Gerrymandering

Richard Holden
University of New South Wales
richard.holden@unsw.edu.au

Abstract:
Gerrymandering refers to the practice of political actors drawing the boundaries of their own electoral districts for partisan or other advantage. It is of particular interest in US politics where it is widespread. It has implications for the partisan composition of legislatures, representation of minorities, and the entrenchment of incumbents.

Main text:
Gerrymandering refers to the practice of political actors drawing the boundaries of their own electoral districts for partisan or other advantage. It is of particular interest in the United States where the Constitution leaves the drawing of electoral boundaries to "the several States"—in practice, State legislatures. Gerrymandering has implications for the partisan composition of legislatures, representation of minorities, and the entrenchment of incumbents. This entry will thus focus on gerrymandering in the United States, although some of the themes naturally apply to other jurisdictions.

The term dates to 1812, when Governor Elbridge Gerry of Massachusetts signed a reapportionment bill favoring his Democratic-Republic party with a district in Essex Country that was said to resemble a salamander—giving rise to the portmanteau "Gerrymander".

Reapportionment of electoral districts is common in many democracies—typically in order to maintain roughly equal numbers of voters across districts. However, the partisan and incumbent-protecting practices labeled gerrymandering are most widespread in the United States.

Strategy and Implications:
A widely-held intuition for the optimal strategy of a gerrymanderer is known as "pack-and-crack". This involves "packing" ones opponents into a small number of districts, which are effectively "thrown away", and "cracking" the remaining voters among the remaining districts. Because of the packed districts, the cracked districts contain a higher proportion of the gerrymanderer's supporters.

The optimality of this strategy has recently been called into question (Friedman and Holden, 2008). Friedman and Holden show that, in fact, a strategy known as "matching slices" is generally optimal. This strategy involves matching ones most extreme opponents with a slightly larger proportion of ones most extreme supporters, one's next most extreme opponents with next most extreme supporters, and so on. This makes the most effective use of the gerrymanderer's strongest

supporters by concentrating them and hence using them as pivotal voters in some districts, rather than being spread across multiple districts.

The "matching slices" versus "pack-and-crack" debate has important implications for the nature of representation under a gerrymander. Under matching slices the opponents of the gerrymanderer are less well represented than under pack-and-crack.

Incumbent Protection and Polarization:
A striking feature of United States Congress is that incumbents are reelected with very high probability—in some election cycles around 98%. There has also been a significant increase in this rate over the last century. Many popular commentators have attributed this high reelection rate, and the rise in it, to incumbent-protecting gerrymandering.

A long literature in political science has consistently found no evidence that redistricting is responsible for increasing incumbent reelection rates. Since redistricting in the United States typically occurs in the year or so after the decennial census, it is possible to isolate the effect of redistricting from other factors such as money in politics or changes in media technology. For such an analysis and discussion of the literature see Friedman and Holden (2009).

Relatedly, there has been a large and much-commented-on increase in ideological polarization in US Congress in recent decades. Again, many commentators blame gerrymandering. McCarty et al (2009) offer compelling evidence that, in fact, gerrymandering is not the culprit.

Minority Representation:
A less nefarious, but controversial practice, related to gerrymandering is so-called "race conscious redistricting". This often involves created "majority-minority districts" in which a (typically racial or ethnic) minority comprise the majority or near-majority of voters in a number of districts. This is often seen as a means of guaranteeing some minimal level of representation for minorities and potentially altering legislative discourse (Shotts, 2002).

US Supreme Court Jurisprudence:
Beginning in the 1960s, the United States Supreme Court decided a number of cases bearing on gerrymandering. In *Baker v Carr* (1962) the Court ruled that claims that gerrymandering violate the Equal Protection Clause of the Fourteenth Amendment were justiciable. In *Wesberry v Sanders* (1964) the Court ruled that districts must be comprised on populations "as nearly equal as possible". In *Davis v Bandemer* (1986) the Court held that partisan gerrymandering claims were justiciable, although they did not decide the merits of the case. In recent years the Court has shown skepticism toward the justiciability of such claims, as evidenced by the 4-1-4 split decision in *Vieth v Jubelirer* (2004). The Court has often paid attention to the geographic shape

of political districts as an indicator of gerrymandering (for an overview and an axiomatic index see Fryer and Holden, 2011).

The Court recently declared unconstitutional a key provision of the Voting Rights Act: that requiring certain states with a history of racially discriminatory gerrymandering to "pre-clear" districting plans with the Department of Justice. It has been speculated that removing this constraint may lead to an increase in gerrymandering (Friedman and Holden, 2009; Cox and Holden, 2011).

<u>Socially Optimal Districting:</u>
It is natural to ask how districts *should* be drawn in order to maximize social welfare. This, of course, requires taking a stance on the social welfare function, as well as specifying a topology for measuring how close or far districting plans are from the optimum. Coate and Knight (2007) offer elegant answers to both questions and offer empirical evidence about the welfare gains that could, in principle, be achieved by moving from the current set of US Congressional districts to the socially optimal ones according to their measure.

SEE ALSO:
Majority-minority districts, reapportionment, voting.

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Further reading:

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