depending both on natural cleavages in society and institutional rules that determine how much support a party needs to have any seats.

When it comes to the choice of system for divided societies, "there is a scholarly consensus against majoritarian systems in divided societies."[13] Political sociologist Larry Diamond agrees: "If any generalization about institutional design is sustainable... it is that majoritarian systems are ill-advised for countries with deep ethnic, regional, religious, or other emotional or polarizing divisions."[14]

In an earlier period, it was common for scholars to argue that two-party systems produced more stable, moderate politics because they incentivized coalition-building inside parties, rather than across parties. This was expected to lead to more moderate parties and make it harder for extremist groups to gain any meaningful power. However, this assumption relied on an electorate clustered around a meaningful political center, which meant a society that was in relative agreement on most of the major political issues. In a divided society, this is obviously not the case.

Though Anthony Downs' *An Economic Theory of Democracy* is commonly cited for its argument that in a two-party system parties are expected to converge on a political center, Downs is clear that this argument relies on voters being clustered in the center. If parties and their voters move to extremes, Downs writes that: "Whichever party wins will attempt to implement policies radically opposed to the other party's ideology... This means that government policy will be highly unstable, and that democracy is likely to produce chaos... no government can operate so as to please most

of the people; hence this situation may lead to revolution."[15] This resonates with the current situation in American politics.

Historically, the U.S. Congress has been least polarized (from the 1930s through the 1970s) when parties were most diverse internally, with multiple factions within parties sometimes operating as their own voting blocs. In an earlier era, conservative Democrats worked with conservative Republicans, and liberal Democrats worked with liberal Republicans. Regional blocs also worked together across parties. Because the coalitions were different depending on the issues at stake, it was easier for members of Congress to strike bargains across parties. It's also because, in the absence of strong party unity, Congress mostly relied on a committee system, which created space for cross-partisan coalitions to work. Essentially, the U.S. had a multi-party system within a two-party system.

As the parties have polarized and become more leadership-driven, the U.S. Congress has become increasingly gridlocked. That's because political conflict has increasingly collapsed into a single left-right dimension, encompassing every single political issue. This is the danger of two-party systems. If the parties are strong and top-down, there is less ability for factions within parties to emerge and freely work across party lines on issues where they differ with others in their party. As a result, parties have polarized, and common ground has disappeared.

Proportional representation systems, by contrast, make it easier for multiple parties to form. And generally, the more parties there are, the more dimensions of issue conflict in a legislature. Because it will be rare for any party to have an outright majority, a multi-party system forces negotiation and compromise. This allows for shifting coalitions. Depending on the issue, different parties might come together to make a deal.

A multi-party system also generally means that more distinct groups in society can have representation, even if they are minorities. This gives more groups a potential stake in government, and allows different interests to get in on different bargains. If every policy can have a different coalition behind it, any group can be pivotal on any issue.

Certainly, a multi-party system with too many parties can fracture into chaos. And it is sometimes too easy for extreme parties to gain a foothold in a multi-party system with very low thresholds. But on the other hand, it is much easier for an extreme party to gain a majority in a two-party system: An extreme party with 26 percent of the vote in a two-party system can take over a major party and have a majority. (Some would argue this is exactly what has happened to the Republican Party.) By contrast, in a multi-party system, 26 percent is still a minority in the legislature.

To achieve the ideal balance between representation and moderation in a multi-party system, Lijphart recommends: "multimember districts that are not too large, in order to avoid creating too much distance between voters and their representatives." He also recommends that parties present to voters lists of candidates, which makes the legislature more party-based than member-based, and thus strengthens parties, and focuses politics more on issues than on personalities.[16]

THE CASE FOR FEDERALISM

Finally, there is the question of federalism: How much should the central government decide, and how much authority should be delegated to more local units? Again, the comparative evidence points in a clear direction. But unlike on the other institutional choices, here the U.S. actually has an institutional design that tends to be well-suited to divided societies. As Lijphart writes: "For divided societies with geographically concentrated communal groups, a federal system is undoubtedly an excellent way to provide autonomy for these groups."[17]

