

Elections and Congress's Governing Capacity

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The arrival of unified Republican control of government after the 2002 elections raises enduring questions for scholars and observers of American politics. Do elections matter? If so, how, when, why, and in what ways do they matter? Although we know much today about the impact of elections on legislators' behavior and incentives, we know far less about the impact of elections on Congress as a policy making institution. To be sure, scholars of American politics have historically placed their faith in robust, cohesive political parties. I suggest that polarized parties may diminish Congress's capacity as a lawmaking body—even in a period of unified party government. Rather than providing a mechanism of democratic accountability, today's intensely competitive parties more often promote disagreement even when consensus is within reach. Elections certainly matter, but in potentially unexpected ways.

How Elections Might Matter

Today's electoral world features an uncommon mix: a world of candidate-centered electoral contests conducted within a system of active, nationalized political parties. For the parties, elections have always been a proving ground, offering them a recurring chance to make headway in gaining control of the House, Senate, and White House. National tides of sufficient breadth and depth to bring major partisan change—such as the 1994 wave that swept Republicans into control of Congress for the first time in forty years—may be rare, but elections nonetheless matter for the two major parties.

Elections are pivotal for the two major parties—and thus potentially for Congress's lawmaking capacity—in five important ways. First, elections determine the numerical balance of power between the two major parties in the House and Senate, setting the electoral context for the coming two years. Second, elections determine the pattern of party control of government: Whether Congress and the White House will be governed by a single political party under unified government, or whether control of government will be divided between the two major parties. Third, elections determine the ideological density and diversity of the two political parties, shaping whether a moderate center will reign or whether the parties will occupy polar extremes—the prevailing pattern over nearly the past two decades. Fourth, elections affect the bicameral nature of Congress, as they determine the array of policy views across the full House and for one-third of the Senate every two years. Finally, elections sometimes produce mandates—the winning candidate or party's claim that the public overwhelmingly supports the agenda of the newly elected president or Congressional majority.

To understand how elections might shape Congress's policy-making performance, we need to explore these multiple ways in which elections influence the positions and capacities of the parties. Granted, how Congress performs is affected by more than the dynamics of political parties. New issues and crises—managed well or poorly—no doubt affect Congress's capacity to govern. But at the root of the legislative process lies the organization and principle of party—a mechanism for reminding legislators of the electoral and policy interests they share with their fellow partisans in Congress and the White House, even in our separation of powers system.

United We Govern?

Divided party control of government predominated over the latter half of the twentieth century, encouraging students and observers of Congress to indict split party control of Congress and the White House as the central cause of legislative stalemate. The indictment was rooted in political scientists' historic commitment to strong political parties, encapsulated in E.E. Schattschneider's *doctrine of responsible parties*. "The political parties created democracy," E.E. Schattschneider observed in his 1942 classic *Party Government*, "and...modern democracy is unthinkable save in terms of the parties."¹ For responsible party theorists, *American* democracy—with its separated institutions sharing constitutional powers—was unthinkable except in terms of unified party government. Political scientist V.O. Key, writing in the 1960s, offered the now classic view: "Common partisan control of executive and legislature does not assure energetic government, but division of party control precludes it."²

Why might party control matter? Unified party control is said to create a natural bridge between the president and his congressional majority. That bridge is built on party members' shared electoral interest in maintaining control of government, meaning that considerations beyond policy interests will help to shape legislative coalitions. Presidents have an incentive to work towards the election and re-election of their party's congressional majority, and legislators accrue an incentive to work towards enacting the president's party agenda. Within Congress, a strong policy record for the majority party creates a good party reputation—a commodity that is said to pay off at election time.³

Divided government, in contrast, is said to reinforce policy disagreements between the branches, raising obstacles to the formation of successful legislative coalitions. When Congress and the White House are controlled by two different parties, the electoral incentive of both parties is to regain control of government, rather than to work towards enacting major policy change.⁴ Moreover, given the chance that voters will reward the president for major policy achievements, the Congressional majority has a diminished interest in making the compromises necessary to force legislative success. The conventional wisdom has thus long dictated that elections affect legislative performance by determining whether party control will be divided between the two parties or concentrated within a single majority party.

