The Causes and Consequences of Congressional Polarization

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Abstract

Political polarization has become one of the most frequently cited problems with contemporary American politics. In the last 50 years, the distance between Democrats and Republicans has steadily grown. As this distance between the parties grows so too does the list of suggested causes for partisan polarization. In this essay, we review several of the reasons suggested by scholars for the rise in polarization. We briefly evaluate the plausibility of each suggestion and point to ways in which we might better answer the question of why Congress has become so polarized. Finally, we discuss some of the consequences of polarization.

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Introduction

To help facilitate our task force discussions, this memo briefly sketches the extant literature on the causes and consequences of the rise in polarization and/or partisanship in Congress. This literature is voluminous and rapidly changing. So we apologize in advance for various sins of omission and commission.

Preliminaries

Although there are several excellent qualitative and historical treatments of the rise polarization (Rohde 1991; Mann and Ornstein 2012; Sinclair 2006; Hacker and Pierson 2010), much of the recent scholarly literature takes as its starting point trends that indicate rising party differences in roll call voting behavior in Congress. These findings are generally based on measures of positions on the liberal-conservative continuum as revealed through roll call voting.\footnote{Measures based on other behaviors such as cosponsorship or campaign contribution behavior generally produced similar findings (Fowler 2006; Bonica 2012).} Various techniques for uncovering the ideological positioning of legislators have been developed, e.g. Poole and Rosenthal (2000); Groseclose, Levitt, and Snyder Jr (1999); Clinton, Jackman, and Rivers (2004). All of these techniques produce very similar findings with respect to polarization, so we focus on the DW-NOMINATE measures developed by McCarty, Poole, and Rosenthal. By convention, higher scores on these measures represent a more conservative voting position. To produce measures of polarization, scholars generally compute the difference in means (or medians) across political parties – a larger gap indicates a greater level of polarization. Figure 1 presents the difference in party medians from the 1870s until 2011.

From the early twentieth century until the mid 1970s, the measures of polarization were...
Figure 1: Distance Between Average Ideal Points of Parties - The y-axis in this figure shows the difference in means between the two parties in both the House of Representatives and Senate from 1879 to 2011 using DW-NOMINATE. We see that the current Congress is more polarized than it has ever been in the last 150 years. Quite low. Not only were differences between the typical Democratic and Republican legislators small, but there were significant numbers of conservative Democrats and liberal Republicans. Since the 1970s, however, there has been a steady and steep increase in polarization of both the House and Senate. Other measures of political ideology confirm the trend of increasing polarization over the past 40 years.

Although increased polarization might result from a symmetric pattern of both parties moving to the extreme, ideal point data suggest that this is not the case, as seen in Figure 2. The most important trend over the past 40 years has been the marked movement of the Republican party to the right (see also Mann and Ornstein (2012)). The movement of the Democratic party to the left over the last 50 years is confined to its southern members. Clearly, this change reflects the increased influence of African-American voters in the South.
following the Voting Rights Act. Outside of the South, the Democratic party has not moved very much.

Figure 2: Mean Ideology by Party and Region - The y-axis in this figure shows the mean ideology of each party by region. In this plot, the South is defined as AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, VA. There were no southern Republicans Senators between 1913 and 1960 and only two before that.

While there is a broad scholarly consensus that Congress is more polarized than any time in the recent past, there is considerably less agreement on the causes of such polarization. A number of arguments have been offered to explain the observed increase in polarization. These causes can be divided into two broad categories: explanations based on changes to the internal environment of Congress and those based on changes to the external environment.\textsuperscript{2} In the following sections, we review the current literature on each of these suggested causes and evaluate the evidence for and against each argument.

\textsuperscript{2}Obviously this distinction can be a little artificial as many arguments combine internal and external factors. But the distinction is convenient for discussion purposes.
“Internal” Explanations

Rule Changes

Several scholars have suggested that one of the major causes of the increase in measured polarization in Congress is due to changes in the rules and procedures in Congress. The arguments is that the observation of rising polarization is an artifact of changes in the House regarding how votes were recorded in the Committee of the Whole (Theriault 2008b). These procedural changes made it much easier for amendments to be proposed when considering legislation. These new amendments were often unrelated to the bill at hand, and were added primarily to force the opposition party to cast unpopular votes in order to move on with considering the main piece of legislation (Roberts and Smith 2003). This simple change in the rules lead to a dramatic increase in the number of party line recorded votes, and thus, lead to an increase in polarization, at least according to measures of polarization that use roll-call voting, such as NOMINATE scores (Roberts 2007).

