

ISSA Proceedings 2014 - The Sequester And Debt Ceiling Talks Of 2013: A Case-Study Of The Liberal Public Sphere

Abstract: Liberal public sphere theory can be used to test the functionality of debate in the American public sphere. Four actors each play a crucial role: the representatives of the public, the public, the media, and the expert community. Application of liberal public sphere theory to the long-running debate about budget cuts and the debt ceiling that dominated American domestic politics for most of 2013 reveals a deeply dysfunctional liberal public sphere.

Keywords: liberal, Madison, public sphere

1. Introduction

Budget policy and the debt ceiling have been the focus of several political controversies in the United States over the last five years. In fact, there were four debt ceiling crises in a three year period (Lowrey, 2014, February 7, B1), despite the absolute consensus that failing to extend the debt ceiling could produce a global crisis (Woodward, 2012, 188, 220; Lowry & Popper, 2013, October 14, A1). Leaders in business and finance, often allies of Republicans on fiscal issues, agreed with this judgment and as the crisis escalated in October 2013 the stock market experienced “the worst two-day dip . . . in months” (Lowrey & Popper, 2013, October 14, A14). A chief executive at Deutsche Bank said that if there was a default it was not possible to “come up with measures that would significantly stem the losses,” because default ““would be a very rapidly spreading fatal disease”” (Lowrey & Popper, 2013, October 14, A14). The characterization of the crisis as a potentially “fatal disease” is a strong indication of the threat it posed.

The resolution of the crisis should not have been difficult since the debt ceiling had been extended on more than 75 occasions under both Republican and Democratic presidents and before 2011 there had never been any serious risk of default (Harwood, 2011, p. A11; Mann & Ornstein, 2012, pp. 5-7; Popper, 2013, October 4, A21). Moreover, increasing the debt ceiling did not actually result in

any additional spending, but only guaranteed that spending which Congress had authorized would be paid for. In addition, unlike 2011, the long-term Federal deficit was shrinking rather than expanding in the fall of 2013. The Center on Budget and Policy Priorities reported that “Since 2010, projected ten-year deficits” had “shrunk by almost \$5.0 trillion,” with “77 percent of the savings” from program cuts (Kogan & Chen, 2014, 1). There also was a general expert consensus as stated in multiple national commissions that long-term action to put the nation’s fiscal house in order required both expanded revenues and reform of entitlements, precisely the general approach being offered by the president (Mann & Ornstein, 2012, 15-16).

The government shutdown and debt ceiling crises of fall 2013 and early 2014 would seem to provide a perfect case to test the functioning of American democratic decision making. The issues being debated had been resolved successfully many times previously, there was absolute consensus on the dangers associated with a failure to act, and a previous crisis only two years before had produced substantial negative economic impacts (“Million Jobs,” 2013, February 3, A18). There also was a consensus among policy experts on the best way forward, a consensus that would require both liberals and conservatives to make significant compromises. Given these factors, it would seem that preventing a government shutdown and raising the debt ceiling should not have been difficult. And yet in the crises of October 2013 and February 2014, the United States came perilously close to default on two different occasions.

2. The liberal public sphere

The most appropriate means of examining the twin crises is with liberal public sphere theory (Rowland 2003, 2005, 2006, 2010, 2012, 2013). Until recently, public sphere research in argumentation was shaped almost exclusively by theories developed by Jürgen Habermas (1989) and then applied by Goodnight (1982, 1992), Calhoun (1992a, 1992b, 1993), and other scholars. However, recent scholarship has focused on what Rob Asen and Dan Brouwer label “a multiplicity of dialectically related public spheres rather than a single, encompassing arena of discourse” (2001, 6). Given the many actors involved in public debate and the variety of arenas in which this debate occurs this evolution is understandable. Moreover, Habermas developed his theory out of a focus on European coffee house culture of the 17th and 18th centuries and therefore a kind of politics and culture very different from the contemporary United States.

