

Grading notes
11/05 essay assignment

Essay prompt:

How should the "logic of escalation" come into play when politicians decide whether to engage in hardball politics? How does Goodman resolve this tradeoff in advising Democrats about whether to keep "fighting fair"?

There was some confusion about the advice Goodman gives to Democrats re: constitutional hardball. Goodman wants Democrats to use hardball to create a political environment that ultimately does not allow for further escalation. This is a different idea from a plan of "total war" against the GOP by any means necessary.

The best essays set the stage for their discussion of the path forward for the Democrats by defining "hardball" and "escalation". This allowed these essays to use examples to illustrate the current climate to which Democrats must respond.

The primary reference here is the discussion in the Goodman article that begins,

Democrats aren't justified in breaking norms because they've been "wronged." They are justified because the current system has ceased to function. So if there is a problem with the Democrats initiating a counter-program of partisan norm-breaking, it doesn't lie in an abstract idea of fair play. It lies in the logic of escalation. Republicans, too, can create senators out of thin air, can pack courts, can strip citizenship from immigrants Democrats have enfranchised.

The possibility of escalation is especially obvious in the area of court-packing, says Goodman, and I would say more broadly in the area of judicial confirmation politics. Many of the hardball instances recounted in the Fishkin & Posen paper pertain to this.

The logic of escalation has a feedback or vicious-cycle quality, and threatens to lead ultimately to violence:

This is the logic of escalation, the fearful calculation by which cycles of conflict become permanent. *Do it to them before they do it to us.* ...Each reprisal is self-defense, which justifies the next reprisal. ...Yet each turn of the spiral depletes our reserve of unthinkableables. And after enough turns of the spiral, the last unthinkableable is violence. Americans shouldn't imagine we're exempt from the logic that turns cold civil conflict hot.

Due to the dangers of escalation,

a strategy of Democratic norm-breaking is justifiable only if it can be reasonably expected to result in a lasting political realignment—to break the cycle rather than

escalate it. It must so thoroughly disempower the other side that it forestalls serious reprisals.

Democrats should ask whether each plank of the “Normal is Over” program not only helps cement their power, but also “weaken[s] a structural barrier to Democracy [and] make[s] it easier to enact policy that expands the governing coalition.” Goodman thinks most of Faris’s ideas satisfy these criteria.

The Conclusion of Fishkin & Pozen also addresses the problem of escalation, but students weren’t required to read that far for Monday. A nice point related to Goodman’s prescription is found on p. 981: in selecting hardball tactics, Democrats should

use temporary points of leverage to press for procedural changes that amount to *anti-hardball*. For instance, independent redistricting commissions, professionalized nonpartisan election bureaucracies, and the like, while far from optimal in terms of maximizing political advantage, have the effect of taking certain types of constitutional hardball off the table