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### Causes and Consequences of Polarization\*

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Rarely these days does a news cycle pass without new stories of political dysfunction in Washington, DC. New reports of stalemates, fiscal cliffs, and failed grand bargains have begun to erode the public confidence in the ability of our representative institutions to govern effectively. In May 2013, only one American in six approved of the way Congress has handled its job.<sup>1</sup> Sadly, that level of support was a major improvement from the previous summer, when wrangling over the usually routine matter of raising the debt ceiling drove congressional approval down to 10%.

The most common diagnoses of Washington's ailments center on the emergence of excessive partisanship and deep ideological divisions among political elites and officeholders. In short, "polarization" is to blame. Consequently, the reform-minded have taken up the mantle of reducing polarization or mitigating its effects. In recent years, proposals for electoral reform to change electoral districting, primary elections, and campaign finance have been presented as panaceas. Other reformers have focused on changing legislative procedures such as those related to the filibuster, appropriations, and confirmation process to limit the opportunities for polarization to undermine government.

Although there has been intense public discussion about the causes of polarization, its consequences, and possible cures, social science research has only recently begun to help shape those discussions. The intent of this chapter is to provide a more evidence-based foundation for these debates.

#### *Preliminaries*

The academic study on partisanship and polarization is based on a combination of qualitative and quantitative research. Noteworthy qualitative accounts, which often combine historical research and participant observation, include Rohde (1991), Sinclair (2006), Hacker and Pierson (2006), and Mann and Ornstein (2012).

The starting point for many quantitative studies of polarization is the robust observation of rising partisan differences in roll-call voting behavior in Congress. The bipartisan coalitions of the 1950s and 1960s have given way to the party-line voting of the twenty-first century. Although

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1 <http://www.gallup.com/poll/162362/americans-down-congress-own-representative.aspx>.

these trends are apparent in simple descriptive statistics about partisan divisions on roll calls, political scientists have developed more refined measures of partisan voting differences. A variety of techniques uses data on roll-call voting to estimate the positions of individual legislators on a set of scales.<sup>2</sup> The primary scale—the one that explains most of the variation in legislator voting—generally captures partisan conflict. At the individual-legislator level, positions on these scales reflect a mix of ideological positioning and constituency interest as well as party loyalty and discipline. Political scientists continue to debate the exact weights of these factors. Some scholars argue that the scores primarily capture ideological differences (e.g., Poole 2007), whereas others interpret them as measures of partisanship (e.g., Lee 2009). Without taking a position on this debate, we refer to the primary roll-voting scale as the “party-conflict dimension.”<sup>3</sup> However, consistent with common usage, we may also label positions on the scale as liberal, moderate, or conservative.

All of these techniques for estimating the party-conflict dimension produce similar findings with respect to polarization. Consequently, we focus on the DW-NOMINATE measures developed by McCarty, Poole, and Rosenthal (1997). Generally, these scores range from -1 to +1 and are scaled so that the highest scores are those of conservative Republicans and the lowest are those of liberal Democrats.

Given the estimated positions of legislators on this scale, we can measure partisan polarization by computing the difference in means (or medians) across the political parties, where a larger gap indicates a greater level of polarization. Figure 2.1 presents the difference in party means on the party-conflict scale from 1879 through 2011.

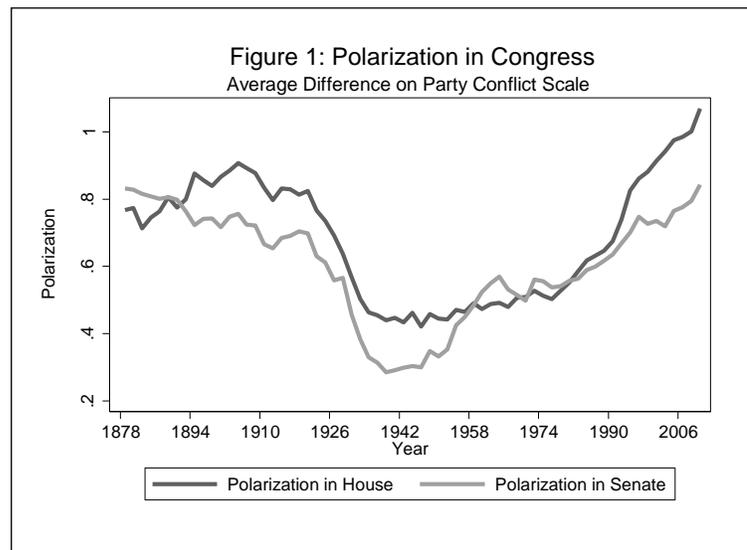


Figure 2.1: *Average Distance between Positions across Parties*. The y-axis shows the difference in mean positions between the two parties in both the House of Representatives and Senate from 1879 to 2011 using the DW-NOMINATE measures. Congress is more polarized than it has been in over 125 years.

From the 1930s until the mid-1970s, these measures of polarization were quite low. Not only were differences between the typical Democratic and Republican legislators small, but there

2 See Poole and Rosenthal (1997); Groseclose, Levitt, and Snyder (1999); Clinton, Jackman, and Rivers (2004).

3 It is important, however, to distinguish these scores from party loyalty. Some members who have extreme positions on these scales are not always loyal partisans (e.g., “Tea Party” Republicans).

also were significant numbers of conservative Democrats and liberal Republicans. Since the 1970s, however, there has been a steady and steep increase in the polarization of both the House and Senate. Other measures of party conflict confirm the trend of increasing polarization in the past 40 years.<sup>4</sup>

Although conventional wisdom often asserts that polarization resulted from the changing behavior of both parties (i.e., with Democrats moving to the left and Republicans to the right), the evidence shows that the behavioral changes are far from symmetric and are largely driven by changes in the positioning of the Republican Party.<sup>5</sup>

Figure 2.2 plots the average positions of the parties by region. In the past 40 years, the most discernible trend has been the marked movement of the Republican Party to the right (for qualitative evidence, see Hacker and Pierson 2006; Mann and Ornstein 2012). It is important to note that the changes in the Republican Party have affected both its Southern and non-Southern members. The movement of the Democratic Party to the left on economic issues in the past 50 years is confined to its Southern members—reflecting the increased influence of African American voters in the South. However, it is important that the implied asymmetry may pertain only to the issues (primarily economic) that dominate the congressional agenda. It may well be the case that on some social issues (e.g., gay marriage), polarization is the result of Democrats moving to the left.

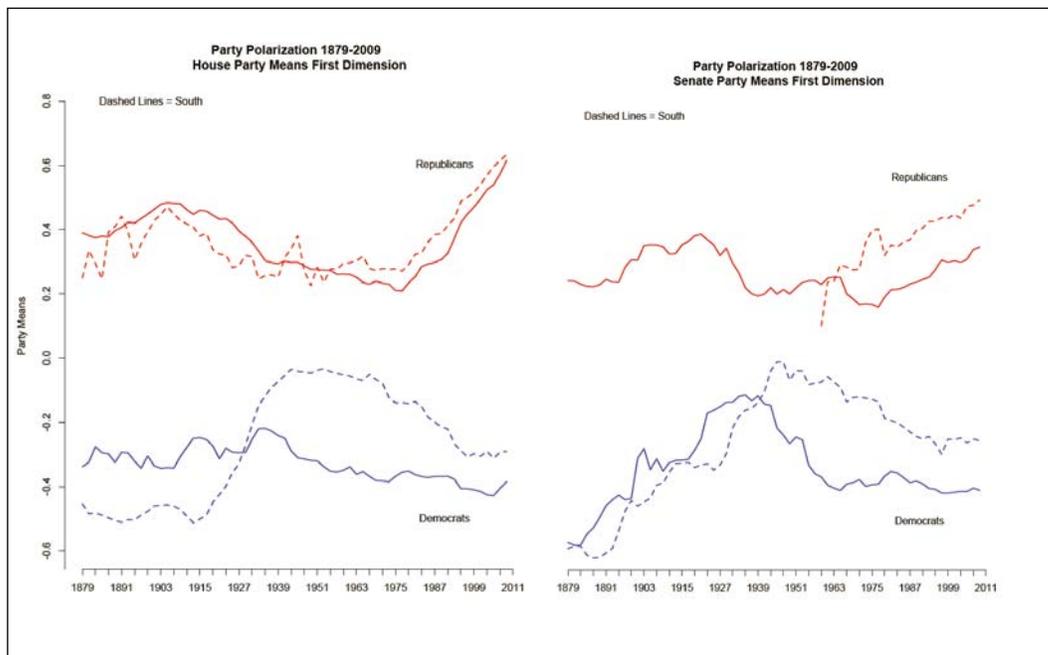


Figure 2.2: *Mean Party-Conflict Score by Party and Region.* The y-axis shows the mean position of each party by region. In this plot, the South is defined as AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN, TX, and VA. There were no Southern Republican Senators between 1913 and 1960 and only two before that.

4 Although Figure 2.1 shows a steady movement by the average Republican, the Republican caucus in Congress has not become more homogeneous in the same time period. The standard deviation of Republican ideal points has remained around 0.15 since the 1950s. Democrats, conversely, have become much more homogeneous in the same period with the disappearance of conservative southern Democrats.