For example, law professor Heather Gerken has long made a compelling case for "progressive federalism," arguing (in 2012) that, "racial minorities and dissenters can wield more electoral power at the local level than they do at the national. And while minorities cannot dictate policy outcomes at the national level, they can rule at the state and local level."[18]

Gerken's case for progressive federalism has obviously taken on new energy in light of Trump's victory. She has more recently written an essay entitled, "We're about to see states' rights used defensively against Trump," noting that: "The federal government doesn't have enough resources to deal with immigration, enforce its own drug laws, carry out its environmental policies, build its own infrastructure, or administer its health care system. Instead, it relies on the states to do much of this work."[19] And this gives states tremendous power to resist the Trump agenda, should they choose to do so.

Similarly, Laura Tyson and Lenny Mendonca have also made a strong case for federalism as a form of "Progressive Resistance," arguing that, "2016 may also be remembered as the start of a new era of progressive federalism and resistance, championed by state and local governments trusted by their citizens to help improve their lives and communities."[20]

On the right, Yuval Levin makes a strong case in *The Fractured Republic* for, "modernization through subsidiarity, a revival of federalism, and a commitment to a robust pluralism of moral subcultures."[21] Let social problems be addressed, he argues, at the most local level possible, and you may well see a flourishing of civic engagement—as more people begin to take responsibility for local problems, rather than simply thinking the only solution is to petition the federal government to do something about it. This could also reinvigorate more local and federated organizations to serve as engines of civic engagement.

Law professor Ilya Somin, a libertarian, has also made a strong case for federalism as a saving factor in these divided times: "Red and blue America may

not be able to spend some time completely apart. But they don't have to do so many things together."[22]

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Obviously, there are very real limits to what can and cannot be delegated to the states, and much depends on how both the federal courts and the Department of Justice view their roles, since they face no shortage of entreaties for intervention. There are also particular concerns on civil rights issues, given some states' long histories of racial discrimination and suppression of other individual rights. More delegation to municipalities may help to protect some minority groups, following Gerken's line of reasoning.

Two European nations have employed federalism to deal with ethnically diverse societies: Switzerland and Belgium.[23] Switzerland's federalism has worked much better than Belgium's.

Though a deeper analysis of why Switzerland's federalism works better than Belgium's is beyond the scope of this paper, one possible explanation that jumps out is that Switzerland's system of federalism dates back to 1848, and Switzerland's 26 cantons and 2,600 municipalities have a long history of self-governance. Belgium, by contrast, has only moved towards federalism in recent years, beginning in 1980, in response to political tensions in the 1970s. Southern Walloons, however, have generally preferred a stronger centralized government (since they tend to be poorer), while northern Flemish have preferred more independence (since they tend to be richer). For federalism to work, then, there must be some level of national consensus and tradition on the principle of subsidiarity — that as much authority should be given to local governments as possible. The Swiss have much more national consensus on this question than the Belgians.

Switzerland's successful ultra-federalism, however, may be difficult for the U.S. to copy. Switzerland is a small nation of 8.4 million people—about the size of Virginia. It also famously does not have a strong national military, or any pretension to be a global economic power. Being a global military and economic power, after all, requires a powerful central state. Americans are unlikely to trade in the U.S.'s international power for pure federalism. Still, on social policy, the U.S. could become more federalist.

SO, WHAT DO WE DO?

The case for more federalism is pretty straightforward, and in some ways may even be inevitable. If Washington can't and won't act, states and cities will. This is already happening on many issues, perhaps most prominently on minimum wage. And now that Democrats are out of power in Washington, they will likely turn their energy and firepower to the states and cities where they can act.

Weakening the executive and moving towards a more multi-party legislature are much harder, though not impossible.

Here, it's worth noting that in James Madison's original constitutional design, known as the "Virginia Plan," the legislature would have directly selected the executive. The Electoral College emerged as a compromise. But the Electoral College's original purpose was merely to nominate candidates to the legislature. The founders expected regional candidates to emerge, but none with a majority of electors, leaving the Congress to decide.