In his 1991 work, *Divided We Govern*, David Mayhew was the first to provide a rigorous test of the impact of divided government on lawmaking. Mayhew asked a seemingly simple question: Does more get done in Congress during periods of unified or divided control? To answer the question, Mayhew developed a way to identify landmark laws enacted over the second half of the twentieth century, and then tested whether the presence of divided government reduced the number of major laws enacted each Congress.⁵

Counter to the received wisdom, Mayhew found that unified party control of Congress and the president failed to boost legislative productivity in Washington. According to Mayhew's study, it does not matter whether a single party controls the White House and Congress: about the same of importance gets done under unified and divided control. Mayhew suggests a number of other forces that may shape Congress's performance, including shifting public moods, presidential cycles, and the rise of issues that cut across the traditional ideological spectrum.

Why might party control of government not matter? Mayhew counseled a less commanding view of parties as "policy factions," coalitions that can muster results regardless of the regime of party control. The American political system is a pluralist system, Mayhew noted, and parties adapt in such a system to the multiple crosscutting currents within the American system. Political observers and scholars alike, Mayhew suggested, demand more from parties than they can deliver in a system of separated powers.

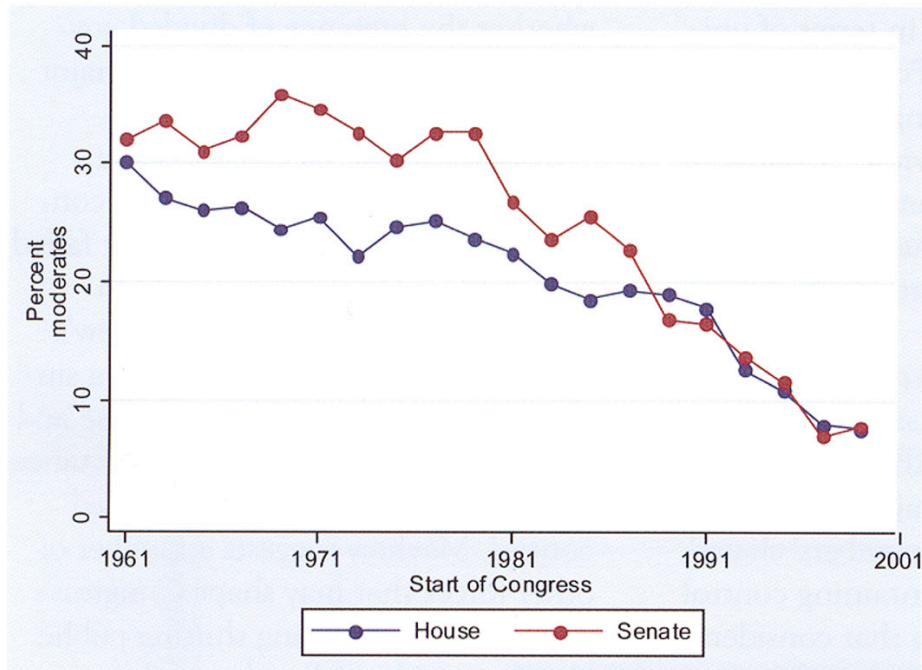
Mayhew's provocative findings have generated a growth industry in the study of divided government and lawmaking. I return to this central question below, proposing an alternative way of addressing the same question and exploring the other ways in which elections might matter in shaping congressional capacity.