While the value of a focus on multiple spheres, publics, and counterpublics is obvious, sometimes the issue is not how argument worked in a particular case but how it functioned for the whole. Nicholas Garnham writes “There must be a single public sphere” in cases where the society is “faced with the unavoidable problem of translating debate into action” (1992, 371). Habermas himself observed that “There are problems that are inescapable and can be solved only in concert. Who, then makes up the concert?” (1992, 467). Liberal public sphere theory isolates the key agents that make up that “concert” and also provides a means of assessing the debate on issues that impact the whole.

In addition to focusing on the whole rather than the part, liberal public sphere theory provides an appropriate means for considering the debate on American fiscal policy because it is rooted in foundational works justifying American democracy. The most important source for understanding the ideas behind the American liberal public sphere is James Madison (1999), who was the primary drafter of the Constitution and Bill of Rights and one of the two main authors of the Federalist Papers. In the most famous of those short essays, Federalist 10, Madison laid out the essential idea of the liberal public sphere when he said that the key was to construct a system of governance that created “a republican remedy for the diseases most incident to republican government” (1999, 167). Unlike Habermas who according to Calhoun believed that “rational argument was the sole arbiter of any issue” (1992b, 13), Madison was a realist who understood that politics would always involve conflict, passion, self-interest, and irrationality. He noted in Federalist 10 that “As long as the reason of man continues fallible and he is at liberty to exercise it, different opinions will be formed,” a situation that could produce decisions based in a “fractious spirit” that would result in politics serving the interest of faction, rather than the common interest and decisions that “tainted our public administration” (1999, 161). Madison also recognized that political leaders would themselves be both the leaders of and dependent on factions and that in such a circumstance it was inevitable that “public measures are rarely investigated with that spirit of moderation which is essential to a just estimate of their real tendency to advance or obstruct the public good” (Federalist 37, 1999, 194). Based on a close analysis of his thought Richard Matthews argues that Madison believed that “individual and collective tendencies toward the irrational were . . . multifaceted and powerful” (1995, 23).

Despite recognizing the dangers posed by special interests, irrationality and other

aspects of human fallibility, Madison still believed that “over the long run . . . cool and calculated rational argument would win out over passion and hyperbole” (Mathews, 1995, 144). His faith came from the power of free and open debate, what he called the “republican remedy.” Over time, he believed that better ideas would triumph over inferior ones as long as “counterfeit” (1999, p. 501) public opinion did not short circuit the process of public discussion.

For Madison’s faith in the “republican remedy” to be justified, four key actors in the liberal public sphere must each do their job. The actors - the representatives of the public, the public, the expert community, and the media - each play a role in achieving the key functions of the liberal public sphere: representing all sides in debate on an issue and ultimately choosing a policy that is consistent with democratic governance and also sensible. If the liberal public sphere works, the four actors all present their views and the ultimate decision is made by the public acting through their representatives. However, in Madison’s view, simply representing all views was not sufficient; the system also needed to come to reasonable decisions (Federalist 37, 1999, 196). This point was made in the preamble of the Constitution where the new system was justified “in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty.”

What then must the four actors do to make the system work? The representatives of the public are found in the legislative, executive, other government agencies, and any other body that makes policy. Their function is to strongly present the views of various groups in society in a way that authentically represents their understanding of the facts about any given issue. Thus, for the system to work, all relevant views must be presented in a way that balances faction against faction, but the views must be based in genuine argument, not an inauthentic statement of self-interest or ideology. When representatives of the public base policy on ideology, rather than the best available arguments, the liberal public sphere cannot function, because ideology is immune from refutation.

Madison did not expect the public to participate in the kind of purely rational debate described by Habermas. But for the system to work, the public must pay enough attention to any given controversy to recognize when better ideas emerge. Members of the public also may participate in any debate, but unlike some modern advocates for deliberative democracy, Madison did not expect that

such participation would be the norm.

Unlike Goodnight (1982), Fisher (1984), and other contemporary scholars who have pointed to the danger of expert usurpation of the role of the public, the liberal public sphere is based in recognition that on complex issues it is folly to ignore the specialized knowledge present in expert communities. In the fiscal debates of 2013-2014, for example, it was crucial that the public understood the real danger that a default could have catastrophic effects on the global economy. The fourth actor in the liberal public sphere is the media, which fulfills the function of informing the public about all sides of the debate and also about the specialized knowledge of the expert community.