5 For a discussion of methodological issues underlying this claim, see Hare, McCarty, Poole, and Rosenthal 2012.

Another important aspect of the increase in party polarization is the pronounced reduction in the dimensionality of political conflict. Many issues that were once distinct from the party-conflict dimension have been absorbed into it. Poole and Rosenthal (1997) and McCarty, Poole, and Rosenthal (1997) both noted that congressional voting can be increasingly accounted for by a single dimension that distinguishes the parties. This situation directly contrasts with that of the mid-twentieth century, when the parties divided internally on a variety of issues primarily related to race and region. Figure 2.3 quantifies these changes, showing the percentage of individual roll-call vote decisions in the House that can be correctly classified by one- and two-dimensional models.<sup>6</sup> The two-dimensional spatial model accounts for most individual voting decisions since the late nineteenth century. Classification success was highest at the turn of the twentieth century, exceeding 90 percent. However, the predictive success of the two-dimensional model fell during most of the twentieth century, only to rebound to the 90% level in recent years.<sup>7</sup>

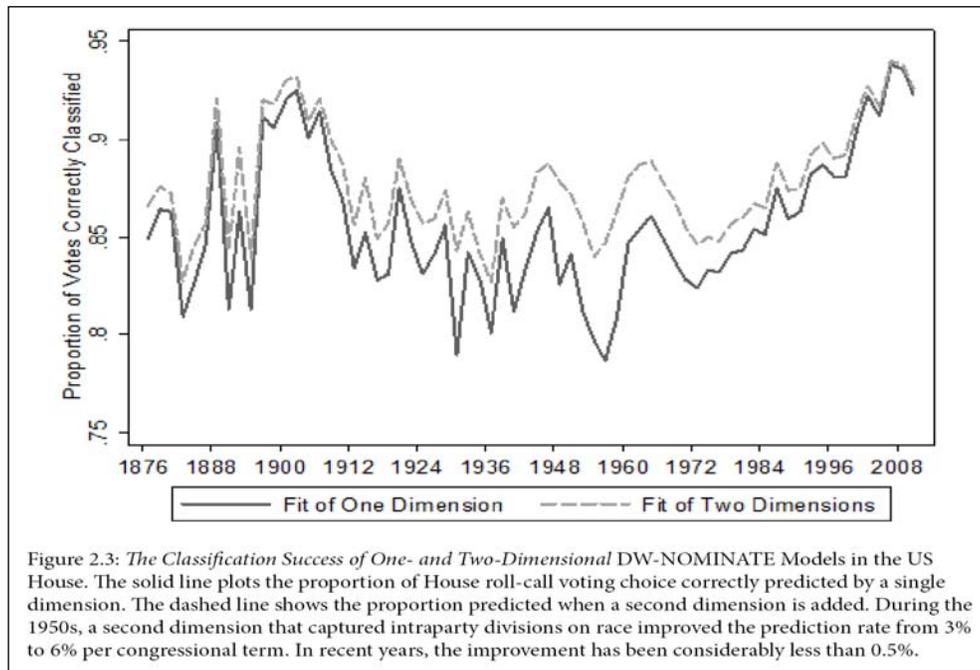


Figure 2.3: *The Classification Success of One- and Two-Dimensional DW-NOMINATE Models in the US House.* The solid line plots the proportion of House roll-call voting choice correctly predicted by a single dimension. The dashed line shows the proportion predicted when a second dimension is added. During the 1950s, a second dimension that captured intraparty divisions on race improved the prediction rate from 3% to 6% per congressional term. In recent years, the improvement has been considerably less than 0.5%.

Increasingly, most of the work is being done by the party-conflict dimension. In the period from 1940 to 1960, adding a second dimension to account for intraparty divisions on race and civil rights led to a substantial improvement to fit. A second dimension often explained an additional 3% to 6% of the voting decisions in the House. However, in recent years, the second dimension adds no additional explanatory value. In the 112th Congress, the second dimension explains only an additional 1,800 votes of the almost 600,000 cast by House members.

Although polarization and the reduction in dimensionality tend to coincide, there is no necessary logical connection between the two trends. One possibility is that partisan polarization

6 When legislators cast a vote in the way that is predicted by their estimated position on the scales, we say their vote is “correctly classified.” Therefore, the figure simply plots the total number of correctly classified votes divided by the total number of votes in a given congressional session. Patterns for the Senate are similar.

7 The high rates of classification success that we observe do not result simply because most votes in Congress are lopsided votes, where members say “Hurrah.” On the contrary, Congress continues to have mostly divisive votes, with average winning majorities between 60% and 70%.

might occur simultaneously across any number of distinct dimensions. For example, parties could polarize on distinct economic and social dimensions. However, this would imply varying intraparty disagreements on the different dimensions. To the contrary, the evidence points to similar intraparty cleavages on almost all issues. For example, the most anti-tax Republican legislators are generally the most pro-life, pro-gun, and anti-marriage equality. Similarly, the Democrats most likely to support a minimum-wage hike are those most supportive of abortion rights and gay marriage. Using the terminology of Converse (1964), *issue constraint* at the congressional level has expanded dramatically.

A second logical alternative is that polarization might coincide with the displacement of the primary dimension of partisan conflict by another issue dimension, consistent with the theory of realignments put forward by Schattschneider (1960), Burnham (1970), Sundquist (1983), and others. Such a situation also seems inconsistent with the data on roll-call voting. As McCarty, Poole, and Rosenthal (2006) documented, the partisan division on economic issues has remained the primary dimension of conflict, and other issues—such as social, cultural, and religious issues—have been absorbed into it.

Although 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. Numerous arguments have been offered to explain the observed increase in polarization, and these causes can be divided into two broad categories: (1) explanations based on changes to the external environment of Congress, and (2) those based on changes to the internal environment. The external explanations provide arguments about how shifts in the social, economic, and electoral environments have altered the electoral incentives for elected officials to pursue moderation or bipartisanship. The internal explanations focus on how the formal and informal institutions of Congress have evolved in ways that exacerbate partisan conflict (or generate the appearance of such an increase). Although we think it is productive to divide the literature along external-internal lines, it is important to note that explanations are not mutually exclusive. Indeed, many of the internal explanations presume a shift in the external environment that stimulates revisions of legislature rules, procedures, and strategies.

In the following sections, we review the current literature on each of these suggested causes and evaluate the evidence for and against each argument.

## *External Explanations*

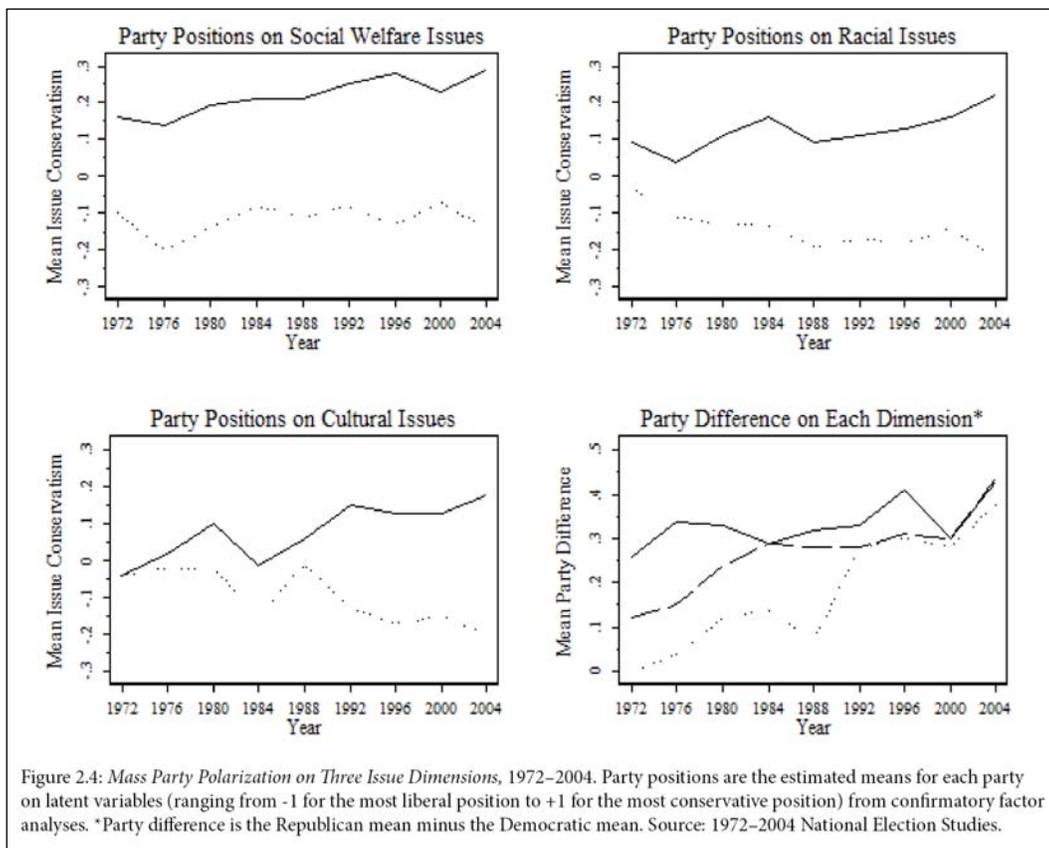
### **A Polarized Electorate**

Perhaps the simplest explanation for an increasingly polarized Congress is one grounded in the relationship between members of Congress and their constituents. If voters are polarized, reelection-motivated legislators would be induced to represent the political ideologies of their constituents, resulting in a polarized Congress. Evidence of voter-induced polarization is elusive, however.

Empirical support for the voter-polarization story requires evidence for two specific trends. First, it requires that voters be increasingly attached to political parties on an ideological basis. Liberal voters should increasingly support the Democratic Party and conservative voters should increasingly support the Republican Party. This process has been labeled *partisan sorting*. Second,

the hypothesis requires that voters must be increasingly polarized in their policy preferences or ideological identification. Extreme views must be more common so that the distribution of voter preferences becomes more bimodal.

There is considerable evidence for the first trend—voters have become better sorted ideologically into the party system. Layman and Carsey (2002) and Levendusky (2009) found that over time, voters have increasingly held political views that consistently align with the parties’ policy positions. Using data from the National Election Study, Layman and Carsey (2002) found evidence for a pattern of *conflict extension*, in which differences in the policy preferences of partisans have grown in economic as well as social and racial domains. Their results, updated through 2004, are presented in Figure 2.4.