The Impact of Pluralist Parties

Elections also determine the distribution of ideological views within each party. Sometimes partisans' policy views will be *polarized*, with legislators from each party situated at opposite ends of an underlying left-right ideological spectrum. From the 1980s until the present, Democrats and Republicans in both chambers have been remarkably polarized: Democrats cluster on the far left of the ideological spectrum and Republicans occupy the far right, with just a few legislators filling the ideological center. At other times, partisan *moderation* dominates, with a greater number of legislators standing close to the ideological center between the parties. By all accounts, the legislative parties have become decidedly more polarized over the past half-century, even as the American public remains remarkably centrist

in their policy views.⁶ As shown in Figure 1, the size of the political center has shrunk steadily since the 1970s, bringing about the polarization of the two major parties in both the House and Senate.

Figure 1
Decline of the Political Center, 1961-2000



Does it matter whether parties are polarized or centrist? There is good reason to suspect that a broad political center makes enactment of major policy change more likely. First, our political system requires broad, and usually bipartisan, coalitions to adopt major policy change—coalitions that are easier to build when legislators occupy the political center. Second, if activist constituencies polarize, parties have an electoral, as well as policy-based, incentive to distinguish their records and positions, and a lesser incentive to bargain and compromise.⁷ This may help explain why President George W. Bush’s push for social security reform after the 2004 elections gained little traction among Democrats: With few centrist legislators seeking bipartisan solutions, the parties preferred to stake out different grounds on reforming the program.

The conventional wisdom now suggests that today’s legislative stalemate is caused in large part by the rise in polarization—a plausible hypothesis, but one that runs counter to a key assumption of the responsible party school. Party government school theorists held as a matter of faith that unified, disciplined and coherent parties were the key to effective governance. As the parties polarized—and came to stand for different policy agendas—accountability to the electorate would increase. The parties would stand coherently for different policy prescriptions, voters would choose between stark alternatives, and the winning party would both receive a mandate to carry out that program and take responsibility for the government’s action or inaction in the next election.

We have, in other words, conflicting expectations about the impact of polarized parties on Congress’s legislative performance. Does electoral moderation improve or harm the prospects for major policy change? I return to this question below.

Bicameral differences

Elections might also be instrumental in shaping congressional outcomes by molding the policy outlooks of the House and Senate. Given their different electoral constituencies (district-based vs. statewide), given that just one-third of the Senate is up for re-election every two years, given the different forces that shape House and Senate election outcomes, and given the uneven powers afforded House and Senate party leaders, significant bicameral differences

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often emerge between the two chambers. Such differences in both policy and political positions become apparent in issues such as immigration policy, on which conservative House Republicans after the 2004 elections preferred an approach that focused on border control to limit illegal immigration while many Senate Republicans preferred an approach that loosened restrictions to meet the demands of employers. Nor did House and Senate Republicans see eye to eye on the desirability of cutting social spending in the wake of increased emergency aid for rebuilding after Hurricane Katrina in 2005.

Given these general differences between the chambers, the House and Senate rarely exhibit identical views about public policy. The limited success of House Republicans in enacting most of their Contract with America after the 1994 elections illustrates the bicameral hurdle. Although the House passed nearly 95 percent of its agenda, the Senate balked at many of the House's priorities including a balanced budget amendment, regulatory reform, and other issues.⁸ As I suggest below, taking account of bicameral differences in a systematic way is essential in explaining variation in Congress's legislative performance: policy differences between the chambers are likely to increase the chances of deadlock, regardless of whether government control is unified or split between the branches.

Electoral Mandates

There is considerable debate about what "mandates" are. Perhaps the best conception of the mandate captures elite interpretations of elections: did citizens deliver a policy message in casting their votes? Mandates are thus created by both concrete election results and by elite chatter in Washington and in the media. If elections can in fact generate mandates and if legislators respond to such signals, bursts of electoral change should leave a visible mark on Congress's agenda and its legislative record.⁹

Republicans' claims about an electoral mandate were quite clear in elite interpretations of the 1994 election results, which handed control of Congress to Republicans after forty years as the House minority party and nearly a decade as the Senate minority. House Republicans argued that voter disgust with the Democratic Congress and their support for the Republicans' conservative alternatives meant that the electorate would support a sharp reversal in the ideological tenor of policymaking. Even if the influence of a mandate dissipates over time, elections nonetheless create an opportunity for the electorate to shape Congressional action. If the Republicans' 1994 experience is generalizable, then new congressional majorities should have an easier time enacting major policy change after a long journey through the minority wilderness.