While certainly a possible culprit, this explanation leaves several questions regarding polarization unanswered. First, the procedural explanation is centered on the House of Representatives. Polarization, however, increased in both the House and Senate, although no such procedural change took place in the Senate. Although a wide variety of rules for recording roll call votes operate in the U.S. states, most state legislatures are more polarized than the House (Shor and McCarty 2011). Furthermore, if a rules change from the 1970’s is the cause vote, how are we to understand the gradual and continuing increase in polarization over the four decades between the rule change and today’s polarized Congress?
Majority Party Agenda Control

A second strand of institutional argument focuses on the agenda setting power of the majority party (Cox and McCubbins; Aldrich Rohde and others). It is theorized that leaders of the majority party have been increasingly able to use their control over the legislative agenda to build distinctive party brands and prevent intraparty divisions. This behavior will in turn generate more party line votes and a larger level of observed polarization. Like the rules-based explanations, such explanations struggle to explain the rising level of polarization in the Senate and most state legislatures. Moreover, McCarty, Poole, and Rosenthal (2006) have demonstrated that measures of polarization are robust to changes in the legislative agenda.

Party Pressures

An additional institutional argument for increasing polarization is that party leaders in the House and Senate have become increasingly powerful, and as such, can apply greater pressure on members to vote along party lines. Theories of party government (e.g. Rohde (1991); Aldrich (1995)) suggest that party leaders can apply strong pressures on their members to vote in a certain way. Using this idea, Theriault (2008b) traces the role of Speaker and Majority Leader, showing that these offices have increased their institutional reach over the last 30 years. He argues that party leaders coax members to vote along party lines by offering rewards to members such as committee memberships in exchange for votes with the party’s agenda.

Groseclose and Snyder (2001) investigate the influence of parties on member roll call voting in an attempt to tease out members’ true ideological preferences. If we are able to measure the effect of party pressure on members’ ideologies, we can then systematically state
what degree of polarization is due to party influence and what portion of polarization is the result of other factors. They suggest that votes that pass with overwhelming majorities are free of party influences since party leaders are already certain of their passage. Comparing ideal points estimated from votes that are free of party pressures, we can find the members’ ideologies without party pressures and compare them to ideal point estimates obtained from votes with party pressures (close votes). Comparing the two measures will yield an estimate of party influences on voting behavior. The authors find that there are indeed policy areas in which party pressure is more common, but they do not find a steady increase in partisan pressure commensurate with the increase in polarization we observe over the last 50 years. McCarty, Poole, and Rosenthal (2001) take issue with the measurement strategy of Groseclose and Snyder, however they find even less party influence in the contemporary Congress.

**Teamsmanship**

Lee (2009) argues that the trends in Figures 1 and 2 reflect not only an ideological divergence, but also an increasing emphasis on partisanship by members of Congress. She argues that a norm of “teamsmanship” has emerged as members’ individual interests have become increasingly linked to the fate of their parties. Teamsmanship not only deepens existing ideological divisions, but creates conflict on issues where ideological differences are absent. The primary evidence for Lee’s argument is her finding that partisan divisions on non-ideological issues have grown in tandem with the divisions on ideological issues have. While her study provides a wealth of evidence that teamsmanship exacerbates partisan divisions, she does not, however, offer an theoretical account of why the collective imperatives within parties have grown over time.
The Breakdown of Bipartisan Norms

Many personal accounts of former members of Congress link polarization to changes in the social fabric of Capital Hill, making it harder to forge cross-partisan relationships (see Eilperin (2007)). Over the past several decades, members of Congress have increasingly not relocated their families to Washington and therefore spend far less time in Washington and more time in their districts. This lack of time in Washington has made it more difficult to form the personal relationships that would foster bipartisan trust and civility. Although this hypothesis is compelling, it has not been subject to systematic empirical tests.3.

Electoral Explanations

A Polarized Electorate

Perhaps the simplest explanation for an increasingly polarized Congress is one grounded in the relationship between congressmen and their constituents. If voters have polarized, reelection motivated congressmen would attempt to represent the political ideologies of their constituents, and a polarized Congress would be the result. Evidence for such a chain of events is elusive, however.

If voters were responsible for party polarization, we would expect to find evidence of two trends. First, voters must be increasingly attached to political parties on an ideological basis. Liberal voters should increasingly support the Democratic party while the conservative voters increasingly align with the Republican party. Scholars typically refer to such a process as partisan sorting. Second, voters must be increasingly polarized. Extreme views must be

3Masket (2008) does find that evidence that the personal relationships induced by the assignment of desks in the California Assembly have effects on voting behavior. But these effects have lessened as the party system in California has polarized.
more common so that the distribution of voter preferences becomes more bimodal.

