Backlash Politics in America's Disunited and Polarized State

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Abstract

The policy feedback literature developed in an era in which the level of polarization and the intensity of party competition were far lower than today. These background conditions narrowed the scope of many policy debates and facilitated the consolidation of programmatic expansions after their enactment. As a result, the feedback literature emphasized the ways that new policies build supportive constituencies and become entrenched. While the core insight that policies can generate major political repercussions remains solid, American political development (APD) scholars should pay greater attention to the role of negative feedback processes and backlash politics in an era of disunity. Based on a review of *New York Times* articles mentioning policy backlash between 1960 and 2019, I show that the 2010s was a period of heightened countermobilization. Backlash forces have diffused from civil rights into many other arenas—including health, trade, and immigration—due to partisan polarization, conflicts over cultural shifts, and the negative feedback from activist government itself.

Over the past thirty years, scholars of American political development (APD) have produced an impressive body of research on how public policies, once adopted, create a new politics. Policy feedback scholarship has demonstrated that programs like Social Security and the GI Bill have shaped the interests, identities, and capacities of both elite actors and mass publics. The feedback literature has shown that policies are not only the outcomes of politics but are also potent forces that can remake the political landscape.[1]

The political science literature on policy feedback emerged in the context of the postwar welfare state. This was an era in which many Republican politicians accepted (or acquiesced to) an active domestic role for the federal government and the intensity of party competition was far lower than today. These background conditions narrowed the scope of many policy debates and facilitated the consolidation of programmatic expansions. For example, there was no conservative effort to repeal Medicare or challenge its constitutionality after its enactment.[2] As a result, the feedback literature emphasized the ways that policies build supportive constituencies. In so doing, it contributed to the portrait of an American state that is broadly stable and consensual, one in which policy decisions frequently become entrenched and largely impervious to outside forces.

This portrait is no longer accurate, if it ever was.[3] The core insight that policies can generate significant political repercussions remains solid, but APD scholars need to give greater attention to negative feedback processes in an era of hyperpolarization and tight party competition. As the ten-year postenactment battle over the Patient Protection and Affordable Care Act (ACA) demonstrates, positive feedback generation cannot be guaranteed in today's disunited American state. Many policies provoke strong adverse reactions among organized groups, mass publics, and political elites, or what I call a *politics of policy backlash*.[4] Policy backlashes occur when a change (or attempted change) in the policy status quo produces widely noticed resistance. Backlashes come in many forms, from voter blowbacks and spontaneous grassroots protests to elite-led countermobilizations. Backlash politics has important consequences for governance. Just the threat that a backlash might occur can lead to policy timidity and discourage collective problem solving. At the same time, a failure to recognize (and manage) backlash

[1] See, for example, Andrea L. Campbell, *How Policies Make Citizens: Senior Political Activism and the American Welfare State* (Princeton, NJ: Princeton University Press, 2003); Suzanne Mettler, *Soldiers to Citizens: The GI Bill and the Making of the Greatest Generation* (New York: Oxford University Press, 2005); Paul Pierson, *Dismantling the Welfare State? Reagan, Thatcher and the Politics of Retrenchment* (New York: Cambridge University Press, 1994).

[2] See Eric M. Patashnik and Jonathan Oberlander, "After Defeat: Conservative Postenactment Opposition to the ACA in Historical-Institutional Perspective," *Journal of Health Politics, Policy and Law* 43, no. 4 (2018): 651–82.

[3] On the need for feedback scholarship to take into account the impact of partisan polarization, see Jacob S. Hacker and Paul Pierson, "Policy Feedback in an Age of Polarization," *The ANNALS of the American Academy of Political and Social Science* 685 (2019): 8–29.

[4] Eric M. Patashnik, "Limiting Policy Backlash: Strategies for Taming Countercoalitions in an Era of Polarization," *The ANNALS of the American Academy of Political and Social Science* 685 (2019): 47–63.

risks can impair coalitional power building and jeopardize policy enactment and sustainability.[5]

A selective list of issues that have evoked backlash politics over the past the half century include the backlash of conservatives against abortion, same-sex marriage, and transgender rights; the labor union and environmentalist backlash to the North American Free Trade Agreement; the populist backlash against Wall Street bailouts; the consumer backlash against the 1970s federal mandate that new cars include a seatbelt interlock mechanism (which prevented drivers from starting their vehicles if they weren't buckled up); the public protests against President Donald Trump's family-separation policy; the resistance of teachers' unions to school accountability reforms; the backlash against the "cap-and-trade" bill to tackle climate change; and the public backlashes against Covid-19 restrictions issued by governors and public health agencies in certain states.