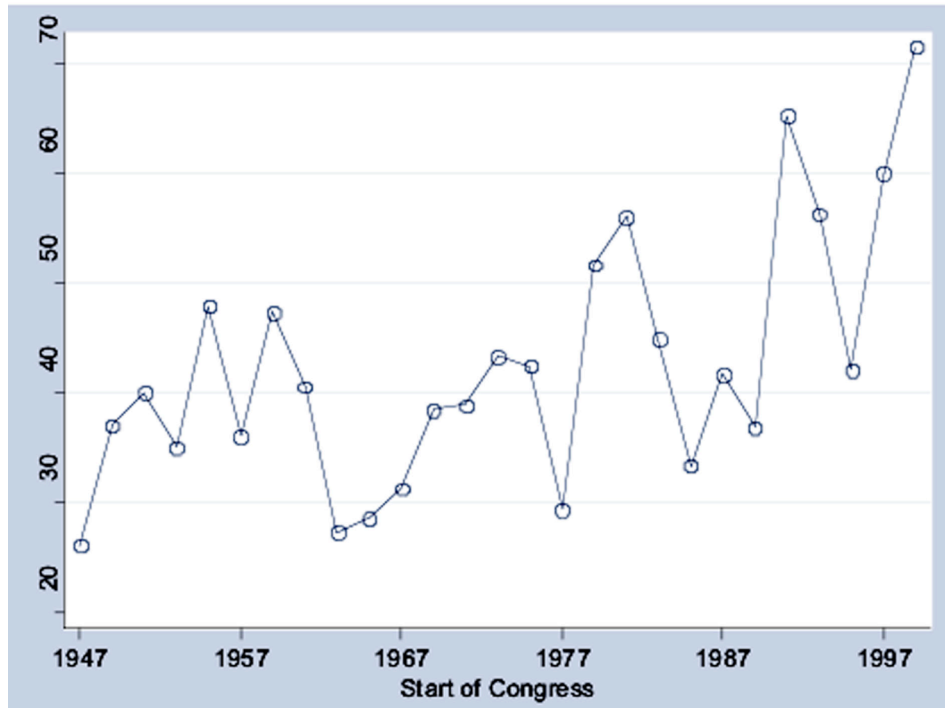
When Can Congress Govern Well?

When Congress faces policy challenges—whether new or recurring problems—are legislators and the president able to muster a timely, responsive, and responsible solution? To be sure, not every one agrees on what counts as an acceptable policy solution. Still, press accounts of Congress routinely identify productive and unproductive sessions, pointing to Congress's record on addressing the major issues before it.

To assess more systematically the relevance of elections for congressional performance, I devise a yardstick of congressional performance. As explored in detail in my book, *Stalemate*, my basic approach is to identify issues that are commonly perceived as significant national problems, and then to assess whether Congress acted to address those problems and whether seasoned observers believed that the solution was well targeted to the problem.¹⁰ The yardstick thus tallies the share of salient issues on the nation's agenda left in limbo at the close of each Congress between 1947 and 2000, what I term the *gridlock score* for each Congress. By comparing different Congresses' gridlock scores, I create a yardstick for measuring and assessing Congress's legislative performance over the latter half of the twentieth century.