The trends presented in Figure 2.4 are consistent with the finding that fewer voters today than in the past hold a mix of Democratic and Republican positions. As the parties become more coherent in their policy positions, voters sort themselves accordingly. This may well account for the finding of Bartels (2000) that partisan identification is a better predictor of voting behavior. Also, because the terms “Republican” and “Democrat” now represent increasingly distinct clusters of policy positions, citizens who identify with one party expect the other party’s identifiers to hold dramatically different political views. Consequently, party identifiers report that they dislike one another more than they did a generation ago (Shaw 2012) and state that they would be less likely to feel “comfortable” with their child marrying someone who identifies with the opposite party than was the case in the 1960s (Iyengar, Sood, and Lelkes 2012).

Fiorina (2013) argues that the patterns described herein reflect party sorting and not polarization in voters' policy positions. A lively debate has emerged about the mechanisms underlying the better sorting of voters into parties. Sorting may improve for two distinct reasons. First, voters may shift their allegiance to the party that takes their policy position. Alternatively, voters may adjust their policy views to match those of the party with which they identify. Levendusky (2009) found evidence for both mechanisms but determined that position switching is more common than party switching. Carsey and Layman (2006) also found that party switching does occur, but that it is limited to those voters who have a salient position on one issue and are aware of the partisan differences surrounding it. However, Lenz (2012) finds little evidence favoring the party-switching mechanism. Ultimately, however, both processes are facilitated by greater polarization of partisan elites, suggesting that the trends in Figure 2.4 may be the consequence of elite polarization rather than the cause.<sup>8</sup>

Whereas few scholars doubt that substantial voter sorting has occurred, the evidence for voter-policy 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-issue positions that are comparable to legislator positions, representatives were found to take positions that are considerably more extreme than those of their constituents (Clinton 2006; Bafumi and Herron 2010).

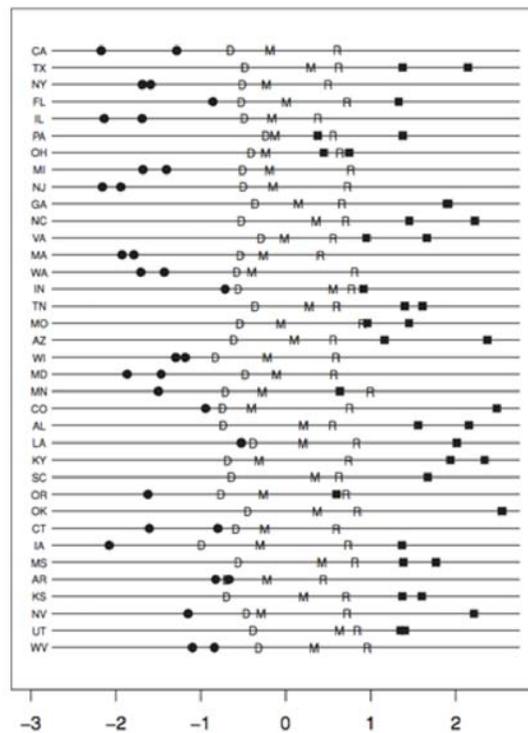


Figure 2.5: *Senators and Median Constituents.* - The x-axis shows the median ideology of the median voter M as well as the median partisan D and R on the same policy scale as sitting senators (indicated by circles for Democrats and squares for Republicans) in each state. In almost every state, senators are more extreme than voters and partisans in their state. Source: Figure 2 in Bafumi and Herron (2010).

<sup>8</sup> McCarty, Poole, and Rosenthal (2006) and Gelman (2009) also found that voters have become better sorted into parties by income over time. The question of whether partisan voters are more sorted by geography is controversial (see Bishop 2009; Klinkner 2004).

Figure 2.5 illustrates the main finding of Bafumi and Herron (2010). In the 109th Congress, almost every Senator was more extreme than the median voter of his or her state. The ideological distance between representative and constituent may well have increased, but some distance seems to have existed since the introduction of our earliest measurements. As early as 1960, McClosky and his colleagues found that delegates to the party conventions took positions that were more extreme than those of the voters identifying with each party.<sup>9</sup> Recently, Abramowitz (2010) found a more bimodal distribution of preferences among those voters most likely to participate in politics compared to the average party identifier, with further polarization still among party activists and donors.<sup>10</sup> The phenomenon of the more-and-more active being more-and-more extreme probably results in part from self-selection, with those having intense feelings being more willing to spend time and money on politics, and in part from the dynamic of group polarization (Sunstein 2002), in which people who talk with one another in relatively homogeneous groups end up taking more extreme positions than the party's median members. Regarding moderate voters, some have chosen middle-of-the-road positions for substantive policy reasons. Others, however, are uninformed, unengaged, or apathetic, checking off the middle position on surveys due to lack of an opinion.

Although the lack of evidence of voter polarization casts doubt on the simple link between voter and elite polarization, a dynamic version may hold more promise. As voters sort in response to elite polarization, the incentives for parties to take positions that appeal to supporters of the other party will diminish. This leads to greater partisan polarization and greater incentives for voters to sort. Although this mechanism is not ruled out by existing evidence, it has not yet been subjected to formal tests.

### Southern Realignment

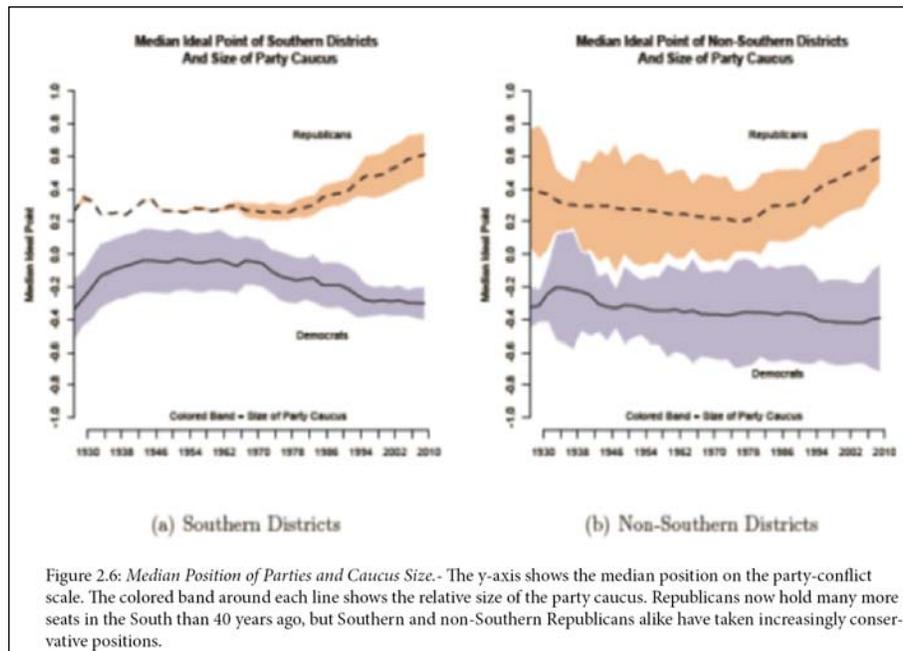
Although Americans still appear to remain overwhelmingly moderate, there is no denying that dramatic changes have occurred in terms of policy sorting between the parties. The realignment of the South from a solidly Democratic region to one dominated by Republicans is the starkest example of the sorting of ideology and partisanship.

Figure 2.6 places the Southern realignment in the context of the national story of polarization. The left-hand panel shows that since the 1970s, 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 were representing majority-minority districts. At the same time, the new Southern Republicans were becoming increasingly conservative. However, the right-hand panel in the figure shows that the conservative path of Southern Republicans is mirrored in non-Southern districts. Thus, to blame polarization completely on the disappearance of conservative Democrats would be to ignore the conservative trajectory of non-Southern Republicans. The movement in the median ideology of Democrats, however, can be nearly accounted for by the replacement of moderate Southern Democrats with Republicans.

<sup>9</sup> See McClosky, Hoffman, and O'Hara (1960).

<sup>10</sup> Based on surveys of convention delegates, Layman et al. (2010) found evidence consistent with activists taking more extreme positions over time.

Whereas much attention has been focused on the effects of the Southern realignment for the emergence of a conservative Republican party in the South, the post-Voting Rights Act increase in the descriptive representation of African Americans and Latinos in the House also had a discernible effect on polarization. Although the representatives of these groups are hardly monolithic, they are overrepresented in the liberal wing of the Democratic Party; any leftward movement of the Democrats can be accounted for by the increase in the number African American and Latino representatives.<sup>11</sup>



## 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 (Tufté 1973; Carson et al. 2007; Theriault 2008a). However, the evidence in support of gerrymandering as a cause of polarization is not strong. First, we consider the Senate and those states in which there is only one congressional district. In these cases, gerrymandering is impossible because the district must conform to the state boundaries. Yet, in the Senate and in at-large congressional districts, we observe increasing polarization (McCarty, Poole, and Rosenthal 2006). Furthermore, McCarty, Poole, and Rosenthal (2009) generated random districts and determined the expected partisanship of representatives from these hypothetical districts given the demographic characteristics of the simulated district. The result was that the simulated legislatures generated by randomly creating districts are almost as polarized as the current Congress. This finding holds because polarization relates more to the difference in how Republicans and Democrats represent moderate districts than the increase in the number of extreme partisan districts. Therefore, an attempt to undo partisan

<sup>11</sup> McCarty, Poole, and Rosenthal (2006) found that African American and Latino House members have more liberal DW-NOMINATE scores, even after controlling for party and the ethnic and racial composition of their districts. However, roll-call-based measures of the positions of minority legislators may understate those members' contribution to increasing the diversity of interests represented in Congress. The difference between white and minority legislators is larger on other legislative activities, such as oversight, bill co-sponsorship, and advocacy (Canon 1999; Tate 2003; Minta 2009; Minta and Sinclair-Chapman 2013; Wallace 2012).

gerrymandering with moderate, competitive districts still leads to a polarized legislature, due to the difference between rather than within the parties.