The foregoing description of the roles played by the key actors in turn suggests criteria for evaluating the degree to which the liberal public sphere fulfills its functions in any given case. The success of Madison's "republican remedy" can be assessed by asking five questions:

1. Were the views of all significant stakeholders presented in the debate?
2. Was the debate shaped by informed expert opinion? It is especially important that expert opinion be included in the debate on issues that are largely outside the experience of ordinary people and on which there is consensus.
3. Did the media report the dispute in a way that informed the public on the issue?
4. Did the public as a whole gather adequate information to assess the debate?
5. Did the better arguments in some sense win out in the end? While it is not always possible to make a principled choice among policy positions, there are cases such as global warming, where there is a broad consensus among those with significant knowledge of the issue that action is required.

In what follows, I describe the evolution of the fiscal crises of fall 2013 and winter of 2014 and then evaluate the resolution based on liberal public sphere theory. It seems clear that Madison's faith in the "republican remedy" would have been shaken by the development and resolution of the crisis.

3. *The crisis*

The twin crisis in 2013 and 2014 developed out of the 2011 budget agreement. In order to resolve the 2011 crisis, President Obama and Democrats in the Congress agreed to \$1.2 trillion in cuts in spending over nine years that would be

automatically triggered if a super committee of Republicans and Democrats were unable to come up with a plan to reduce the deficit by that amount. When the committee failed to agree to a plan, the mandatory cuts, half in domestic programs and half in defense, went into effect (Khim, S., 2012, September 14).

The crisis of 2013-2014, which the New York Times called the “annual Republican crisis,” occurred because after the Democratically controlled Senate passed a budget plan that would have replaced the sequester “with a mix of revenue increases and less-harmful cuts” (“The Annual Republican Crisis,” 2013, September 15, SR 10), the Republican led House rejected that plan and attempted to use budget cuts to defund the Affordable Care Act. The plan to defund the Affordable Care Act was agreed to by “more than three dozen conservative groups,” who endorsed “a take-no-prisoners legislative strategy,” that one leader described as “a fight we were going to pick” (Stolberg & McIntire, 2013, October 6, A1). The cause of the crisis was not the deficit, which not only posed no immediate threat to the economy, but as noted earlier had shrunk substantially since 2010. Nor was it that Obama did not recognize that a long-term deal was still needed to stabilize the debt. Obama emphasized a willingness to negotiate a long-term budget deal, but not to negotiate over the debt ceiling, stating “we can’t make extortion routine as part of our democracy” (Qtd. in Kumar and Douglas, 2013, A17). He consistently advocated a “grand bargain” in which a combination of program cuts, entitlement reform, tax reform, and tax increases would produce “\$4 trillion in savings in 10 years” (Calmes, 2013, October 13, A14).

The main players in the crisis took quite different argumentative approaches. The Obama administration focused their advocacy around five points. Obama’s first argument was that it was the obligation of Congress to both fund the government and to pay the nation’s debts. In a short address prior to the shutdown, the president stated, “the most basic Constitutional duty Congress has is passing a budget.” At the end of this statement, addressing the debt ceiling, he said, “The United States of America is not a deadbeat nation” (2013, September 21). He made similar statements on a number of occasions.

Obama also argued that using the threat of shutdown and debt default to force concessions was illegitimate. In a press conference on October 1st, he observed that “one faction of one party in one house of Congress in one branch of government shut down major parts of the government all because they didn’t like

one law.” He went on to label their actions as “an ideological crusade” and stated plainly, “I will not negotiate over Congress responsibility to pay bills it’s already racked up” (2013, October 1). Essentially, Obama was making the same argument that Paul Krugman had made repeatedly that what was going on was “blackmail . . . threatening to bring the federal government, and maybe the whole economy to its knees unless . . . demands were met” (2013, September 20, A27).