This is a diverse set, and different types of backlashes—including electoral, organizational, and public—clearly reflect distinct organizing dynamics. Some backlashes promote democratic accountability by penalizing politicians who support policies that are out of synch with the preferences and priorities of ordinary voters.[6] Others create "self-undermining" feedbacks, which can lead officeholders to abandon worthy projects and even weaken fundamental rights.[7] Whether they produce normatively good or bad outcomes, backlashes merit careful attention from APD scholars. *The politics of backlash and countermobilization should be recognized as a fundamental temporal pattern, no more or less central to power relations and the politics of policy durability than increasing returns or self-sustaining processes.*

Policy backlashes are not a new phenomenon in the United States. They date back to the public protests and elite countermobilization against the Alien and Sedition Acts.[8] The most tragic backlash episode in American history occurred during and after the First Reconstruction. Hundreds of thousands of previously enslaved persons cast ballots for the first time, and some Black Republicans were elected to public offices. While these developments brought the nation closer to achieving its democratic ideals, they set in motion a reactive sequence of white supremacist violence and countermobilization. In its wake, Southern Democrats entrenched a new racial caste system, reinforced through interlocking institutional changes such as the poll tax and literacy tests. As Richard M. Valelly writes, these backlash processes took time to unfold, but they ultimately "reduced black voting and black elected office-holding in the ex-Confederacy to approximately zero."[9]

While there are major differences between nineteenth-century and contemporary American politics, we are living in another contentious era.[10] As a rough indicator of the explosion of backlash politics in the contemporary U.S. state, I coded 1,932 *New York Times* articles about domestic policy issues mentioning the term "backlash" between 1960 and 2019 (Figure 1). The five years with the highest media-identified level of backlash activity are 1964 (171 articles), 1966 (131), 2017 (102), 2016 (98), and 2019 (67). The 1960s are widely recognized as an era of backlash, but my analysis suggests that the 2010s should be seen as a period of heightened countermobilization as well.

Backlash forces subsume American politics today for three reasons. The first is partisan polarization. Whether driven by principled ideological differences or strategic incentives to win elections in an era of razor-thin electoral majorities, Democrats and Republicans are increasingly fighting over domestic issues. As Jacob Hacker and Paul Pierson observe, "Partisan opponents and their allies have powerful incentives to make new initiatives a focal point for countermobilization. Opponents of policies (along with opponents of the parties enacting them) … will draw on perceived fiscal constraints, low trust government, and heightened polarization (with its attendant partisan media, culturally insulated voter blocs, and team-oriented politician and interest group alignments) to generate backlash."[11]

Second, and relatedly, American culture and society have changed dramatically over the past half century, and some citizens and groups have found this transformation deeply unsettling. As a result of large-scale immigration, the U.S. population has become more racially and ethnically diverse.[12] The rights of Black Americans, women, LGBTQ people, and other marginalized constituencies, while still contested, have been recognized. Millions of Americans have embraced these shifts, and public opinion has moved leftward on many issues like gender equality.[13] However, members of some groups, including noncollege graduates, religious conservatives, and white residents of rural communities, have felt threatened by these developments.[14] The political divide between urban and small-town America has become a chasm.[15] Rather than seeking to dampen conflicts, conservative elites have stoked cultural backlash about a variety of social issues. In sum, conservative backlash reflects a genuine rejection of cosmopolitan and egalitarian values among some citizens, but conservative economic elites have also strategically fomented the culture wars to advance their own power and interests.[16]

The third factor promoting backlash politics is the negative feedback of activist government itself. While there have been periods of high polarization previously, the federal government today is involved in many more issues than in the past. As Karen Orren and Stephen Skowronek argue, "policy has expanded its role in American government and society by eroding the boundaries

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[5]See Eric Patashnik and R. Kent Weaver, "Policy Analysis and Political Sustainability," *Policy Studies Journal* 49, no. 4 (2021): 1110–34.