Figure 2.7 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 in that district. Scholars frequently use presidential vote shares as a proxy for district ideology because the vote shares allow 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 difference is illustrated by the regression lines drawn in the figure for each party. Democrats who represent districts that split almost evenly in the 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 opposing parties represent districts with identical presidential vote shares. This figure does not support the argument that gerrymandering is producing districts that contain heavy partisan majorities, thereby 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.

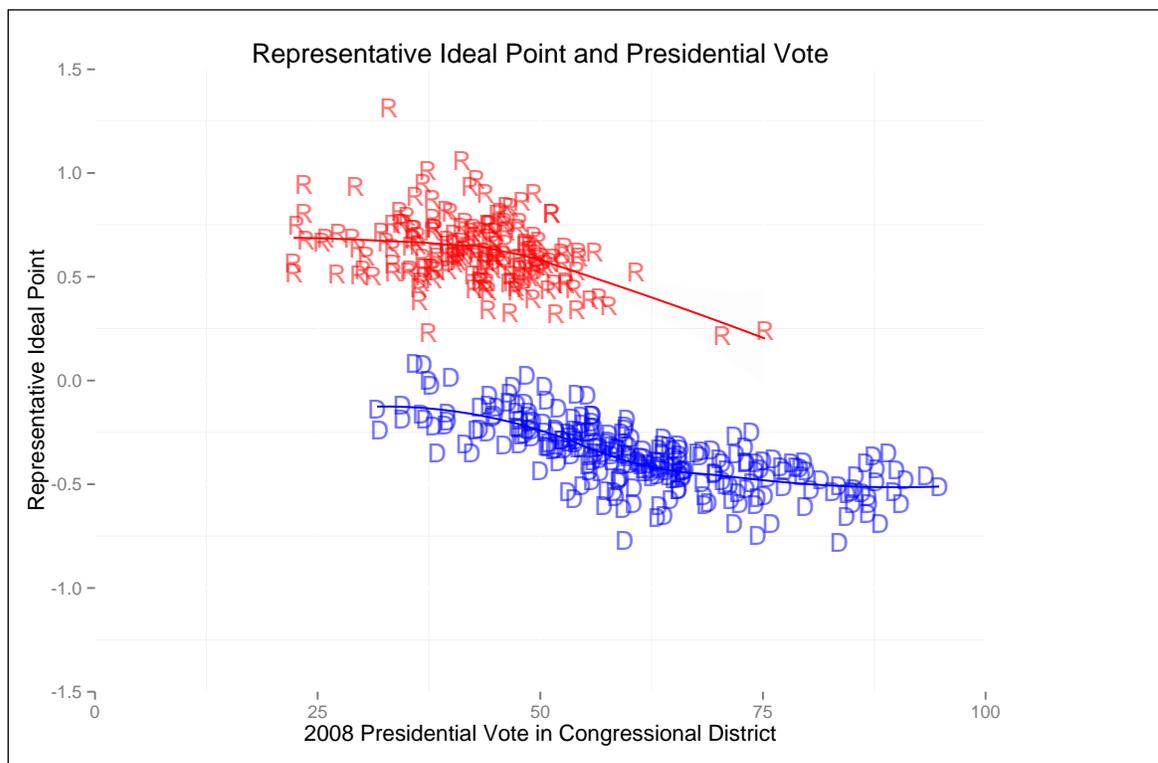


Figure 2.7: *Representative Position on the Party Scale and Presidential Vote Share.* The x-axis shows the partisanship of the congressional district as measured by the Democratic percentage of the 2008 presidential vote. The y-axis is the representative's DW-NOMINATE score for the 111th House of Representatives. There are major differences in the way Republicans and Democrats represent similar districts. These differences account for a larger share of the aggregate party difference than the differences in the types of districts that Democrats and Republicans represent.

## Primary Elections

Given the extent to which voters are now ideologically sorted into political parties, some observers suggest that only conservatives can win Republican primaries and only liberals can win Democratic primaries.<sup>12</sup> This suggested feature of contemporary politics has led reformers to focus on whether the rules governing participation in primaries might be altered to make it possible for more moderate candidates to win nominations. The standard recommendation is to move from closed partisan primaries to open primaries, which would allow the participation of independents. The state of California has recently gone one step further with the nonpartisan “top-two” primary, in which voters of both parties cast ballots for candidates of either party and the top two vote-getters move to the general election.

Based on the historical record, it is implausible that partisan primaries are a major cause of polarization. Polarization increased during the past 40 years despite the opening up of primaries to nonpartisans (McCarty, Poole, and Rosenthal 2006). The narrower question of whether open or nonpartisan primaries would reduce contemporary levels of polarization continues to be an active area of research, but the evidence to date provides sparse support for the argument that opening primaries to nonpartisans would reduce polarization.

A few studies have found evidence for a polarizing effect of partisan primaries. Kaufmann, Gimpel, and Hoffman (2003) found that presidential primary voters in states with open primaries hold political ideologies similar to the general electorate, whereas in states with closed primaries, the two electorates are more ideologically distinct. Gerber and Morton (1998) found that the positions of legislators nominated in open primaries hew more closely to district preferences, whereas Brady, Han, and Pope (2007) found that legislators who hew closely to the general-election electorate suffer an electoral penalty in primaries.

However, most of the research suggests that the effects of moving to open-primary systems are modest at best. Hirano et al. (2010) studied the history of primary elections for the US Senate. Their findings cast significant doubt on the role of primary-election institutions in polarization. First, the introduction of primaries had no effect on polarization in the Senate. Second, despite the common belief that participation in primaries has been decreasing, they found that primary turnout has always been quite low. Thus, it is doubtful that changes in primary participation can explain the polarizing trends of the past three decades. Third, they find no econometric evidence that either low primary turnout or low primary competition leads to the polarization of senators. Using a panel of state-legislative elections, Masket et al. (2013) investigated the effects of changing primary systems and found little evidence that such switches affect polarization. Similarly, Bullock and Clinton (2011) investigated the effects of California’s short-lived move from a closed primary to a blanket primary, in which any registered voter can participate. They found that the change did lead to more moderate candidates in competitive districts but that 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 may affect districts that are not firmly controlled by one or the other party.

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<sup>12</sup> Note, however, that as Figure 2.7 shows, there are many Democrats who represent districts that won less than 50% of the Democratic vote share in the 2008 presidential election and have quite moderate ideal points.

## Economic Inequality

McCarty, Poole, and Rosenthal (2006) demonstrated a close correlation between economic inequality and polarization in the United States.<sup>13</sup> Figure 2.8 shows that economic inequality and polarization have tracked together in the past 50 years. Moreover, unlike most other hypotheses about polarization, the inequality hypothesis can explain the decline of polarization during the first half of the twentieth century, as economic inequality fell dramatically in that period (Piketty and Saez 2003). McCarty et al. (2006) argued that inequality and polarization are linked by a dynamic relationship (or “dance”) in which the 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.

In support of the hypothesis that the distribution of income has affected polarization, McCarty et al. (2006) demonstrated 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 show (see following discussion) that polarization may have exacerbated inequality due to its negative effects on social policy. Although the 2006 McCarty et al. study is limited by the fact that the correlation between inequality and polarization may be spurious in the US time-series data, Garand (2010) found strong evidence that state-level inequality exacerbates constituency polarization within states and predicts the extremity of Senate voting behavior. Furthermore, recent work by Bartels (2008) and Gilens (2012) showed that policy reflects the preferences of the wealthy more often than the desires of those on the bottom rungs of the economic ladder.

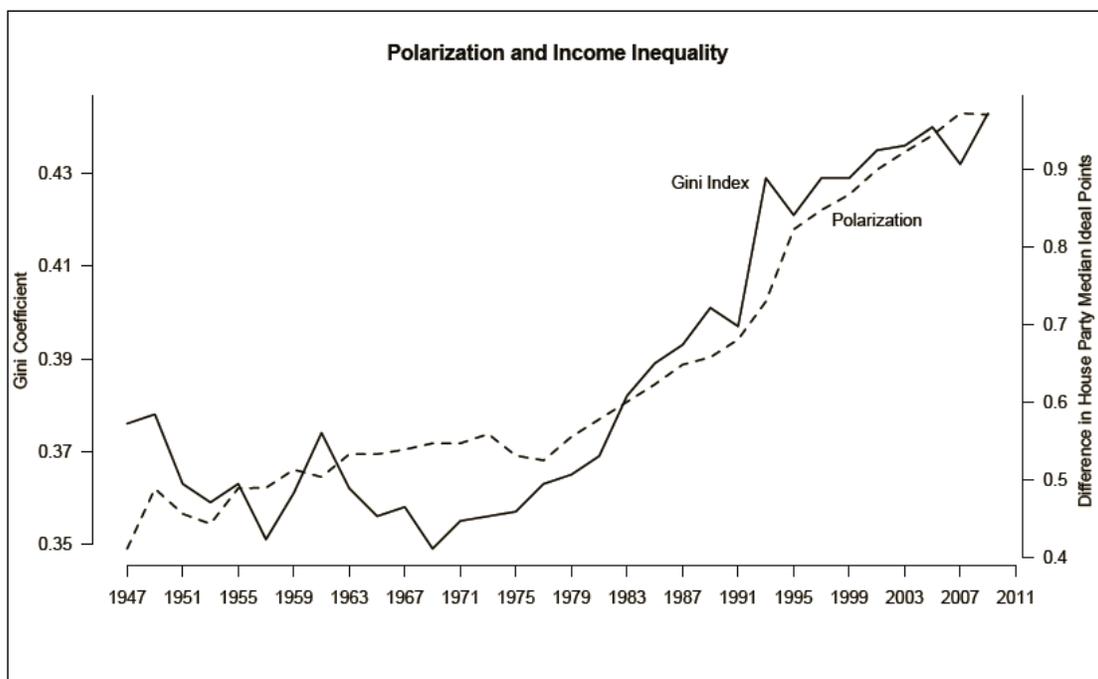


Figure 2.8: *Polarization and Income Inequality*. The y-axis show the difference in median positions for the two parties and the Gini coefficient in the United States. The Gini coefficient is a measure of income inequality that ranges between 0 (perfect income equality) and 1 (one person controls 100% of the nation's income).