The third point was a strong argument that the shutdown was harming the nation and failing to raise the debt ceiling risked a real economic catastrophe. A good example is a statement on the White House Blog that cited five different negative economic impacts from the 2011 crisis to indicate the dangers in failing to extend the debt ceiling. The blog then quoted from seven Republican leaders in Congress and the Chamber of Commerce to argue that “it would be reckless and irresponsible to use the threat of default as a bargaining chip” (Brundage, 2013, September 19). The president fleshed out the argument in more depth in a press conference, where he focused on the harms that the shutdown was having and the risks of default (2013, October 1).

Fourth, the president continued to make it clear that he was willing to negotiate on fiscal reform and other issues as long as Republicans understood that a negotiation meant give and take from both sides. He said “I’m happy to talk with him [Speaker Boehner] and other Republicans about anything - not just issues I think are important but also issues that they think are important,” but added that “negotiations shouldn’t require hanging the threats of a government shutdown or economic chaos over the American people” (2013, October 8).

Finally, he spoke about how the crisis reflected a damaged political system. In a statement immediately after the government was reopened, but before the debt ceiling was resolved, he said “how business is done in this town has to change” and then added that “the American people don’t see every issue the same way. But that doesn’t mean we can’t make progress. And when we disagree, we don’t have to suggest that the other side doesn’t love this country or believe in free enterprise, or all the other rhetoric that seems to get worse every single year. If we disagree on something, we can move on and focus on things we agree on, and get some stuff done” (2013, October 17).

In contrast to Obama who cited a great deal of evidence and appealed to basic democratic values, the proponents of the shutdown largely ignored fiscal issues

and the arguments made by the president and instead presented a set of arguments that might best be described with the phrase “ideological solidarity.” Again and again, Tea Party Republicans, including Senator Ted Cruz of Texas labeled the Affordable Care Act as a “nightmare.” Cruz added, “ObamaCare is causing health insurance premiums to skyrocket all over this country. ObamaCare is jeopardizing the health care for millions of Americans, threatening that they will lose their health insurance altogether” (2013, September 27, S6988). Notably, Cruz cited no supporting evidence for claims that as I note later simply were untrue.

Advocates of the shutdown such as Cruz also called for continued commitment by conservative activists to the showdown with the president. In a press conference, Senator Cruz bizarrely said that “the Washington establishment is refusing to listen to the American people.” He also praised the actions of the House of Representatives as “a bold stance, listening to the American people” (2013, October 16a). Cruz added that he wished for “a world in which Senate Republicans united to support House Republicans” (2013, October 16b, S6988). Here, Cruz wildly mischaracterized public opinion to call for solidarity among conservative activists.

While activists were implementing this rhetoric of solidarity, more mainstream conservatives were distancing themselves from the crisis. Representative and former vice presidential candidate Paul Ryan blamed the president for “giving Congress the silent treatment.” He claimed that the crisis could actually “be a breakthrough” to pass “common-sense reforms of the country’s entitlement programs and tax codes” (2013, October 9, A15). In other words, the crisis could end if the president were willing to agree to half of the grand bargain, the half that Ryan and other conservatives wanted.

Some mainstream conservatives who were no longer in Congress recognized the folly of a strategy based in political blackmail. Former Senator Judd Gregg labeled the arguments of those advocating confrontation as “self-promotional babble” and added that it had “become the mainstream of Republican political thought.” He noted that default was not an option because “You cannot in politics take a hostage you cannot shoot.” He observed that those supporting a shutdown “are folks who have never governed” and then added “Most Americans do not seek purity; they seek answers to the everyday problems they confront. They expect their government to be of assistance in addressing those problems, not to

aggravate them” (2013, September 23).

Little meaningful clash occurred between the multiple sides in the dispute. President Obama laid out a strong case. Proponents of the confrontation not only did not respond to this case, but largely ignored fiscal issues, including the danger of default, that were the genesis of the crisis.

4. Evolution of the crisis

The failure to pass a budget did not result in the shutdown of the entire government, but it did result in closure of agencies and programs that were not considered essential. Thus, the military was funded and Social Security checks were issued, but the national parks and other agencies were closed or partially closed. Even so, the shutdown impacted many people either directly by limiting available services or indirectly because pay was withheld and business confidence was undermined. As a result, various business groups “demanded the immediate reopening of the government” (Weisman, 2013, October 10, A12).