There is considerable evidence that voters are better sorted ideologically into the party system. Levendusky (2009) suggests that over time voters have increasingly held political views that consistently align with the parties’ policy positions. McCarty, Poole, and Rosenthal (2006) and Gelman (2009) find that the partisanship of voters is better predicted by income. The question of whether partisan voters are more sorted by geography is more controversial (see Bishop (2009); Klinkner (2004)).

But the evidence of voter polarization is less clear. The emerging consensus is that most voters have been and remain overwhelmingly moderate in their policy positions (Fiorina, Abrams, and Pope 2005; Ansolabehere, Rodden, and Snyder 2006; Fiorina and Abrams 2008; Levendusky, Pope, and Jackman 2008; Bafumi and Herron 2010). In studies that produce estimates of voter ideology that are comparable to legislator ideology, representatives are found to take positions that are considerably more extreme than those of their constituents (Clinton 2006; Bafumi and Herron 2010). Figure 3 illuistrates the main finding from Bafumi and Herron (2010). In the 109th Congress, almost every Senator was more extreme than the median voter of his or her state.

But these findings of voter moderation have been challenged. Among those voters most likely to participate in politics, (Abramowitz 2010) finds a much more more bimodal distribution of preferences, suggesting polarization in the active electorate.

Finally, the findings on voter polarization do not rule out a dynamic story where voters sort in response to elite polarization which in turn fuels greater elite polarization and more sorting, and so on.
Figure 3: Senators and Median Constituents - The x-axis in this figure shows the median ideology of the median voter “M” as well as the median partisan “D” and “R” on the same policy scale as sitting senators (indicated by circles for Democrats and squares for Republicans) in each state. In nearly every state, Senators are more extreme than voters and partisans in their state. This figure is taken from Figure 2 in Bafumi and Herron (2010).

Southern Realignment

Although Americans appear to remain overwhelmingly moderate, there is no denying that dramatic changes have occurred in terms of policy sorting between the parties. The realignment of the South from a solidly Democratic region to one dominated by Republicans is the starkest example of the sorting of ideology and partisanship. Figure 4 places the Southern Realignment in the context of the national story of polarization. Panel (a) shows that since the 1970’s there has been a dramatic increase in the number of Republicans representing southern districts in the House of Representatives. As these Republicans replace more moderate Democrats, we see two effects. First, the median Southern Democrat becomes more liberal. By the early 2000s, most of these Democrats are representing majority-minority districts. At the same time, these new Southern Republicans are becoming increasingly conservative. However, turning to panel (b), we see that the conservative path of southern
Figure 4: Median Ideology of Parties and Caucus Size - The y-axis in this figure shows the median ideology of each party. The colored band around each line shows the relative size of the party caucus. We see that Republicans now hold many more seats in the South than 40 years ago, but the increasingly conservative ideology of these Republicans is no different than non-southern Republicans.

Republicans is mirrored in non-southern districts. Thus, to blame polarization completely on the disappearance of conservative Democrats would be to ignore the conservative movement of non-southern Republicans. It is true, however, that any movement in the median ideology of Democrats is nearly completely due to replacement of moderate southern Democrats by Republicans.

Gerrymandering

Scholars have long suggested that allowing state legislatures to draw congressional districts may lead to overwhelmingly partisan and safe districts that free candidates from the need to compete for votes at the political center (Tufte 1973; Carson et al. 2007; Theriault 2008a). But the evidence in support of gerrymandering as a cause of polarization is not strong. First,
consider the Senate and those states in which there is only one congressional district. In these
cases, gerrymandering is impossible, as the district must conform to the state boundaries. Yet
in the Senate and in at-large congressional districts, we observe increasing polarization (Mc-
Carty, Poole, and Rosenthal 2006). Furthermore, McCarty, Poole and Rosenthal (McCarty,
Poole, and Rosenthal 2009) generate random districts and find the expected partisanship
of representatives from these hypothetical districts given the demographic characteristics of
the simulated district. Simulated legislatures generated by randomly creating districts are
nearly as polarized as the current Congress. This finding holds because polarization relates
much more to the difference in how Republicans and Democrats represent moderate districts
rather than an increase in the number of extreme partisan districts. Therefore, an attempt
to undo partisan gerrymandering with moderate, competitive districts will still lead to a
polarized legislature due to the difference between the parties rather than differences within
the parties.