13 See also Brewer, Mariani, and Stonecash (2002).

## Money in Politics

Another common argument is that polarization is directly linked to the system of private campaign finance used in US elections. Such arguments are generally premised on the idea that politicians pursue extreme policy objectives on behalf of their special-interest funders (Lessig 2011).

However, political science research suggests that any connections between campaign finance and polarization may be more subtle and complex than the conventional wisdom. Most research suggests that there is a weak connection between campaign spending and election outcomes (Jacobson 1990) or between sources of campaign funding and roll-call-voting behavior (Ansolabehere, De Figueiredo, and Snyder 2003).

Conversely, the 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. Since 1990, the average amount of money spent in US House elections has nearly doubled in real terms. Whereas 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 although PACs may seek specific policy outcomes, these goals are often narrowly focused such that PACs are less concerned with the overall ideology or party of politicians and more interested in having access to members of Congress (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,

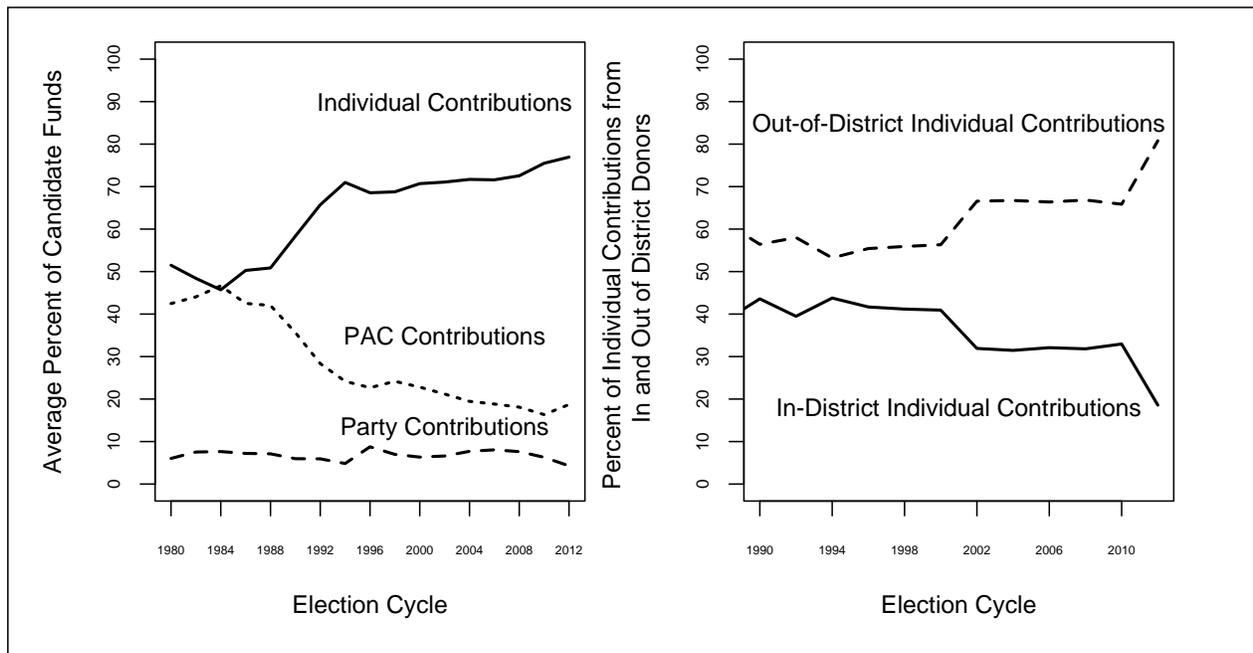


Figure 2.9: *Average Candidate Fundraising Portfolio*. In the left-hand panel, the y-axis shows the average percentage of congressional candidates' fundraising that comes from individual donors, PACs, and party contributions. In the right-hand panel, the y-axis shows the average percentage of individual donations that come from donors who reside inside and outside of the candidate's district.

but recent studies suggest that individual contributors are more extreme than individual noncontributors (Barber 2013; Bafumi and Herron 2010; Stone and Simas 2010). Furthermore, recent work estimating the ideological positions of contributors suggests that individuals are more ideologically extreme than PACs and other interest groups (Barber 2013; 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 toward the ideological poles to raise money (Baron 1994; Moon 2004; Ensley 2009). We may also see a rise in more ideologically motivated PACs, a phenomenon that deserves further investigation.

Figure 2.9 provides evidence of an increasing reliance on individual donors. Since 1980, the average share of a candidate's fundraising portfolio comprising 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-district donors, which are believed to be more ideologically motivated, has increased as well (Gimpel et al. 2006; Gimpel et al. 2008). 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. Although individual contributions and polarization may be increasing at the same time, this does not immediately suggest a causal relationship. Looking at the US states may provide 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 2013). Using this variation in contribution limits across time and place may provide a more conclusive view into the relationship between the increasing money flowing into politics and increasing polarization.

### Media Environment

Changes in the media environment of politics may also have had an important role in polarization. Many observers note that American journalism changed markedly following Watergate in a manner that may have contributed to a more confrontational style of politics. The introduction of cameras into the House chamber and the broadcasting of its proceedings on C-SPAN gave the minority Republicans, led by Newt Gingrich, a powerful new weapon against the majority party (Zelizer 2006). Others argue that the proliferation of media outlets through cable television and the Internet has created an additional impetus for polarization. Recently, Prior (2007) found that partisan voters increasingly self-select into news outlets that confirm their basic partisan and ideological biases (i.e., Republicans watch Fox News and Democrats watch MSNBC). Such narrow casting was not absent in media-viewing patterns 40 years ago, but it was not nearly as extensive. One effect of this change is that elected officials have less space to deviate from their party orthodoxy for fear of being called out by party activists. Another effect is that relatively extreme activists have a platform to push forward partisan talking points to a subset of the public, contributing to societal polarization.

As troubling is the finding that independents increasingly prefer *Seinfeld* reruns to any news outlet. Prior (2007) called the effect of the alternative news-less media "polarization without persuasion" and suggested that the media's effect on polarization is mostly the result of nonideological Americans avoiding inadvertent news exposure through the availability of cable

entertainment, whereas in the past, network television offered no alternative except the news for several hours every evening. When the only option on television was the evening news, Prior suggested, nonpolitical Americans were exposed to political information through the news and mobilized to vote in greater numbers than they would have otherwise. He suggested 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. Others examined how the decline of newspapers, which have experienced thousands of layoffs in recent years and dramatically reduced their coverage, may also be a contributing factor. Snyder and Stromberg (2010) found that members of Congress who represent districts that are congruent with newspaper markets compile less ideological and partisan voting records.

The reemergence of a more partisan media may also contribute to polarization. A literature attempting to measure partisan media bias and its effects on voters has developed in the past several years. Whereas debate rages as to whether the American media has an overall liberal or conservative bias, there is substantial evidence that media outlets vary in terms of their ideological and partisan orientations (e.g., see Groseclose and Milyo 2005; Gentzkow and Shapiro 2006), and the slant of coverage appears to affect voter evaluations and decisions (e.g., see Hopkins and Ladd 2013; DellaVigna and Kaplan 2007; Gerber, Karlan, and Bergan 2009). Of course, the ideological diversity of the media may be the result of polarization and not the cause. For example, Gentzkow and Shapiro (2006) found that the partisan slant of a newspaper is determined in large part by the partisanship of its local community.<sup>14</sup>

## *Internal Explanations*

### **Rule Changes**

Several scholars have suggested that one of the major causes of the increase in measured polarization is due to changes in the rules and procedures of Congress. One argument 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 easier for amendments to be proposed when considering legislation. These new amendments were often unrelated to the bill at hand, and they were added primarily to force the opposition party to cast unpopular votes to move on with considering the main piece of legislation (Roberts and Smith 2003). This simple change in the rules led to a dramatic increase in the number of party-line recorded votes and therefore led to an increase in measured polarization for indices that use roll-call voting, such as the DW-NOMINATE scores discussed previously (Roberts 2007).

Although this procedural change may have the effect of exaggerating partisan differences, it leaves many questions regarding polarization unanswered. First, the argument is centered on the House of Representatives. Polarization, as we have seen, increased in both the House and the Senate, despite no similar procedural change in the Senate. Second, polarization has increased gradually in the past four decades. It seems unlikely that a one-time rules change would produce such a long-term trend. Third, despite a wide variety of rules for agenda setting and recording

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14 They also provide evidence against a reverse causal relationship between newspaper slant and local partisanship.

roll-call votes operating in the American states, the level of polarization in the US House is not atypical of that found in state legislatures (Shor and McCarty 2011).

### Majority-Party Agenda Control

A second institutional argument focuses on the agenda-setting power of the majority party in the House (e.g., see Cox and McCubbins 2005; Aldrich 1995; Rohde 1991). Scholars have 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 leadership behavior, in turn, generates more party-line votes and a larger level of observed polarization. Like the rules-based explanations, these explanations struggle to explain the rising level of polarization in the Senate. Moreover, McCarty, Poole, and Rosenthal (2006) demonstrated that measures of polarization are robust to the changes in the legislative agenda that might be induced by enhanced agenda control.

### Party Pressures

An additional institutional argument for rising polarization is that party leaders in the House and the 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., see Rohde 1991; Aldrich 1995) suggest that party leaders can apply strong pressures on their members to vote the way the party desires. Former and current members have indicated their impression that these pressures have increased over the years (e.g., see Edwards 2012). In developing this idea, Theriault (2008b) traced the roles of speaker and majority leader, showing that these offices have increased their institutional reach in the past 30 years. He argued that party leaders coax members to vote along party lines by offering rewards to members (e.g., committee memberships in exchange for votes with the party's agenda).