[6]On the incentives for overreaching in an era of tight partisan competition, see Morris P. Fiorina, *Unstable Majorities: Polarization Party Sorting & Political Stalemate* (Stanford, CA: Hoover Institution Press, 2017). See also Frances Lee, *Insecure Majorities: Congress and the Perpetual Campaign* (Chicago: University of Chicago Press, 2016).

[7]See Alan M. Jacobs and R. Kent Weaver, "When Policies Undo Themselves: Self-Undermining Feedback as a Source of Policy Change," *Governance* 28, no. 4 (2014): 441–57.

[8]Douglas Bradburn, "A Clamor in the Public Mind: Opposition to the Alien and Sedition Acts," *The William and Mary Quarterly* 65 (2008): 565–600.

[9]Richard Valelly, "How Suffrage Politics Made—and Makes—America," in *The Oxford Handbook of American Political Development*, ed. Richard Valelly, Suzanne Mettler, and Robert Lieberman (New York: Oxford University Press, 2016), 445–72, 460. On white backlash in U.S. history, see Lawrence Glickman, "How White Backlash Controls American Progress," *The Atlantic*, May 21, 2020, https://www.theatlantic.com/ideas/archive/2020/05/white-backlash-nothing-new/611914/.

[10]Suzanne Mettler and Robert C. Lieberman, *Four Threats: The Recurring Crises of American Democracy* (New York: St. Martin's Press, 2020).

[11]Hacker and Pierson, "Policy Feedback in an Age of Polarization," 23.

[12]Marisa Abrajano and Zoltan L. Hajnal, *White Backlash* (Princeton, NJ: Princeton University Press, 2015).

[13]Delia Baldassarri and Barum Park, "Was There a Culture War? Partisan Polarization and Secular Trends in US Public Opinion," *The Journal of Politics* 82 (2020): 809–27.

[14]Pippa Norris and Ronald Inglehart, *Cultural Backlash: Trump, Brexit, and Authoritarian Populism* (New York, NY: Cambridge University Press, 2019).

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

[16]On the role of conservative elites in stoking backlash, see Jacob S. Hacker and Paul Pierson, *Let Them Eat Tweets: How the Right Rules in an Age of Extreme Inequality* (New York: Liveright, 2020).
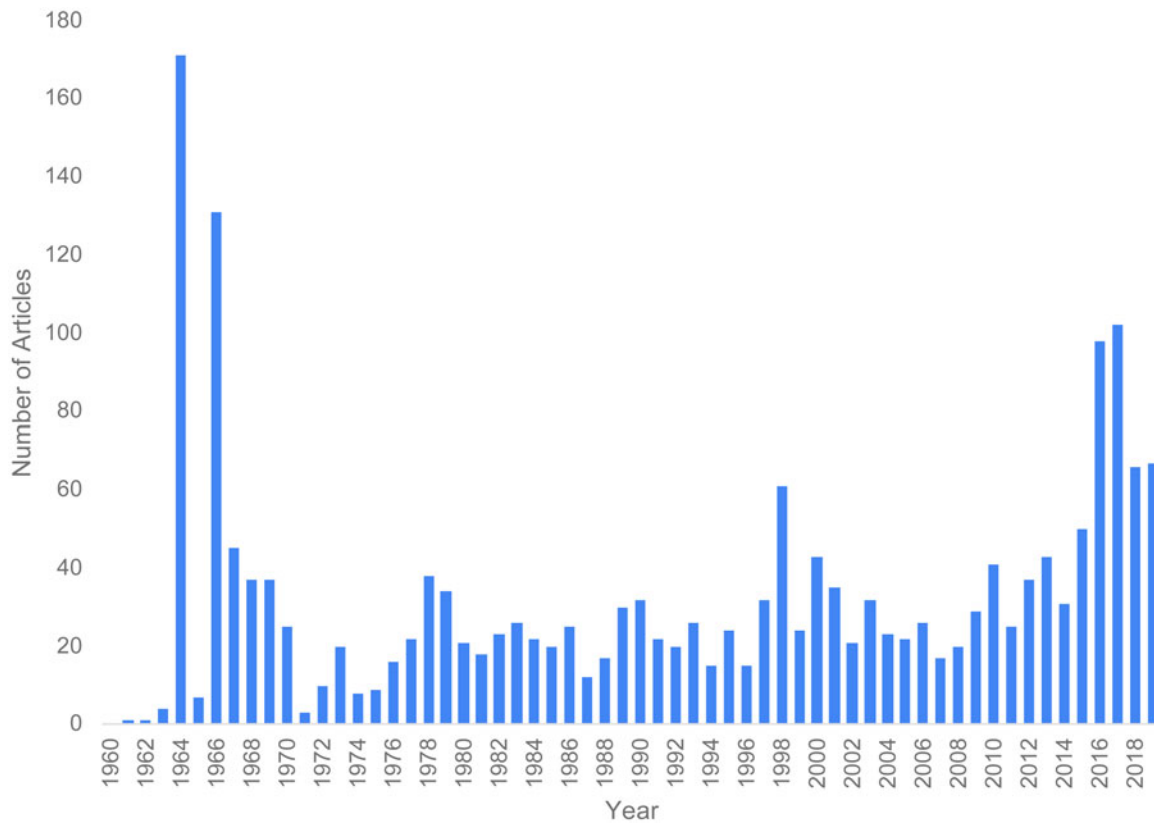
Fig. 1. Count of *New York Times* Articles about Domestic Issues Mentioning Backlash, 1960–2019.
Source: Author's compilations of *New York Times* articles.