Figure 5 illustrates this argument. The plot shows the ideal points of members of the
111th House of Representatives and the 2008 Democratic percentage of the presidential
vote share in that district. Scholars frequently use presidential vote share as a proxy for
district ideology since it allows for a unified measure of political preferences across the
country at any one point in time. Thus, a district with a larger Democratic vote share is
interpreted to have more liberal constituents than a district that has a smaller Democratic
vote share. Members of Congress from the same party vote quite similarly even though
they represent districts with vastly different political preferences. This is illustrated by
the regression lines drawn in the figure for each party. Democrats who represent districts
that split nearly evenly by presidential vote are not significantly more conservative than
Democrats representing districts that overwhelmingly supported Obama in 2008. However,
there is a dramatic difference in how representatives of the different parties represent districts
Representative Ideal Point and Presidential Vote Share - The x-axis in this figure shows the partisanship of the congressional district as measured by the Democratic percentage of the 2008 presidential vote. The y-axis is the representative’s DW-NOMINATE score for the 111th House of Representatives. We see that there is a much larger difference in the way Republicans and Democrats represent a similar district than in how Democrats or Republicans represent districts with vastly different constituent preferences.

with identical presidential vote shares. This figure does not support the argument that gerrymandering is producing districts that contain heavy partisan majorities, thus leading to extreme representatives. Rather, more of the observed polarization can be explained by the differences between the parties in relatively moderate and competitive districts.

Primary Elections

If voters in general are quite moderate, perhaps primary elections, where partisans and activists dominate the electorate, could be driving polarization. The story of primary elections causing polarization is appealing for its simplicity as well as the ease with which it could be remedied. Candidates would like to appeal to the median voter in their district, but before they can compete in a general election they must first appease partisans in a primary election. In a primary, candidates must stake out extreme positions that appeal to these
more extreme partisan voters. Kaufmann, Gimpel, and Hoffman (2003) find that primary voters in states with open primaries hold similar political ideologies to the general electorate, whereas in states with closed primaries the two electorates are quite ideologically different. Furthermore, Gerber and Morton (1998) and Brady, Han, and Pope (2007) provide evidence for this argument. In both cases, they note that candidates react to the strategic tradeoff between primary and general electorates by hewing closer to ideologically extreme primary voters.

The solution therefore is simple: make the primaries more open to draw in more moderate voters and candidates will move to this new, more moderate median. Research into this potential solution suggests however that the results of moving to a more open primary system are modest at best (Ansolabehere et al. 2006). Masket et al. (2011) investigate the effect of changing primary systems and find nearly no difference after a state moves from a closed to an open system. Similarly, Bullock and Clinton (2011) investigate whether or not California’s move from a closed primary to a blanket primary in which any registered voter can participate affected the ideology of candidates for the US House of Representatives and California Assembly. They find that the change did lead to more moderate candidates, but these effects were not observed in districts that were dominated by either of the parties. This result suggests that the recent change in California to a “top-two” primary in which the top two vote winners regardless of party move on to the general election may affect districts that are not firmly controlled by one or the other party. This change combined with a new citizen board for drawing congressional district boundaries may lead to substantive results. Research into these recent changes (and the broader question generally) is certainly warranted.
Economic Inequality

McCarty, Poole, and Rosenthal (2006) show a close correlation between economic inequality and polarization in the United States.\textsuperscript{4} Figure 6 shows that economic inequality and polarization have tracked together over the last 50 years. Moreover, unlike most other hypotheses about polarization, the inequality hypothesis can explain the decline of polarization over the first half of the 20th century as economic inequality fell dramatically over that period (see Piketty and Saez). McCarty et al. argue that inequality and polarization are linked by a dynamic relationship (or “dance”) where increased inequality generated by rising top incomes produces electoral support for conservative economic policies and facilitates a movement to the right by Republicans. The resulting polarization then has a dampening effect on the policy response to increased inequality, which in turn facilitates greater inequality and polarization.

\begin{figure}[h]
\centering
\includegraphics[width=\textwidth]{polarization_vs_inequality.png}
\caption{Polarization and Income Inequality - The y-axes of this figure show the difference in median ideal points for the two parties and the Gini coefficient in the United States. The Gini coefficient is a measure of income inequality that ranges between 0 (perfect income equality) and 1(one person controls 100\% of the nation’s income).}
\end{figure}

\textsuperscript{4}See also Brewer, Mariani, and Stonecash.
In support of the hypothesis that the distribution of income has affected polarization, McCarty et al demonstrate that voting behavior and partisan identification increasingly correlate with income (see also (Gelman 2009)) and that the ideal points of legislators are increasingly correlated with average district income. They then also show that polarization may have exacerbated inequality due to its negative effects on social policy (see the discussion below). Although the McCarty et al. study is limited by the fact that the correlation between inequality and polarization may be spurious in the U.S. times series data, (Garand 2010) finds strong evidence that state-level inequality exacerbates constituency polarization within states and predicts the extremity of Senate voting behavior.

