

The future of indicting political opponents

By **JOE McGARRITY**

The Democrats seem determined to indict Trump. And the Republicans seem equally determined to indict members of Biden's family, probably in an effort to eventually bring charges against President Biden himself. Each party has an incentive to follow through with its legal attack regardless of whether the other party does the same. As a result, both parties will be tarnished by the scandals brought to light by the criminal proceedings. This result occurs because each party is acting in its own self-interest and acting alone, without trying to cooperate with the opposing party.

But if both parties could agree to forgo their attempts to throw their political opponents in jail, they would both be better off. People would have less distrust of and animosity toward government officials, making the jobs of all politicians – both Democrat and Republican – more pleasant.

The situation I just described is a classic prisoner's dilemma – the most famous game in game theory. It is a prisoner's dilemma because the actors make decisions independently, have an incentive to undertake a particular

activity, will follow this course of action regardless of what the other player does, and would both be better off if they could cooperate to achieve a better outcome.

Social scientists often use game theory to help them understand the likely outcomes of the interactions of decision makers. In the case we are considering, the prisoner's dilemma game can give us insight into how these legal threats will play out. It predicts that both political parties will bring charges against each other's leaders unless they can figure out a way to cooperate.

The most common way that people involved in a prisoner's dilemma can achieve cooperation is to get a third-party enforcer – a thug that punishes players who do not cooperate. There are no obvious thugs who can play this role for the political parties. Another way to get people to cooperate is for the players to adopt a tit-for-tat strategy.

In a tit-for-tat strategy, a player will first attempt cooperation. But if his opponent makes a hostile move, the player will make his own hostile move in retaliation, but just once. So each hostile move by one player triggers a hostile move by the other player in response. Once the players learn the consequences of their own hostile moves, they will be less likely to make them. Cooperation will emerge and the players will have overcome the prisoner's dilemma problem.

Will this scenario really play out among the political parties in regards to their willingness to attempt to indict leaders of the opposing party (or to tarnish the reputation of these leaders by indicting their family members)? Maybe. But to solve this prisoner's dilemma, several things have to occur. First, one party has to be willing to attempt cooperative behavior to see if the other party will respond in kind. This may be tough to achieve. It will take political courage to be the one to pause a cycle of initiating politically-motivated criminal charges. Second, when one party

decides to forgo pursuing political charges, the other party has to respond by doing the same. Will such cooperation actually happen? I do not know. But if this cooperation does emerge and we avoid a very ugly political climate, it will probably be because Democrat and Republican leaders decided to adopt the strategies called for in a prisoner's dilemma game.

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