Madison had to give up some of his plan to achieve a compromise, but he still got a legislature as the first branch, and with most of the Constitution's enumerated powers. And for most of the nineteenth century, Congress was truly the first branch of government. It wasn't until the twentieth century that Congress began to delegate its authority away to the executive branch. Particularly over the last four decades, the legislature has steadily eroded its own power by failing to invest in its own capacity, letting the executive branch become more and more powerful.[24]

A legislative revival would take a significant decision by Congress to invest in its own capacity: hiring to compete with the executive branch and reinvigorating a committee system that has largely atrophied, as more and more power has shifted to party leaders in Congress and as committees have lost their independence.[25]

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Events may play a role. If the Trump administration turns out to be the disaster many expect, Congress may need to fill a void. Congress is certainly overdue to invest in itself.[26]

Moving away from the winner-take-all system for congressional elections and towards a more

proportional system would also be a political challenge. But again, it's well within the bounds of the Constitution. In an earlier time, many states used multi-member districts to select representatives, and could do so again.

If states were to restore multi-member districts—ideally, districts would each have at least five representatives—more third parties would emerge. Voters would get more choices, and it would be harder for extremists to take over a major party. It would also be easier for factions to emerge within the two parties, producing more multi-dimensional bargaining in the legislature and better representation in the electorate, as voters would get more choices.[27]

A more intermediate step in this direction would be to follow Maine's lead on ranked-choice voting.[28] Ranked-choice voting is a simple system in which voters rank their candidates in order of preference, and if their preferred candidate is at the bottom in the initial tally, they get to transfer their vote to their second choice, and so on, until one candidate gets a majority. The advantage of such an approach is that it also creates space for multiple parties, which can run without being spoilers. It also encourages candidates to build a true majority: If I can't be your first choice, at least let me be your second choice.

Combining multi-member districts and ranked-choice voting would be an excellent choice. A very good plan along these lines is FairVote's Fair Representation Act.[29]

It's also possible that by weakening national parties and strengthening local parties, the U.S. could move back toward parties of loose coalitions with multiple factions, which created more opportunities for cross-party bargaining within Congress, and thus a less polarized and more effective Congress. This seems more likely to emerge if we move further toward federalism, which would make politics more local.

Ranked-choice voting encourages candidates to build a true majority: If I can't be your first choice, at least let me be your second choice.

All of these changes would invigorate civil society. More parties and more power at the local level would give citizens more opportunities to meaningfully participate, and generally increase a broad sense of civic efficacy. Rather than seeing politics as something that happens far away in Washington with only a few major leaders, citizens can learn that politics also happens closer to home, and that there are more than just two partisan ways to approach public problems.

WHAT NOT TO DO

Before concluding, it's worth briefly discussing two other approaches to our current political moment that seem to be gaining momentum in some quarters.

The first is the campaign for a National Popular Vote, which would replace the complicated Electoral College system with a simple plurality election for president, in which all votes count equally. While it might be simpler and fairer, it does nothing to address the divisiveness of presidential elections. It also has very little chance of happening, since it requires either a constitutional amendment or a multi-state compact.

By contrast, returning the Electoral College to its original purpose—as a source of nominations for Congress to decide—would give power back to the legislature, weakening the power of an independent executive.

The second approach is the now-familiar call for more "civility, respect, and goodwill." Often, this comes from organizations that claim to represent a political center of moderates who put "country before party." The impulses here are laudable, and there can be some temporary benefits from civil discourse.

But when the entire machinery of the political system pushes people into their divided camps, and then raises the stakes of politics by centralizing power and authority in a single executive, politics is going to get divisive. Political leaders work together when incentives and shared beliefs bring them together. Political leaders fight each other when political institutions and incentives push them into warring camps. Until we get the institutions right, calls for more civility and respect will be like calls to clean up a city flooded by broken levees by scooping up the water into buckets: mostly futile.

When the entire machinery of the political system pushes people into their divided camps, and then raises the stakes of politics by centralizing power and authority in a single executive, politics is going to get divisive.

CAN AMERICAN DEMOCRACY SURVIVE?

Can American democracy survive? It can. But it's going to have to evolve to adapt to the stresses that it faces. The U.S. is now a much more divided and diverse society than it used to be. And we are now divided on many identity issues that do not provide space for compromise, and instead push us toward zero-sum thinking.