The shutdown lasted for 16 days and ended with “a near total defeat for Republican conservatives,” when the Congress agreed to a deal that would fund the government through January 15, 2014 and raise the debt ceiling to a level that would allow borrowing until February 2014 (Weisman & Parker, October 17, 2013, A1). The deal was reached after the Treasury Department warned “that it could run out of money to pay national obligations within a day” (Weisman & Parker, 2013, October 17, A1). The combination of public outrage and the threat of “an inevitable market crash” led Republicans to accept an agreement in which all they achieved was a “slight tightening of income verification rules” relating to the Affordable Care Act (“Republican Surrender,” October 17, 2013, A28; Weisman & Parker, 2013, October 17, A19).

President Obama, rather than celebrating his victory, continued to state his position that “he was willing to have a wide-ranging budget negotiation once the government was reopened and the debt limit was raised” (Weisman & Parker, 2013, October 17, 19). The hope of both the President and Republican leaders was that the public debacle of the government shutdown and near debt default had changed the situation and “the fever was broken” in the faction that opposed any compromise and that consequently broader negotiations on resolving the fiscal crisis might be possible (Weisman & Parker, 2013, October 17, A19).

These broader negotiations were supposed to begin with an effort led by Republican Representative Paul Ryan and Democratic Senator Patty Murray to find agreement on “modest confidence-building measures to replace the sequestration cuts in 2014” (Weisman & Calmes, 2013, October 18, A18). It quickly became clear, however, that the shutdown had not broken the fever. In fact, conservative activists “Far from being chastened” responded by “ratcheting up their efforts to rid the party of the sort of timorous Republicans who, they said, doomed their effort to defunding the health law from the start” (Martin, Rutenberg, & Peters, 2013, October 20, A20). When the argument that a debt default threatened the economy is viewed as a sign of moral weakness, it is clear that rational discussion or negotiation is not possible.

The crisis was only partially resolved with the end of the shutdown, since the debt ceiling would need to be raised by late February 2014. As in October that crisis was not decided until days before authority to issue additional debt would have expired, triggering “a potentially catastrophic default” (Parker & Weisman, 2014, February 13, A3).

5. *Conclusion*

The government shutdown and the debt ceiling brinksmanship “flirted with a market crisis” (Hulse, 2014, February 13), A3). The cost was considerable. One study estimated that the cumulative effect of “fiscal uncertainty” was to reduce economic growth by .3 percent, cutting income by \$150 billion and reducing employment by 900,000 jobs (Lowrey, Popper, & Schwartz, 2013, October 17, A19).

Ultimately the fiscal crises of fall 2013 and winter 2014 were resolved when, the Congress passed a “clean” extension of the debt limit, an extension that simply expanded the ability of the nation to purchase additional debt without any other policy action. This result, however, did not occur because the liberal public sphere worked as Madison designed it to work. In fact, there was almost no real argumentative clash between advocates of extending the debt ceiling and their primary opponents in the Tea Party wing of the Republican Party. President Obama made a case for extending the debt ceiling and continued to advocate for a so-called “grand bargain” to produce a long-term solution to the deficit problem. He also clearly explained why threatening to cause a catastrophic result unless a given action was taken undercut democracy itself and inevitably would result in disastrous policy outcomes. There certainly are grounds to critique his

argumentation, but he clearly fulfilled his role in the liberal public sphere.

In contrast, Senator Cruz and others focused their attention on defunding Obamacare. It is notable that their strongest arguments for the shutdown and for brinksmanship about the debt ceiling were not focused on budget policy itself, but on the necessity of protecting the nation from the “nightmare” of Obamacare. They also absolutely refused to consider any proposal that would address long-term fiscal problems both with spending cuts and tax increases. In that way, their views were totally constrained either by ideological vision or by the demands of a political faction. In either case, the debate that was produced was clearly “inauthentic.”