Although the plausibility of increased party pressure is strong, there are major methodological challenges in establishing the magnitude and trends of such pressures. Snyder and Groseclose (2000) attempted to distinguish the influences of parties from other factors, such as ideological preferences on roll-call voting. If we could reliably measure the effect of party pressure on members' voting behavior, we would be able to apportion the effects of partisanship on polarization from changes in ideology, constituency, and so forth. Unfortunately, the effects of party can be recovered only under strong assumptions. For example, Snyder and Groseclose assumed that members are free from party pressure on lopsided votes; therefore, a comparison between positions on lopsided and close votes can reveal the effects of party pressure. They found that, indeed, there are policy areas in which party pressure is more common, but they did not find a steady increase in partisan pressure commensurate with the increase in polarization observed during the past 40 years. McCarty, Poole, and Rosenthal (2001) criticized Snyder and Groseclose's methodology. Using an alternative methodology, they found declining party pressure in the contemporary Congress. However, methodological difficulties prevented a consensus on this question.<sup>15</sup>

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<sup>15</sup> Using a different methodology, Cox and Poole (2002) provided evidence similar to McCarty, Poole, and Rosenthal (2001) but interpreted it in a way more favorable to the finding of party discipline. However, even their interpretation does not support the hypothesis that increased party pressures are associated with polarization.

## Teamsmanship

Lee (2009) argued that the trends in Figures 2.1 and 2.2 reflect not only an ideological divergence but also Congress members' increasing efforts to favorably differentiate their own party from the opposition as the two parties become more closely competitive in seeking control of national institutions. She argued that whenever the parties become closer in the electoral support they can garner, such that the conditions are right for a reversal of partisan fortunes in the next election, each party has a strategic incentive to engage in strategies of confrontation to highlight partisan differences and to deny the other party legislative victories. Tight competition gives members incentives to act together with fellow partisans, and a norm of "teamsmanship" has emerged, with members' individual interests becoming increasingly linked to the fate of their parties. Teamsmanship not only deepens existing ideological divisions; it also creates conflict on issues in which legitimate ideological differences are absent. Partisan divisions on nonideological issues, Lee showed, have grown in tandem with the divisions on ideological issues. If Lee's reasoning on the strategic incentives deriving from party competition for institutional control is correct, we should see congressional polarization for as long as both political parties remain roughly equal in their electoral appeal nationwide.

Lee's teamsmanship perspective is related to the literature on strategic disagreement (Gilmour 1995; Groseclose and McCarty 2001). Strategic disagreement describes a situation in which a president, a party, or another political actor refuses compromise in an attempt to gain an electoral advantage by transferring the blame for the stalemate to the other side. Such behavior often results in the appearance of a level of polarization that exceeds the actual policy differences between the parties.

## The Breakdown of Bipartisan Norms

Many personal accounts of former members of Congress link polarization to changes in the social fabric of Capitol Hill, making it more difficult to forge cross-partisan relationships (for a journalistic account, see Eilperin 2007). In 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 home districts. This lack of time in Washington has made it more difficult to form the personal relationships that would foster bipartisan trust and civility. Other reasons advanced for the decreasing number of interpersonal contacts across party lines include the ever-increasing workload for members of Congress, which entails more time for fundraising. Although the social-fabric hypothesis is compelling, it has not been subjected to systematic empirical tests.<sup>16</sup>

## Consequences of Polarization

Although *polarization* generally has a negative connotation in our political discourse, it has a number of potential virtues. In the 1950s, another task force of the American Political Science Association decried the American party system for not offering meaningful policy differences to the voters. This lack of choice denied American voters any meaningful influence over public

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<sup>16</sup> A possible exception is Masket (2008), who found that randomized seating assignments in the California Assembly produced greater similarities in voting by members who shared desks.

policy. Centrist, undifferentiated parties also are incapable of representing the diversity of interests of contemporary American society. Undoubtedly, the polarization caused by greater representation of formerly unheard voices has benefits outweighed by any potential costs.<sup>17</sup> However, party polarization has negative consequences to the extent that the parties primarily represent extreme policy views or impede the negotiated compromises required by democratic politics in heterogeneous societies.

As discussed previously, the evidence overwhelmingly supports the proposition that members of Congress are far more polarized than the public at large. As Bafumi and Herron (2010) showed, it is likely that legislators are taking positions that are even more extreme than the voters from their parties in their states and districts. Therefore, although polarization may expand the choices on the political menu, the parties are far from satisfying the palate of most voters. Thus, the effects of polarization on accountability and representation are ambiguous, at best.

### **Theoretical Perspectives on Polarization and Policy Making**

A polarized party system need not have deleterious effects on policy making. Consider an idealized, purely majoritarian legislature. 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 predicts that policy would correspond to the preferences of the median legislator. The distribution of legislative preferences may become very polarized; however, if the median preference is unaffected, the outcome is the same. Although the majoritarian theory is an important benchmark, the real-world deviations from this ideal suggest that polarization should have serious consequences for policy making.

The first limitation of the majoritarian benchmark is the neglected role of legislative parties and their leaders 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 as well as to discipline wayward members (e.g., see Cox and McCubbins 2005; Aldrich and Rohde 2010). To the extent that parties can successfully pursue such strategies, policy making becomes the interaction of parties.

With strong parties and leaders, the effects of polarization are mixed. American political scientists have long suggested that more cohesive, distinct, and programmatic political parties would offer a corrective to the failures of policy making in the United States. Enamored with the party-responsibility model of Westminster-style parliaments, they argue that a system where a cohesive majority party governs encumbered only by the need to win elections would provide more accountability and rationality in policy making.

These benefits of polarization are offset, however, when control of the executive and legislative branches is split among cohesive parties; political polarization has occurred in an era in which divided governments occur with increasing frequency. Before World War II, there was no positive association between divided government and polarization, but the two phenomena have occurred together frequently since then.

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<sup>17</sup> Those who feel nostalgia for the bipartisanship of the 1950s must recognize that it came at the cost of the exclusion of African Americans and other groups from the political process.

In situations of divided government with cohesive parties, party theories predict that policy making represents bilateral bargaining between the parties. The predicted consequences of polarization in this environment are not benign. Increased policy differences shrink the set of compromises that both parties are willing to entertain. Increased policy differences also have a second effect of exacerbating the incentives to engage in brinkmanship in bargaining and negotiation, thereby endangering even the feasible compromises. Low dimensionality compounds the problem of polarization by foreclosing solutions negotiated across distinct policy dimensions. Thus, polarization and low dimensionality lead to more gridlock and less policy innovation during periods of divided government. Polarization might lead to more policy innovation during unified governments because of increased party responsibility. We discuss herein why this positive effect of polarization in unified governments might be negligible.

The second feature of the American system that generates real policy consequences from polarization is the numerous supermajoritarian institutions and veto points. Institutions such as the presidential veto and the Senate filibuster inhibit majority rule and allow polarization to hinder policy making. In the presence of these supermajoritarian institutions, policy making is driven not by the median legislator but rather by the preferences of the more extreme legislators, whose support is pivotal in overcoming vetoes and filibusters.

To illustrate how supermajoritarianism produces gridlocked policy, we 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 that must be supported by three fifths of those senators elected and sworn. Thus, if all 100 senators vote according to their ideal points, the senators located at the 41st and the 60th most-leftward positions must support any new legislation because no coalition can contain three fifths of the votes without including them. Therefore, any policy located between these pivotal senators cannot be altered or it is otherwise gridlocked. Prior to procedural reforms in 1975, the requirement for cloture was a two-thirds vote therefore, the filibuster pivots were located at the 33rd and 67th positions.

Presidential veto power also contributes to gridlock. Either the president must support new legislation or a coalition of two thirds of each chamber must vote to override it. Suppose that the president’s position is on 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. 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 great, passing new legislation will be difficult. The level of polarization and the width of this “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 postwar period is accounted for by party polarization and the 1975 cloture reforms (McCarty 2007). Therefore, this “pivotal-politics” model of supermajoritarianism suggests that polarization reduces opportunities for new legislation and

increases the status-quo bias of American politics (Krehbiel 1998).

It is important to note that these supermajority requirements may also lead to polarization-induced gridlock, even during periods of unified government. As long as the majority party is not large enough to satisfy all of the supermajority requirements, cross-party bargaining, negotiation, and coalition building are necessary for policy change.

This pivot perspective also underscores why the Senate's cloture rules have come under scrutiny and have produced calls for reform. Once an infrequently used tool reserved for the most important legislation, the filibuster has become—during the period of increasing polarization—one of the central features of American politics. Filibusters, both threatened and realized, have been used to kill many 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; reconciliation bills cannot be filibustered. This was the approach taken to pass the major income- and estate-tax cuts in 2001, as well as major portions of the Affordable Care Act in 2009. To avoid points of order under the so-called Byrd Rule, however, such legislation can have deficit-increasing fiscal effects only for the term of the budget resolution (i.e., five to ten years). Thus, many important pieces of fiscal policy require gimmicks such as “sunset” provisions (in which the law expires after a certain predetermined time) to avoid death by filibuster.

### Legislative Productivity

Despite the strong theoretical case for a relationship between polarization and policy gridlock, few scholars have addressed the issue. In his seminal work on postwar lawmaking, Mayhew (2005) considered whether divided party control of the executive and legislative branches produces legislative gridlock, but he did not consider the effects of polarization and declining bipartisanship. Indeed, he attributed his finding that divided government produced little gridlock to the fact that bipartisanship was the norm during the postwar period. McCarty (2007) used data on landmark legislative enactments to assess polarization's effects on the legislative process. He found that the 10 least-polarized congressional terms produced almost 16 significant enactments per term, whereas the 10 most-polarized terms produced only slightly more than 10. This gap would be even larger 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, McCarty found substantively large and statistically significant effects of polarization on legislative productivity. At the upper end of the range of his estimates, Congress produced 166% more legislation in the least-polarized congressional term than in the most-polarized term. Even at the lower range of his estimates, there 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 nineteenth century.