Certain institutional arrangements worked reasonably well when the party system was more internally diverse and there were more cross-cutting issues that created opportunities for bargaining and compromise. Certain institutional arrangements worked reasonably well when the party system was less organized around divisive issues of what it means to be an American.

These conditions are with us for the time being. They are the product of decades of social and political forces, and we cannot simply wish them away. We must manage and perhaps eventually diffuse them.

Democratic institutions are central to this challenge. Certain institutional designs can worsen existing divisions. In particular, other countries' experiences points to one major warning sign: A strong executive atop a powerful central government is not a good thing for divided societies.

Whatever efforts have been made toward making our politics less divisive over the last decade have not worked. So it's time to think a little differently. The divisions are real, and deep. Many of them involve zero-sum ideological differences, and clashes over fundamental values. If they become the central fights of our politics, they will tear our nation apart.

A pessimist might stipulate that the only reason American democracy worked well in the post-World War II decades was because: 1) the Cold War gave us a common enemy and emphasized a shared sense of what it meant to be an American; and 2) widely shared and sustained economic growth contributed to generally higher levels of political trust, since most things appeared to be working reasonably well. If so, this suggests the only way we can heal our political divisions would be to find a common enemy and/or deliver broad-based economic growth. Certainly, these factors contributed to harmonious politics.[30] But to argue that our political institutions can only work under these conditions is to assume a position of helplessness for the present moment.

An optimist might assume that the surely erratic and dangerous presidency of Donald Trump will spur a major bipartisan backlash, unifying the

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country around a new, shared consensus. Perhaps it will. But thus far, most Republicans have rallied to him. Partisanship is a powerful structuring force in politics. Even if a solidly majoritarian consensus emerges in response to Trump, the deep cultural and identity divisions will still exist. Redland and Blueland have very different visions over what it means to be an American—divisions that go beyond Donald Trump and Hillary Clinton.

The challenge now is managing the divisions—not to hope they will magically disappear if we just get people talking to one other, somehow, or if people on the other side can finally "see the facts." Fortunately, divided societies have been experimenting with how to do this for a long time. It's time to pay attention to what their experiences tell us.

Like all institutional choices, there are plenty of trade-offs in the recommendations here. No balance is perfect, and all institutional designs will surely produce unintended consequences that we will be dealing with at a future moment.

But let us stipulate the following: First, there is no perfect solution to channeling the often conflicting demands of a nation of 320 million people within any political system. Second, the greatest challenge to our democracy is our deeply polarized two-party system, and the way its divisions coincide with geography and identity. If we do not solve this problem, our democracy may have no more problems left to resolve in the future.

Though these are challenging times, we need not abandon all hope for a unified country. At some point, our party system will look different, and our politics may well be organized around new, less divisive fault lines. New foundations of consensus may emerge. But we need to get past this moment to figure out how.

Notes

[1] Lee Drutman, "The Divided States of America," *The New York Times*, September 22, 2016, https://www.nytimes.com/2016/09/22/opinion/campaign-stops/the-divided-states-of-america.html.

[2] Gregor Aisch Pearce Adam and Karen Yourish, "The Divide Between Red and Blue America Grew Even Deeper in 2016," *The New York Times*, November 10, 2016, http://www.nytimes.com/interactive/2016/11/10/us/politics/red-blue-divide-grew-stronger-in-2016.html.

[3] Jim Tankersley, "A Very Bad Sign for All but America's Biggest Cities," *Washington Post*, May 22, 2016, https://www.washingtonpost.com/news/wonk/wp/2016/05/22/a-very-bad-sign-for-all-but-americas-biggest-cities/.

[4] Katherine J. Cramer, *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker* (Chicago ; London: University Of Chicago Press, 2016).

[5] Pearce and Yourish, "The Divide Between Red and Blue America Grew Even Deeper in 2016."

[6] Arend Lijphart, "Constitutional Design for Divided Societies," *Journal of Democracy* 15, no. 2 (April 8, 2004): 96–109, doi: 10.1353/jod.2004.0029.

[7] The essay was obviously written with an eye towards establishing a democracy in Iraq, a society with three distinct regions: Kurdish, Sunni, and Shiite. But the insights are strikingly relevant for America today.