Money in Politics

Money talks, but political scientists have argued for decades about whether members of Congress listen. A variety of research suggests that there is a weak connection between political contributions and election outcomes (Jacobson 1990) or roll call voting behavior (Ansolabehere, De Figueiredo, and Snyder 2003). However, data suggest that fundraising in congressional campaigns has increased in importance, as evidenced by the steady rise in the sheer amount of money required to run for office. Figure 7 shows that since 1990, the average amount of money spent in U.S. House elections has risen from four hundred thousand dollars to nearly 1.4 million dollars. While the amount of money raised in campaigns is important, the sources of funding may be more consequential for polarization. Consider the difference between the two largest sources of money for congressional candidates, contributions from individuals and contributions from political action committees (PACs).

Scholars have long argued that while PACs may seek specific policy outcomes, these policy goals are often narrowly focused, such that PACs are less concerned with the overall ideology or party of politicians, but rather interested in having access to members of Congress
Average Campaign Cost of U.S. House Election

Figure 7: Average Campaign Costs - The y-axis shows the non-inflation adjusted average amount spent in each election cycle in the U.S. House. Since 1990, the average amount spent by candidates has more than tripled.

(Hall and Wayman 1990; Smith 1995; McCarty, Poole, and Rosenthal 2006; Bonica 2012). Individual donors, however, are believed to behave quite differently. The literature on the ideology of individual donors is less developed than research into PAC contribution behavior, but recent studies suggest that individual contributors are more extreme than individual non-contributors (Bafumi and Herron 2010; Stone and Simas 2010). Furthermore, recent work estimating the ideological positions of contributors suggests that individuals are much more ideologically extreme than PACs and other interest groups (Bonica 2012).

Given the differences between PAC and individual contribution behavior, an increasing reliance of candidates on ideologically extreme individual donors might force candidates to move towards the ideological poles to raise money (Baron 1994; Moon 2004; Ensley 2009). Figure 8 provides evidence of an increasing reliance on individual donors. Since 1990, the average share of a candidate's fundraising portfolio comprised of individual contributions has increased from less than half to nearly three quarters. At the same time, the share
of individual contributions coming from out-of-state donors, which are believed to be more ideologically motivated, has increased as well. All together, these data suggest that there may be a direct connection between the rise in individual contributions and polarization in American politics.

However, more research is needed to convincingly link individual contributions and polarization. While individual contributions and polarization may be rising at the same time, this does not immediately suggest a causal relationship. Looking at the U.S. states may offer us a way to better identify the relationship. Variation in contribution limits among the states has led to differing abilities for candidates to raise money from individuals, PACs, parties, and other sources (Barber 2012). Using this variation in contribution limits across time and place might provide a more conclusive look into the relationship between money
and politics.

**Media Environment**

Changes in the media environment of politics may also have played an important role. Many observers have noted that the style of American journalism changed markedly following Watergate in a manner that may have contributed to a more confrontational style of politics. There is little debate that the introduction of cameras into the House chamber and the broadcasting of its proceeding on C-SPAN gave the minority Republicans led by Newt Gingrich a powerful new weapon against the majority party (see Zelizer (2006)). It has also been argued that the proliferation of media outlets through cable television and the Internet has created an additional impetus for polarization. Recently, Prior (2007) has found that partisan voters increasingly self-select into news outlets that confirm their basic partisan and ideological biases (Republicans watch Fox and Democrats watch MSNBC).