and dissolving the distinctions that once constrained policy's reach."[17] The growth of the policy state has weakened the formal barriers and received understandings that had traditionally constrained the ability of federal actors to intervene in both domestic relations and local affairs. Due to the dramatic expansion of the central government's role in areas like civil rights, consumer affairs, health care, and the environment, and the resulting nationalization of American politics, the "cushion for consensus once provided by decentralization" has been displaced.[18] In addition, the broadening of the federal role transformed the interest-group system, stimulating a countermobilization among both conservatives and business actors.[19] Finally, as Orren and Skowronek argue, the policy state has widened the set of possible options for governance, rendering policy achievements more "provisional" and "commitments dependent on who is next in charge."[20] To be sure, backlashes do not always lead to policy reversals. Dismantling existing programs remains difficult even in a polarized era. But the greater uncertainty of politics today incentivizes losers in policy battles to continue fighting in the next round.

What makes the contemporary era distinctive is less the intensity of the countermobilization forces it has unleashed than the penetration of backlash dynamics into every nook and cranny of the American state. As Figure 2 shows, the *New York Times* database suggests that backlash politics was largely confined to the civil rights arena during the 1960s but over time has diffused into many other sectors, including health care, trade, and immigration.

Broadly speaking, the building of the modern policy state has been a liberal project, and when backlashes have a clear ideological direction, they mainly involve adverse reactions by right-wing actors. I coded the ideological direction of the backlashes described in the *New York Times* articles and found that the vast majority were conservative. Yet the threat to liberal accomplishments from the increasing conservatism of the GOP and the rising power of leaders like former House Speaker Newt Gingrich (R-Georgia) (who aimed to cut and restructure Medicare) and former Presidents George W. Bush (who sought to privatize Social Security) and Donald Trump (who strived to shut off immigration) has made liberals increasingly energetic backlashers as well. As Orren and Skowronek observe, "progressives have been playing defense, fighting on all fronts to repel policy encroachments on victories seemingly won—labor's right to bargain collectively, African Americans' right to vote, women's 'right to choose,' everyone's right to health care and security in old age."[21]

The lack of analytic clarity about what a backlash is has led some scholars to raise probing questions about its dynamics. Focusing on scholarship on backlash in the criminal justice

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[17]Karen Orren and Stephen Skowronek, *The Policy State* (Cambridge, MA: Harvard University Press, 2017), 6.

[18]Ibid., 178.

[19]For an excellent analysis of the consequences of the federal government's broadening role, see Bryan D. Jones, Sean M. Theriault, and Michelle Whyman, *The Great Broadening: How the Vast Expansion of the Policymaking Agenda Transformed American Politics* (Chicago: University of Chicago Press, 2019); see also David Vogel, *Fluctuating Fortunes: The Political Power of Business in* America (New York: Basic Books, 1989).

[20]Orren and Skowronek, *The Policy State*, 6.