[8] Lijphart, "Constitutional Design for Divided Societies."

[9] Juan J. Linz and Arturo Valenzuela, eds., *The Failure of Presidential Democracy: Comparative Perspectives, Vol. 1*, 1 edition (Baltimore: Johns Hopkins University Press, 1994).

[10] Shanto Iyengar, Gaurav Sood, and Yphtach Lelkes, "Affect, Not Ideology A Social Identity Perspective on Polarization," *Public Opinion Quarterly*, September 17, 2012, nfs038, doi:10.1093/poq/nfs038.

[11] Lijphart, "Constitutional Design for Divided Societies."

[12] Maurice Duverger, *Political Parties, Their Organization and Activity in the Modern State*. (London; New York: Methuen; Wiley, 1954).

[13] Lijphart, "Constitutional Design for Divided Societies."

[14] Larry Diamond, *Developing Democracy: Toward Consolidation* (Baltimore: Johns Hopkins University Press, 1999).

[15] Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Row Publishers, 1957); Lawrence C. Dodd, "Congress in a Downsian World: Polarization Cycles and Regime Change," *The Journal of Politics* 77, no. 2 (2015): 311–23, doi:10.1086/680041.

[16] Lijphart, "Constitutional Design for Divided Societies."

[17] Lijphart, "Constitutional Design for Divided Societies."

[18] Heather K. Gerken, "A New Progressive Federalism," *Democracy Journal*, Spring 2012, http://democracyjournal.org/magazine/24/a-new-progressive-federalism/.

[19] Heather Gerken, "We're about to See States' Rights Used Defensively against Trump," *Vox*, January 20, 2017, http://www.vox.com/the-big-idea/2016/12/12/13915990/federalism-trump-progressive-uncooperative.

[20] Laura Tyson and Lenny Mendonca, Lenny, "Federalism and Progressive Resistance in America," *Project Syndicate*, January 6, 2017, https://www.project-syndicate.org/commentary/federalism-anti-trump-resistance-by-laura-tyson-and-lenny-mendonca-2017-01.

[21] Yuval Levin, *The Fractured Republic: Renewing America's Social Contract in the Age of Individualism*, 1 edition (New York: Basic Books, 2016).

[22] Ilya Somin, "How Federalism Can Help Save the Failing 'marriage' between the Red and Blue States," *Washington Post*, January 3, 2017, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2017/01/03/how-federalism-can-help-save-the-failing-marriage-between-the-red-and-blue-states/.

[23] Belgium is geographically divided into two distinct regional groups: The Dutch-speaking Flanders region in the north (about 60 percent of the people), and the French-speaking Wallonia region in the south (about 40 percent of the people). The Swiss are also divided regionally by language, with most of the country (64 percent) speaking German. The southwestern part of the country (about 20 percent of the population) speaking French, and about 7 percent speaking Italian in the South.

[24] Lee Drutman and Kevin Kosar, "Does Congress Want to Govern?," *RealClearPolicy*, January 14, 2017, http://www.realclearpolicy.com/articles/2017/01/14/does_congress_want_to_govern_110137.html.

[25] William Bendix, "Bypassing Congressional Committees: Parties, Panel Rosters, and Deliberative Processes," 2015.

[26] Lee Drutman and Steven M. Teles, "A New Agenda for Political Reform," *The Washington Monthly*, May 2015, http://www.washingtonmonthly.com/magazine/marchaprilmay_2015/features/a_new_agenda_for_political_ref054226.php?page=all.

[27] Mark Schmitt, "Why America Should Have More than 2 Political Parties," *Vox*, September 16, 2016, http://www.vox.com/polyarchy/2016/9/16/12934792/more-than-two-parties-good.

[28] Katharine Q. Seelye, "Maine Adopts Ranked-Choice Voting. What Is It, and How Will It Work?," *The New York Times*, December 3, 2016, https://www.nytimes.com/2016/12/03/us/maine-ranked-choice-voting.html.

[29] http://www.fairvote.org/fair_rep_act

[30] Marc J. Hetherington and Thomas J. Rudolph, *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis* (Chicago: University Of Chicago Press, 2015).