Binder (1999) also found that as the gridlock interval increases under divided legislatures (i.e., when the distance between the House and Senate medians is largest), we observe less legislation passed. As these gridlock intervals grow due to polarization, her prediction was 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 the 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 almost the same levels as today.

### Case Study: Polarization, Gridlock, and the Politics of Immigration <sup>18</sup>

Historically, successful immigration legislation was characterized by bipartisan coalitions between Republicans and Democrats, in addition to coalitions across chambers within Congress (Gimpel and Edwards 1998). The last significant piece of comprehensive immigration legislation that successfully navigated the legislative process passed in 1986. The Immigration Reform and Control Act (IRCA), also known as the Simpson–Mazzoli Act, was brought forward by a Democratic representative from Kentucky and a Republican senator from Wyoming, both of whom were chairs of respective subcommittees on immigration in the two chambers. The legislation was partially informed by the bipartisan Commission on Immigration Reform, which is consistent with the use of commissions on immigration throughout the legislative history of this policy area (Tichenor 2002). The legislation was considered comprehensive given the broad scope of the bill, including criminalization of hiring undocumented immigrants, employer sanctions, and amnesty for a sizeable portion of the undocumented immigrant population.

Attempts at reform since the passage of IRCA have been confronted with increased polarization on immigration both between and within the two political parties. Comprehensive immigration bills have had limited success in getting passed in one chamber, much less clearing the necessary hurdles in both chambers. Consequently, much of the legislation introduced during the 1990s and 2000s was piecemeal in nature, meaning that only one small component of immigration reform would be addressed. Three major legislative initiatives stand out in the post-IRCA era as attempts at broader immigration reform. In 2006, Bill H.R. 4437, also known as the Sensenbrenner Bill, was introduced. Its language was wide in scope and reach because it criminalized being an undocumented immigrant as a felony (as well as the actions of anyone assisting an undocumented immigrant), required significant construction of border fences, and imposed employer penalties and sanctions. Party polarization on the issue was intense, as demonstrated by the bill being pushed only by Republicans (with near-unanimous support within the Republican Party), whereas it was overwhelmingly opposed by Democrats. Mass mobilization of Latinos around the country occurred, leading to approximately 350 protests with millions of participants in an attempt to thwart support of the bill after it passed in the House (Wallace et al. 2014). Ultimately, the bill died, and scholars attribute the failure to the effects of the protests, as well as to a lack of consensus on this issue between the political parties and among the electorate (Zepeda-Millán 2011).

In 2010, the Development, Relief, and Education for Alien Minors Act (DREAM Act) was formally introduced by Dick Durbin (Democrat) and Orin Hatch (Republican) but was announced by a number of members across both chambers, demonstrating a bipartisan effort at reform—once again in contrast to the Sensenbrenner bill. The purpose of the DREAM Act was

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18 This section was written by Task Force member Sophia Wallace.

to offer a pathway to citizenship for undocumented immigrants who had arrived in the country as minors, attended high school in the United States, and were now enrolling in college or the military. Although bipartisan in its creation, support in the House was split along party lines, with a vote of 216 to 198, with Democrats in favor. In the Senate, the bill failed to achieve the necessary 60 votes to end debate, thereby leading to the failure of the bill. The DREAM Act is an important indication of the state of party polarization on immigration when one considers the context of the actual bill. In many ways, it was viewed as the least potentially polarizing immigration bill because it involved people brought to the United States as minors. Thus, the assumption was that they bore little culpability for the choices of their parents, and it targeted only those willing to pursue college or the military, which are highly valued pathways for young people. If Republicans and Democrats were going to agree on the issue of immigration reform, then this bill should have been one of the most likely cases to pass muster. However, the defeat of this bill highlights that polarization within Congress had reached nearly insurmountable levels.

More recently, in January 2013, lawmakers announced bipartisan efforts to pursue comprehensive immigration reform, with acknowledgment from both political parties that the nation's immigration system was broken. In particular, attempts to smooth polarization were made through the use of a "gang"—in this case, a bipartisan group of senators—that could work with party leaders to try to appeal to and negotiate with their own party members. The Gang of Eight, in this case, devised a bill that contained individual provisions that appealed to both parties, such as a pathway to legalization for undocumented immigrants and increased border security. The bill was able to win two thirds of the support of the Senate but has not been advanced on the House legislative agenda by Speaker Boehner. Part of the reason for his resistance is that, taken together as a package, the bill was not popular among House Republicans. Moreover, the compromised version of the bill contained provisions that House Democrats believed were too restrictionist, such as substantially expanding border-security resources. This latest attempt at immigration reform demonstrates polarization on this issue not only across chambers and political parties but also within each party. For Republicans, there is divergence in opinions between moderates and Tea Party Caucus members on the issue. Boehner lacks consensus within his party in the House, which limits his power as the speaker to move forward on this issue. For Democrats, there was enormous pressure to deliver immigration reform for the Latino electorate it so heavily relied on, to the point of excessive compromise in the view of some House Democrats. As a result, certain House Democrats were so angered by the bill that they withdrew support, including one Latino representative, Representative Filemon Vela, who resigned from the Congressional Hispanic Caucus in response to its support for the bill, despite the border-security provisions.

One explanation for the breakdown of bipartisan efforts on immigration legislation may be rooted in the fact that post-1992, Congress has experienced more changes of party control than in the prior 40 years. Lee (2009) argues this leads each party to believe that in the next election, it may be able to win control of the chamber or increase its vote share; therefore, each party has little incentive to compromise. Rather, they have incentives to differentiate from the opposing party by taking a disparate stance on a given issue. Recent public-opinion data suggest that the public is increasingly polarized along partisan lines, and the difference between Republicans' and Democrats' positions on many issues, including immigration, are quite divergent (Pew Center 2012). Despite losing traction with Latino voters and struggling to win their support (Wallace

2012)—in large part due to its position on immigration—the Republican Party continues to take a restrictionist stance that is consistent with a very active component of its electoral base. This segment of its reelection constituency comprises Tea Party supporters who played a vital role in Republican Party dominance in the 2010 elections (Parker and Barreto 2013; Skocpol and Williamson 2012). When Republicans believe party control and winning elections will be greatly influenced by the Latino electorate, their legislative strategy on immigration may change. Until then, both parties will take positions most appealing to the coalitions of voters they have historically relied upon, and will likely continue to be highly polarized on the issue of immigration.

### **Policy Outcomes**

Given the evidence that polarization has reduced Congress's 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 those economic forces. If polarization inhibits those responses, it may leave citizens open to the new risks created by economic shifts brought on by deindustrialization and globalization.

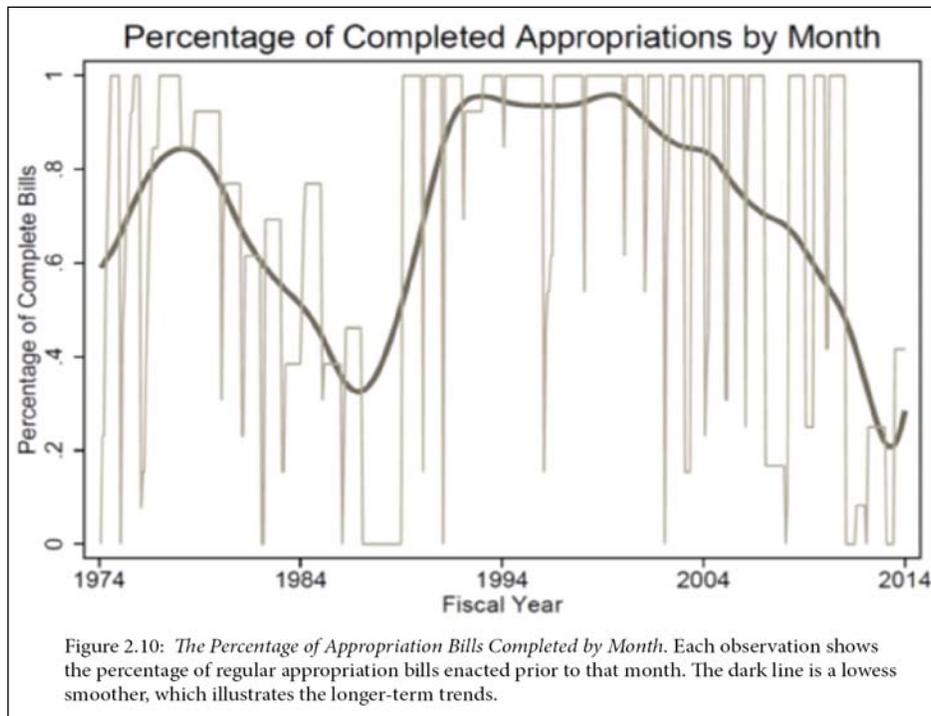
For example, consider the political response in the United States to increasing economic inequality since the 1970s. Most economists attribute increasing inequality to a number of economic factors, such as the rise in the returns to education, exposure to trade, immigration, and changes in family structure. Nevertheless, numerous Western European countries faced with the same economic forces developed policies to mitigate the consequences so that the level of inequality changed only marginally. Similarly, Hacker (2004) argued that polarization was an important factor in impeding the modernization of several 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) provided evidence for effects of polarization on the minimum-wage and welfare-policy outcomes.

### **Delays and Brinkmanship**

The recent (and upcoming) battles over raising the federal government's debt limit and dealing with the so-called fiscal cliff of January 2013 have led many observers to blame partisan polarization for Congress's proclivity to miss deadlines, "kick the can down the road" to the next legislative session or another governmental body, and govern by (artificial) crises. These same concerns have been raised about Congress's ability to deal with longer-term problems such as reform to entitlements including Social Security and Medicare.