Figure 2 shows the landscape of congressional performance between 1947 and 2000, focusing on the most salient legislative issues.¹¹ The most productive Congresses in this period were the 80th (1947–1948), 88th (1963–1964), and 89th (1965–1966), the last known as the "Great Society" Congress under Lyndon Johnson. Those Congresses stalemated on less than one-third of their agendas. In contrast, the least productive Congress was the 106th (1990–2000), a Republican Congress that faced off against a Democratic Bill Clinton; stalemate occurred on over 70 percent of its agenda. The 105th (1997–1998) and 102nd (1991–1992) were close contenders for the worst performing congresses. The highs and lows clearly comport well with the conventional wisdom about Congressional performance—from its heights in the Great Society to its lows in the period when Republicans attempted to impeach President Clinton.

Figure 2:
Percentage of Sallent Issues Ending in Stalemate



What role do elections and party competition play in shaping the variation we see in Congress’s legislative performance over time? Table 1 summarizes the results of a statistical model that estimates how electoral, partisan, and institutional forces jointly shape the frequency of deadlock over the postwar period on the most salient issues of the day.¹² Several findings are worth noting. First, divided government does appear to accompany more frequent bouts of stalemate: Legislative gridlock is significantly higher in periods of divided party control than in periods of unified control. Second, the array of preferences within each political party seems to matter strongly: As Congress moderates ideologically, stalemate becomes less likely. Although single party control of the branches may help to break deadlock, there are clearly limits to the power of political parties to smooth the way for legislative agreement. Intense polarization seems counter-productive to fostering major policy change.

Third, bicameral forces seem to affect legislative outcomes: increases in the ideological gap between the two chambers make stalemate more frequent. Even controlling for the influence of party control and partisan polarization on what Congress achieves, policy differences between the House and Senate created by elections still matter. Bicameral disagreement helps to explain the several impasses Republicans encountered in the 108th Congress upon gaining control of the White House, Senate, and House. Among other issues, bankruptcy overhaul, corporate tax reform, and the annual budget resolution encountered significant delays as House and Senate Republicans could not reach common ground on each other’s legislative solutions. Finally, there is only slim support for the idea that electoral mandates matter. For the most salient issues only, it appears that stalemate occurs less frequently when a new congressional majority takes office after a long tour of duty in the minority party.

Table 1
Elections and Congressional Performance

Variable	Change in Variable	Net Change in Expected Probability of Gridlock
Divided government	unified → divided	+11%
Partisan moderation	high → low	-9%
Bicameral differences	small → large	+12%

Notes: For details on the underlying model and the method for calculating expected levels of gridlock, see *Stalemate: Causes and Consequences of Legislative Gridlock* (Washington, D.C.: Brookings Institution Press, 2003), chapter 4. The model suggests only limited or no impact for electoral mandates, the budgetary situation, and the ideological direction and intensity of the public mood.

Partisanship, Competition, and Republican Government

After the Supreme Court cemented his election in 2000, George W. Bush declared that it was time to “move beyond the bitterness and partisanship of the recent past.”¹³ By most accounts, however, congressional partisanship continued to rise. Democrats charged that Bush pursued a polarizing agenda of tax cuts and other measures, after his hair-splitting election arguably called for a more conciliatory approach. Republicans countered that a move toward the center would have damaged the Bush presidency, and that there was little Bush could have done given the competitive balance of the two ideologically charged parties.

The terror attacks of September 11, 2001 brought a temporary respite from the intense partisanship of Congress. On measures directly related to the recovery in Washington and New York and on the war against the Taliban in Afghanistan, legislators quickly united. But on measures unrelated to September 11, and certainly in the wake of the U.S. decision to go to war in Iraq in 2003, bitter partisanship resurfaced in Congress. House Democrats derided Republican tactics that included holding open the vote on a controversial Medicare reform package for three hours in the middle of the night. Senate Democrats found themselves excluded from conference committees, and Republicans excoriated Democrats for what they deemed unconstitutional filibusters against the president’s judicial nominees and relentless obstruction of Republican priorities. The president’s stance after the 2004 elections probably did not help to defuse partisan tensions. After winning with 51.4 percent of the two-party vote, the president declared: “I earned capital in the campaign, political capital, and now I intend to spend it”—an assessment that many observers questioned at the time.¹⁴