Moreover, their fixation on repealing the health care law was not based in actual experience with the law. Although the Obama administration initially had predicted that 7 million people would enroll in coverage, even with the bad rollout, 8.1 million people actually enrolled and almost another eight million received coverage through Medicaid expansion or because children under 26 were allowed to stay on their parent’s coverage (“Vanishing Cry,” 2014, June 2, A16). Nor were the predictions of vast increases in health care spending supported by the data (Kogan & Chen, 2014, 3). Thus the future of the American and world economy was put at risk because of a law unrelated to the Congressional budget process and the law in question was a policy success, although a PR failure.

The expert consensus that the debt ceiling had to be raised was widely reported in the mainstream media, although this had little impact on public opinion. While the media focused on the political give and take, they did report on the dangers posed by failure to resolve the crisis. Thus, the media and expert communities did their jobs in the liberal public sphere. The same cannot be said of the public.

Going into the final week before the shutdown only a quarter of Americans were following the budget talks closely (Pew, 2013, September 23). The lack of attention may partially explain their inconsistent views. In relation to the risks of default, the public was deeply skeptical of the consensus that the debt ceiling needed to be extended, with 39 percent believing that “the country can go past the deadline for raising the debt limit without major economic problems” (Pew, 2103, October 7). Among Republicans, 52 percent overall and 56 percent of conservatives believed that failing to raise the debt ceiling would not produce

major problems (Pew, 2013, October 15).

Public opinion was split on who was responsible and who should give ground. Prior to the beginning of the shutdown, Pew found that 39 percent would blame Republicans in Congress, while 36 percent would blame Obama (2013, September 23). On the issue of compromise, Pew found that 57 percent of the public “want lawmakers they agree with on this issue to be more willing to compromise, even if it means passing a budget they disagree with” (2013, September 23). Of course, Obama repeatedly had offered a grand bargain on fiscal issues. Moreover, polling previous to the crisis made it quite clear that the public favored a balanced approach to deficit reduction, including both program cuts and increased tax revenues (see Rowland, 2013, 6). The apparently conflicting attitudes cannot be explained based on public views of the Affordable Care Act. A New York Times/CBS poll found that 56% of Americans favored upholding and improving the law, while 38 percent favored repeal (Martin & Kpicki, 2013, September 26, A21; also see Pew, 2013, September 13).

It would seem that the public strongly wanted a compromise on the budget, favored a balanced approach to deficit reduction, and wanted to preserve and improve the Affordable Care Act, but also blamed both sides almost equally, despite the fact that President Obama actually supported the positions they favored, while Republicans opposed them.

If the liberal public sphere had worked properly, there either would have been no crisis or it would have been quickly resolved when the one-sided nature of the debate became clear. Instead, the crisis was resolved only when the Republican leaders in Congress “collectively decided that they needed to quickly dispose of the debt ceiling fight in order to maintain the political focus on President Obama, his health care law and a souring political atmosphere for the president’s party” (Parker & Weisman, 2014, February 13, A3). Even after that calculation was made, only 12 Republicans in the Senate and 28 in the House voted for the final legislation (Parker & Weisman, 2014, February 13, A3; Hulse, 2014, February 13, A3). It would seem that the shutdown and debt ceiling crises were resolved despite, not because of, the balance of argument in the dispute.

At the same time, Madison recognized that democracy is an inherently messy system of government. It is for this reason that he argued in Federalist 51 that “ambition must be made to counteract ambition,” concluding that: “In the

extended republic of the United States, and among the great variety of interests, parties and sects which it embraces, a coalition of a majority of the whole society could seldom take place upon any other principles than those of justice and the general good” (1999, 295, 298). The various fiscal crises from 2011 through 2014 surely would have sorely tested Madison’s faith expressed in Federalist 41 that “A bad cause seldom fails to betray itself” (1999, 230). Even some Republicans recognized that risking debt default was a very bad cause. Speaker of the House John Boehner “privately told Republican lawmakers” in early October “that he would not allow a potentially more crippling federal default” (Parker & Lowrey, 2013, October 4, A1). Yet, the crises were not resolved until after a significant shutdown of the government and only when the nation went to the brink of default. For a significant period, it appeared that the “bad cause” might win out. Ultimately, however, Madison was right and the crisis was averted, not with a truly reasonable plan for action on the deficit, but at least with legislation that avoided an economic catastrophe.

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