There is little doubt that partisan polarization played a major role in creating and shaping the fiscal governance "crises" of the past few years. Clearly, the parties remain far apart on the

appropriate reforms for entitlement programs. However, many of these concerns predate the contemporary rise of polarization. For example, we consider the ability of Congress to pass the annual appropriation bills before the beginning of the fiscal year. Recently, Congress’s track record on this score has been abysmal. From Fiscal Year 2011 to Fiscal Year 2013, Congress completed zero appropriations bills before the September 30 deadline. During the same period, Congress passed only 9 of 36 regular appropriations bills. (The government was funded by continuing resolution in all of the unsuccessful cases.) It would be premature, however, to conclude that party polarization is the prime reason for this performance. Figure 2.10 plots for each month since 1974 the proportion of regular appropriation bills that have been passed prior to that month (a smoothing lowess curve is also provided to capture longer-term trends.) Clearly, Congress’s performance has declined significantly in the past decade, but it is important to note that it performed almost equally poorly in the late 1980s. With the exception of the 1995–1996 government shutdown, it performed quite well in the 1990s. Thus, the trends in congressional performance on appropriations do not closely match those of party polarization.



### Legislative Deliberation and the Quality of Policy Outcomes

Although the quality of deliberation and policy outcomes is difficult to quantify, several studies have argued that polarization has altered Congress’s deliberative and policy-making procedures and capacities (Mann and Ornstein 2012; Sinclair 2006, 2008; Hacker and Pierson 2006, and Sinclair 2008).

This literature identifies several changes in the norms and procedures in the US House during the past two decades. First, a decentralized, committee-dominated system of policy development was replaced by a more centralized, party-dominated system. Decisions about policy development and strategy are increasingly likely to be made by party leaders. Moreover, the committee system itself has become more partisan, with much less input from the

minority party. Second, the role of the minority party in legislative deliberations appears to be diminishing. The amount of legislation considered under rules that restrict the number of amendments by the minority party has increased since the 1990s. Third, the number of violations of seniority for committee leadership positions has risen. These violations generally reward partisan loyalists and punish defectors. Case studies often suggest that these changes have had deleterious effects on the quality of legislation, but the question awaits more systematic study.

On the Senate side, the focus has been on the increased use of dilatory and obstructionist tactics, such as the filibuster and the hold (Binder and Smith 1997; Wawro and Schickler 2006; Koger 2010). These procedures purport to improve legislative deliberation and minority participation. Although the effects of these procedures on delay and gridlock have been established, there is little evidence of their effects on the quality of legislative output.

Although it is often difficult to quantify claims about the effects of polarization on the quality of legislation, recent history is replete with examples that plausibly illustrate how polarized politics undermines the quality of legislation. Consider the lame-duck congressional session in 2010. The session directly followed a midterm election in which the Democrats lost 63 House seats, along with their majority, and narrowly maintained control of the Senate after losing 6 seats.<sup>19</sup>

Even with the healthy partisan majorities it held through 2009 and 2010, the Obama administration was unable to expand on its 2009 efforts at stimulus or to provide an extension of unemployment benefits. After the election, the administration was in an even more difficult bargaining situation. The pending loss of House control and trimming of its Senate majority meant that these agenda items would have to be taken up in a lame-duck session. Thus, Democratic legislators would be called on to move on many of the same policies that the voters had appeared to repudiate in the election. There was also pressure to avoid the across-the-board tax increases that would result from the expiration of the Bush-era tax cuts on December 31, 2010. The administration had pledged to keep the tax cuts for families making less than \$250,000 and let the rest expire. This approach, the administration argued, balanced the need to avoid tax increases in a recession with the goal of adding progressivity to the tax structure to offset growing economic inequality.

The Republicans also faced a difficult situation. The party has a long-standing commitment to making the Bush cuts permanent at all income levels. If they let the tax cuts expire, they would have little hope of restoring cuts in the upcoming congressional term. So, the lame-duck session became a “game of chicken.”

However, rather than push the dispute to the brink, the Obama administration reached out to Republican leaders to fashion a compromise. Yet, given the polarized environment, finding a middle ground on each of the issues—tax cuts, unemployment insurance, and other stimulus—would be impossible. Therefore, the underlying principle of the negotiation was to trade on differences in issue salience so that each side could get what it most valued and give on other issues (see Chapter 5). The Republicans procured an extension of all of the tax cuts, albeit for only two years. The Republicans also received a favorable deal on the provisions for the estate tax, with a higher exemption and lower rate than would have prevailed without the legislation.

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<sup>19</sup> This section draws heavily on McCarty (2012).

The Democrats got fiscal stimulus and relief measures targeted at low-income and unemployed workers. The employee contribution to Social Security was reduced from 6.2% to 4.2% for one year, and \$57 billion was appropriated for extended unemployment benefits.<sup>20</sup>

Reflecting the nature of a negotiated outcome of this sort, the opposition to the plan came from the ideological extremes of both parties. Progressives were particularly upset with the extension of tax cuts for high-income families and with the estate-tax provisions. Some even expressed concern that the payroll tax deductions would undermine the Social Security system. Conservatives were similarly dismayed not to receive a more permanent extension of the tax cuts, and worried that the extension of unemployment benefits would contribute to the deficit.<sup>21</sup>

Ultimately, polarization did not lead to gridlock, but it may have led to something far worse. Instead of a negotiated outcome that provided targeted stimulus and a transition to a more efficient, fair, and certain tax code, the bill increased the deficit by almost \$900 billion and postponed important decisions to the future.

### Other Policy Consequences

Perhaps one of the most important long-term consequences of the decline in legislative capacity caused by polarization is that Congress's power is declining relative to the other branches of government.<sup>22</sup> Recent studies by political scientists demonstrate that presidents facing strong partisan and ideological opposition from Congress are more likely to take unilateral action rather than pursue 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 issues, from tobacco regulation to firearms to questions such as gay marriage.

Although most of this chapter concentrates on the effects of polarization within the legislative process, contemporary work in bureaucratic and judicial politics suggests that polarization also has detrimental effects at the policy-implementation stage. First, polarization decreases Congress's willingness to delegate authority to administrative agencies. In a systematic study, Epstein and O'Halloran (1999) showed that Congress is far less willing to delegate policy-making authority to agencies when there are significant 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 expertise 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 2010). These outcomes further weaken the executive

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20 Technically, the estate tax had been repealed in 2010; therefore, establishing any estate tax was a departure from the Republican goal of extending all of the tax cuts and not raising taxes in a recession. Nevertheless, liberal Democrats were especially incensed about the high exemption and low rates. Consequently, they forced a vote on an amendment to strike the estate-tax provisions, which—had it been successful—might have unraveled the negotiated agreement (Sullivan 2010).

21 The progressive opposition was somewhat more pronounced than that of the conservatives. Of the House members in the most liberal quartile, 71% opposed the agreement but only 25% of the most conservative quartile opposed. Support was highest among moderate Republicans in the third quartile, 88% of whom supported the bill.

22 See Reich (2013) for a set of recent examples.

and legislative branches vis-à-vis the judiciary. In addition, polarization has now distorted the confirmation process of executive-branch officials and judges. In studies of all major executive-branch appointments in the past century, McCarty and Razaghian (1999) found that heightened 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. Because these problems are exacerbated at the beginning of new administrations, presidential transitions have become considerably less smooth. Polarization also has 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 (Binder and Maltzman 2009).

## Conclusions

The negotiation failures resulting from polarization have done much to undermine governance in the United States through gridlock and lower-quality legislation and by harming the functioning of the executive and judicial branches. The Task Force on Negotiating Agreement in Politics was tasked not only with rekindling scholarly interest in political negotiation and bargaining but also with making concrete suggestions on how to improve the negotiation infrastructure in ways that enhance good governance.

The central idea of this chapter is not only how badly the US Congress needs such medicine but also how unwilling a patient it is likely to be. Partisan and ideological divisions in Congress have grown significantly during the past three decades. Although the evidence suggests that the average voter may not have polarized significantly, engaged and attentive voters now hold issue positions that are more consistent with those of their party. Campaign funding from ideological individuals has increased, whereas the media has contributed and adapted to the increased ideological divisions.

These long-term trends have profound implications for successful negotiation. First, polarization has fundamentally altered legislators' incentives to negotiate. Expanding ideological differences and declining dimensionality have increasingly replaced win-wins with zero-sum outcomes. Increased teamism has reduced the number of honest brokers who can effectively work "across the aisles" to create agreements. Moreover, polarization has exacerbated the incentives for strategic disagreement. It is difficult to negotiate when one or both sides think they are better off when bargaining fails.

Polarization has also transformed congressional institutions. The "textbook" Congress of decentralized committees has been replaced by a more partisan Congress, where much of the negotiation occurs among party leaders. As Binder and Lee (see Chapter 3) point out, this change may have an ambiguous effect. On the one hand, with their near-universal jurisdiction, congressional leaders have more opportunities than committee chairs to form multi-issue integrative solutions. On the other hand, leaders will continue to be constrained to the extent that their members do not find such negotiated settlements politically advantageous.

Unfortunately, the existing political science literature suggests few opportunities for reducing polarization by electoral reforms. The evidence undermines the common arguments that reforming legislative districting or primary elections will materially reduce polarization. Because reforming campaign finance has been fraught with constitutional difficulties and

unintended consequences, it does not seem to be a promising avenue for reducing polarization in the short run.

Given this dreary outlook, it is entirely appropriate that we turn our intellectual energies to exploring ways to negotiate and govern despite growing partisan differences. A new political science of negotiation that can suggest new mechanisms and protocols that help to “get the deal done,” even in polarized times, would accomplish a great deal of good.

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