Perhaps more troubling, however, is the finding that independents increasingly prefer Seinfeld re-runs to any news outlet. Prior calls the effect of alternative news-less media “polarization without persuasion”, and suggests that the media’s effect on polarization is mostly the result of nonideological Americans avoiding inadvertent news exposure through the availability of cable entertainment where network television offered no alternative but the news for several hours every evening. When the only option on the television was the evening news, Prior suggests, nonpolitical Americans were exposed to political information through the news and mobilized to vote in greater numbers than they would have otherwise. He suggests that this effect is more important than partisan media by pointing to the fact that polarization and cable penetration are correlated beginning in the 1970s, long before Fox News, MSNBC, or any other partisan cable news stations existed.
Consequences of Polarization

Now we turn to the question of how increased polarization has impacted the policy process. Why should polarization have an effect on policy outcomes? In a purely majoritarian legislature it would not have an effect. Imagine that we can represent policy alternatives on a single left-right spectrum and that every legislator has an ideal policy on this spectrum. In such a setting, the median voter theorem would predict that policy would correspond to the preferences of the median voter. The distribution of legislative preferences can become very bipolar, yet if the median preference is unaffected, the outcome is the same.

Although the majoritarian theory is an important benchmark, its predictions about the consequences for polarization depend on its assumptions about legislative procedure, majority rule, and electoral politics. If we consider more realistic alternatives, a very different picture emerges. It is precisely the features of the American political system that depart from this idealized model that give polarization its bite.

Political Parties

Arguably, one of the limitations of the majoritarian model is that it neglects the role that legislative parties and their leaders play in the policy process. Many scholars argue that legislators have strong electoral incentives to delegate substantial powers to partisan leaders to shape the legislative agenda and to discipline wayward members. To the extent that parties can successfully pursue such strategies, policymaking becomes the interaction of parties.

In such a world, polarization becomes something of a mixed bag. American political scientists have long suggested that more cohesive, distinct and programmatic political parties
would offer a corrective to the failures of policymaking in the United States. Enamored
with the party responsibility model of Westminster-style parliaments, they have argued that
a system where a cohesive majority party governs encumbered only by the need to win
elections would provide more accountability and rationality in policymaking.

Any benefits of polarization are offset, however, when control of the executive and leg-
islative branches is split among cohesive parties. Unfortunately for the party responsibility
model, political polarization has occurred in an era in which divided governments occur with
increasing frequency. Before WWII there is no positive association between divided govern-
ment and polarization, but the two phenomena have occurred together frequently since then.

In situations of divided government with cohesive parties, party theories predict that pol-
icymaking represents bilateral bargaining between the parties. The predicted consequences
of polarization in this environment are not so salutary. Increased policy differences shrink
the set of compromises that both parties are willing to entertain. The increased policy dif-
ferences also have a second effect of exacerbating the incentives to engage in brinksmanship
in bargaining, thus endangering even the feasible compromises. Thus, polarization leads to
more gridlock and less policy innovation during periods of divided government. Polariza-
tion might lead to more policy innovation during unified governments because of increased
party responsibility. But we discuss below why this positive effect of polarization in unified
governments may be fleeting.

**Supermajoritarian Institutions**

Institutions such as the presidential veto and the Senate filibuster also inhibit majority rule
and allow polarization to cripple the policymaking process. Because of these supermajori-
tarian obstacles, policymaking is driven not by the median legislator but by the preferences
of those actors whose support is pivotal in overcoming vetoes and filibusters.

To see how supermajoritarianism produces gridlocked policy, suppose again that all policy alternatives and legislator ideal points can be represented as points on a spectrum from left to right such as the liberal-conservative scale. Consider for example the effects of the Senate’s rules for debate and cloture. Under its current rules, debate on most legislation cannot be terminated without a vote on cloture which must be supported by 3/5s of those senators present and voting. Thus, if all 100 senators vote according to their ideal points, the senators located at the 40th and the 60th most leftward position must support any new legislation, because no coalition can contain 3/5s of the votes without including these legislators. Thus, any policy located between these pivotal senators cannot be altered or is gridlocked. Prior to reforms in 1975, the requirement for cloture was a two-thirds vote so the filibuster pivots were located at either the 33rd or 67th position.

The presidential veto power also contributes to gridlock. Either the president must support new legislation or a coalition of 2/3s of each chamber must vote to override. Suppose the president is located towards the left of the policy spectrum. Then he or the legislator at the 33rd percentile must support any policy change. This legislator becomes the veto pivot. If the president is a rightist, the 67th percentile legislator becomes the veto pivot.5

Putting these institutional requirements together, a rough measure of the propensity for legislative gridlock is the ideological distance between the 33rd senator and the 60th senator when the president is on the left and the distance between the 40th senator and the 67th senator when the president is on the right. When these distances are large, passing new legislation will be difficult.