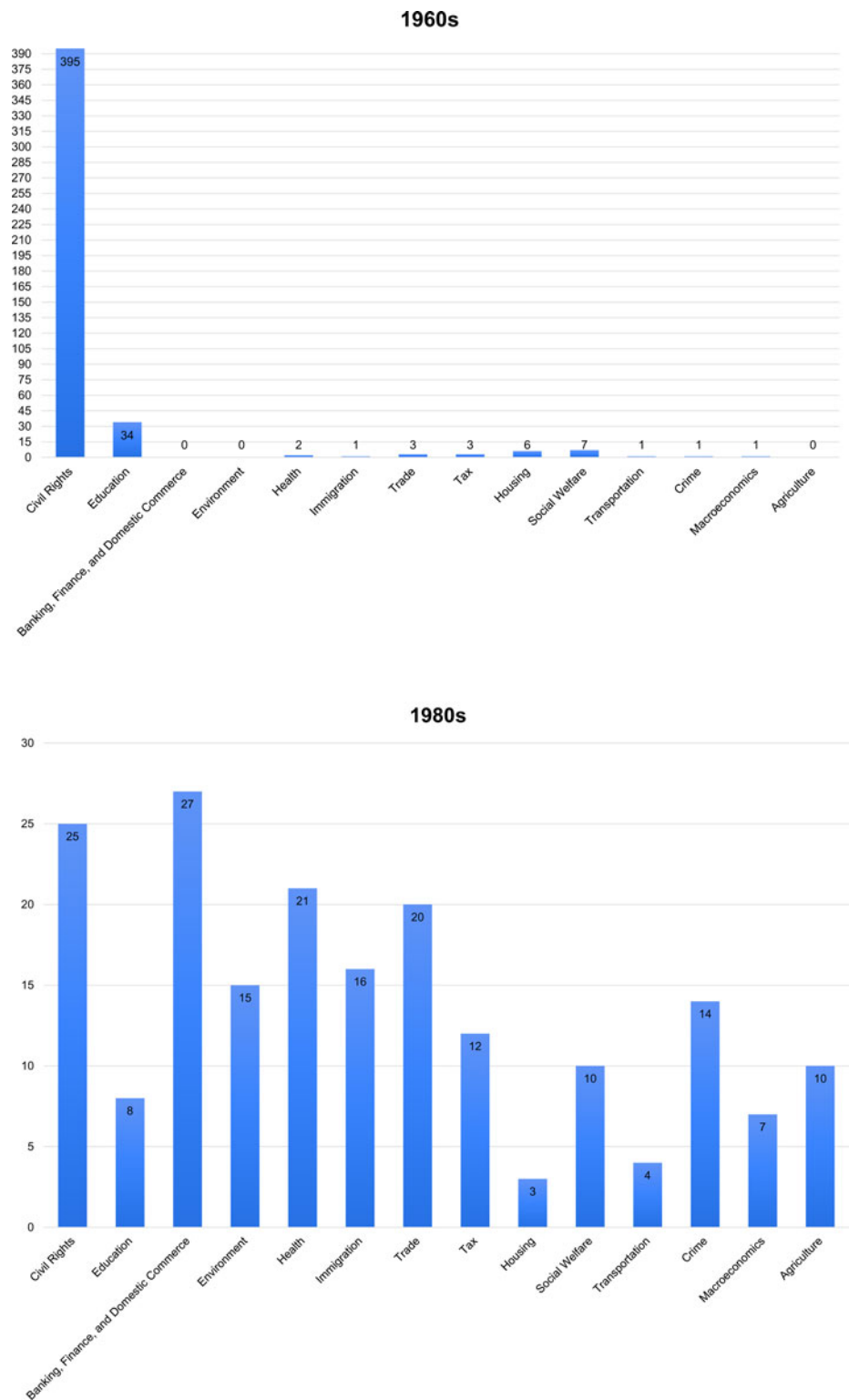[21]Ibid., 5–6.