Why has such tight partisan competition between two polarized parties been so debilitating for Congress and demoralizing for the minority? First, it is more difficult to build bipartisan coalitions as the ideological gap between the parties increases. The narrowness of Republican majorities probably exacerbates the situation, as there have been few votes to spare when Republicans have sought to secure their agenda priorities. Second, polarization affects congressional capacity by limiting legislators’ incentives to compromise. In today’s electoral environment, in which both parties attempt to solidify their party ranks by gerrymandering congressional districts, incentives to compromise are few—even when acceptable agreements are in reach.

Legislators’ appetite for “strategic disagreement” does not bode well for Congress’s performance in the immediate years ahead.¹⁵ Both sides believe that the next election could be the one that provides an electoral breakthrough for their party, and driven by ideological disagreements amongst its activist elites, neither side wants to give the other party a break. Republican majorities have a number of legislative successes under their belts—including education reform, tax cuts, and prescription drug insurance reform. At the same time, however, the federal deficit has soared, and overhaul of the nation’s welfare, social security, health insurance, and other policies remain in limbo. Perhaps most harmful to the institution, House and Senate members from both parties bemoan a decline in trust between the parties—a commodity legislators typically deem essential for making a complex legislative process work. Rebuilding partisan trust will be essential if Congress is to learn how to govern amidst its intensely polarized political parties.

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Endnotes

1. E.E. Schattschneider, *Party Government* (New York: Farrar and Reinhart, 1942), 1.
2. V. O. Key, Jr., *Politics, Parties, and Pressure Groups*, 5th ed. (New York: Crowell, 1964), 688.
3. Party reputations and their electoral consequences are discussed in Gary Cox and Mathew McCubbins, *Legislative Leviathan* (University of California Press, 1993).
4. The argument is summarized and critiqued in Morris Fiorina, *Divided Government* (New York: Longman, 2003), chapter 6.
5. For details, see David Mayhew, *Divided We Govern* (New Haven: Yale University Press, 1991), chapter 3.
6. See Morris P. Fiorina, Samuel J. Abrams, and Jeremy C. Pope. *Culture War? The Myth of a Polarized America* (New York: Longman, 2005).
7. John Gilmour, *Strategic Disagreement* (Pittsburgh, Pa.: University of Pittsburgh Press, 1995).
8. See David Baumann, "Grading the Class of '94," *National Journal*, April 30, 2004.
9. On mandate politics, see Patricia Conley, *Presidential Mandates* (University of Chicago Press, 2001), and David A.M. Peterson, Lawrence J. Grossback, James A. Stimson, and Amy Gangl, "Congressional Response to Mandate Elections," *American Journal of Political Science* 47 (July 2003): 411-26.
10. See Sarah A. Binder, *Stalemate: Causes and Consequences of Legislative Gridlock* (Washington, D.C.: Brookings Institution Press, 2003). I use the unsigned daily editorials of the *New York Times* to identify agenda issues and then use *Congressional Quarterly* and other sources to determine whether or not Congress successfully addressed the issue in legislation.
11. The scores include only those issues on which the *New York Times* wrote four or more editorials on the Congress.
12. Model estimation and measurement of the independent variables are explained in Binder, *Stalemate*.
13. Dana Milbank and David S. Broder, "Hopes for Civility in Washington Are Dashed," *The Washington Post*, January 18, 2004, A1.
14. The president's statement appears in "President Holds Press Conference," November 4, 2004. [Http://www.whitehouse.gov/news/releases/2004/11/20041104-5.html](http://www.whitehouse.gov/news/releases/2004/11/20041104-5.html), accessed October 25, 2005.
15. The term is John Gilmour's in *Strategic Disagreement*.