The level of polarization and the width of the gridlock interval are closely related because the filibuster and veto pivots are almost always members of different parties. Thus, as the

preferences of the parties diverge, so do those of the pivots. In fact, more than 75% of the variation in the width of the gridlock interval in the post-War period is accounted for by polarization and the 1975 cloture reforms (see McCarty (2007)). Thus, this “pivotal politics” model of supermajoritarianism suggests that polarization is a legislation retardant. These supermajority requirements may also lead to polarization-induced gridlock even during periods of unified government. So long as the majority party is not large enough to satisfy all of the supermajority requirements, cross-party bargaining and coalition building is necessary for policy change.

This pivot perspective also underscores why the Senate’s cloture rules have come under such scrutiny and have produced calls for reform. Once an infrequently used tool reserved for the most important legislation, the filibuster has during the period of increasing polarization become one of the central features of American politics. Filibusters, both threatened and realized, have been used to kill a number of important pieces of legislation. Perhaps even more consequentially, the ease of the current filibuster has led the Senate to rely greatly on legislative tricks to avoid its effects. One such gimmick is using the budget reconciliation process to pass new legislation because reconciliation bills cannot be filibustered. This was the approach taken to pass the major income and estate tax cuts in 2001 and major portions of Obamacare in 2009. To avoid points of order under the so-called Byrd Rule, however, such legislation can only have deficit-increasing fiscal effects for the term of the budget resolution (five to ten years). Thus, many important pieces of fiscal policy have become temporary artifices built on a foundation of budgetary gimmicks.

**Legislative Productivity**

Despite the strong case that can be made for a relationship between polarization and policy gridlock, few scholars have addressed the issue. For example, in his seminal work on post-
WWII lawmaking, Mayhew (2005) considers whether divided party control of the executive and legislative branches produces legislative gridlock, but does not consider the effects of polarization and declining bipartisanship. Indeed he attributes his “negative” findings about divided government to the fact that during the post-War period, bipartisanship was the norm.

McCarty (2007) uses his data on landmark legislative enactments to assess polarization’s effects on the legislative process. He finds that the ten least polarized congressional terms produced almost 16 significant enactments per term, whereas the ten most polarized terms produced slightly more than ten. This gap would be even bigger except for the enormous legislative output following the September 11 terrorist attacks during the most polarized congressional term of the era. Using a multivariate model that controls for other factors that contribute to legislative productivity, he finds substantively large and statistically significant effects of polarization on legislative productivity. At the upper end of his range of estimates, the least polarized congressional term produces a whopping 166% more legislation than the most polarized. For the lowest estimate, the figure is a still large 60% difference in legislative output. His estimates are robust to the use of other data sources which extend the time series back to the 19th Century.

Despite Mayhew’s neglect of polarization, Binder (1999) finds that as the gridlock interval increases and under divided legislatures (when the distance between the House and Senate medians is largest) we observe less legislation passed. As these intervals grow due to polarization, her prediction is that we will observe even less legislation created and eventually passed through Congress. The current, unprecedented distance between the parties combined with divided government between the House and Senate has led many media outlets to note that the 112th Congress has passed fewer laws than any other since the late 1800s (Davis 2012; Steinhauer 2012; Kasperowicz 2012; Sides 2012), when polarization was at nearly the same
levels as today.\textsuperscript{6}

**Strategic Disagreement**

Another mechanism that transforms polarization into legislative paralysis is the incentives of politicians to engage in strategic disagreement. Strategic disagreement describes a situation where a president, party or other political actor refuses compromise with the other side in an attempt to gain an electoral advantage by transferring the blame for the stalemate to the other side. Classical instances include attempts to bring up controversial legislation near an election in the hopes that a president will cast an unpopular veto as was done with the Family and Medical Leave Act in 1992 and the Partial-Birth abortion bill before the 2000 election. Such electoral grandstanding not only lowers legislative capacity by diverting resources into an unproductive endeavor but also makes both sides less willing to engage in the compromises required by successful legislation.

**Citizen Trust**

Another consequence of the path from polarization to gridlock is the decline of citizen trust in polarized elites. Nye, Zelikow, and King (1997) and Hetherington (1999) have separately argued that a primary consequence of partisan polarization is that it undermines citizens’ trust in the capacity of government to solve problems. Such claims are bolstered by the fact that the polarization measures track survey evidence of citizen trust in government fairly closely.