1960s

1980s

Fig. 2. *New York Times* Articles about Backlash in Domestic Policy Areas, 1960s, 1980s, 2010s.
Source: Author's compilations of *New York Times* articles.

arena during the 1960s and 1970s, Vesla Weaver makes several excellent points that any framework for understanding policy backlashes should address.[22] For example, she argues that some observers assume that backlash is automatic, yet not all instances of policy threat provoke a reaction.[23] My research suggests that backlashes frequently arise from a combination of bottom-up and top-down forces; they are rarely wholly organic or completely contrived. Scholars should thus investigate the (varying) role of both mass publics and political elites in backlash episodes,

[22]Vesla M. Weaver, "Frontlash: Race and the Development of Punitive Crime Policy," *Studies in American Political Development* 21 (2007): 230–65.
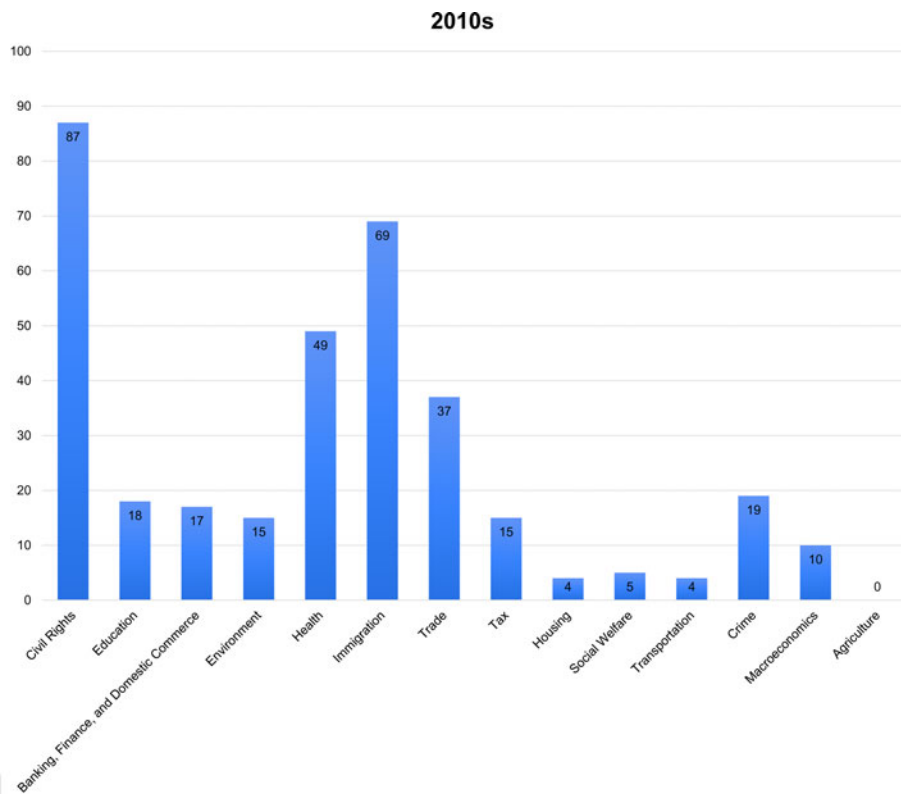
[23]Ibid.

Fig. 2. Continued.

examining the conditions under which targeted constituencies possess both a *policy motive* and the *participatory means* for counter-mobilization.[24] They should also explore how elements of "political opportunity structures" (such as the availability of influential allies and divisions among elites) energize and legitimate backlash forces.[25] Finally, APD scholars should examine how backlashes shape a range of outcomes, including election returns, public opinion, constituency building, coalitional alignments, and the durability of policy accomplishments. This is an exciting agenda for research.

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[24]Some policy attributes that supply motives for countermobilizations include concentrated costs, threats to the status of people reliant on or strongly attached to existing arrangements, provision of benefits to the "undeserving," and failures to represent the preferences and priorities of voters. See Patashnik, "Limiting Policy Backlash." On the conditions under which loss-bearing groups possess the means for countermobilization, see Matthew Lacombe, "Post-Loss Power-Budling: The Feedback Effects of Policy Loss on Group Identity and Collective Action," *Policy Studies Journal,* August 11, 2021, https://onlinelibrary.wiley.com/doi/10.1111/psj.12446.

[25]On political opportunity structures, see Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics, Revised and Updated Third Edition* (New York: Cambridge University Press, 2011). For an important recent contribution to backlash theory, see Karen J. Alter and Michael Zurn, "Theorizing Backlash Politics: Conclusion to a Special Issue on Backlash in Comparison," *The British Journal of Politics and International Relations* 22, no. 4 (2020): 739–52.