\textsuperscript{6}Brady, Ferejohn, and Harbridge 2008 find only modest support for polarization-induced gridlock on appropriations. But because the reversion policy on appropriations is technically zero (well outside the gridlock interval), the pivotal politics models suggests that appropriations would be a tough case for finding gridlock.
Policy Outcomes

Given the evidence that polarization has reduced Congress’ capacity to legislate, we turn to the question of how this has affected public policy outcomes. The most direct effect of polarization-induced gridlock is that public policy does not adjust to changing economic and demographic circumstances.

There are a number of reasons to believe that these effects would be most pronounced in the arena of social policy. Given that one of the aims of social policy is to insure citizens against the economic risks inherent in a market system, it must be responsive to shifts in these economic forces. If polarization inhibits these responses, it may leave citizens open to the new risks created by economic shifts brought on by de-industrialization and globalization. For example, consider the political response in the United States to increasing economic inequality since the 1970s. Most economists attribute increasing inequality to a number of economic factors such as the rise in the returns to education, exposure to trade, immigration, and changes in family structure. Nevertheless, many Western European countries faced with many of the same economic forces developed policies to mitigate the consequences so that the level of inequality changed only marginally. Similarly, Hacker (2004) has recently argued that polarization was an important factor in impeding the modernization of many of the policies designed to ameliorate social risks.

A second issue concerns the ways in which social policies in the United States are designed. Many policies, especially those aimed at the poor or near poor, are not indexed with respect to their benefits. Therefore, these programs require continuous legislative adjustment to achieve a constant level of social protection. McCarty, Poole, and Rosenthal (2006) provide evidence for effects of polarization on the minimum wage and welfare policy outcomes.
The Quality of Legislative Deliberation and Policy Outcomes

While the quality of deliberation and policy outcomes is difficult to quantify, several qualitative and ethnographic studies have argued that polarization has reduced Congress’s deliberative and policymaking capacities (Mann and Ornstein (2012); Sinclair (2006); Hacker and Pierson (2010), and Sinclair (2008).

Other Policy Consequences

Perhaps one of the most important long-term consequences of the decline in legislative capacity caused by polarization is that Congress’ power is declining relative to the other branches of government. A number of recent studies by political scientists have shown that presidents facing strong partisan and ideological opposition from Congress are more likely to take unilateral actions rather than pursuing their goals through legislation.

Not only are presidents likely to become more powerful, polarization also increases the opportunities of judges and courts to pursue their policy goals because such judicial activism is unlikely to be checked by legislative statute. The courts have become the dominant arena for a wide swath of policy from tobacco regulation to firearms to social policy.

Although most of this essay has concentrated on the effects of polarization within the legislative process, contemporary work in bureaucratic and judicial politics suggests that polarization has detrimental effects at the policy implementation stage. First, polarization decreases Congress’ willingness to delegate authority to administrative agencies. In a systematic study, Epstein and O’Halloran (1999) show that Congress is far less willing to delegate policymaking authority to agencies when there are large ideological disagreements between the president and congressional majorities. Because party polarization has exacerbated these disagreements (especially during divided government), Congress relies far less on the exper-
tise of the bureaucracy in the implementation and enforcement of statutes. The result is often excessive statutory constraints or the delegation of statutory enforcement to private actors and courts rather than agencies (Farhang 2006). These outcomes further weaken the executive and legislative branches vis a vis the judiciary. Also polarization has now distorted the confirmation process of executive branch officials and judges. In studies of all major executive branch appointments over the past century, McCarty and Razaghian (1999) find that increased partisan polarization is the major culprit in the increasing delays in the Senate confirmation process. Consequently long-term vacancies in the political leadership of many departments and agencies have become the norm. As these problems are exacerbated at the beginning of new administrations, presidential transitions have become considerably less smooth. Polarization has also clearly contributed to the well-documented conflicts over judicial appointments, leading to an understaffing of the federal bench and more contentious and ideological battles over Supreme Court nominees (see Binder 2008). 7

Conclusion

In the last 50 years, the United States Congress has become increasingly polarized. This polarization is evident in the divergence of the political parties from one another and the disappearance of moderate members of either party. Measures of political ideology show that this effect is most evident among Republicans in the U.S. House, but no party in either chamber is completely immune from the trend towards the political extremes. While a variety of causes for polarization have been put forward, our review shows that the literature is far from settled on the causes of polarization. Additionally, much work remains to be done regarding the connection between polarization and policy making in America. Certainly, the

7 Binder 2008 also notes that the volume of court-curbing legislation has increased over the same period that polarization has risen.
book is far from closed regarding any of these potential causes or consequences, and we encourage researchers to continue to investigate what is one of the most important topics in contemporary American politics today.
References


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