Party Polarization and Legislative Gridlock

DAVID R. JONES, BARUCH COLLEGE, CITY UNIVERSITY OF NEW YORK

This article investigates how parties affect legislative gridlock—the inability of government to enact significant proposals on the policy agenda. Conventional accounts suggest that divided party control of government causes such stalemate. I offer an alternative partisan model of gridlock that incorporates party polarization, party seat division, and the interaction between these two factors. Using an original data set of major legislative proposals considered between 1975 and 1994, I find that divided government does not affect gridlock once party polarization and party seat division are taken into account. Instead, I find that higher party polarization increases the likelihood of encountering gridlock on a given proposal, but that the magnitude of this increase diminishes to the extent that a party is close to having enough seats to thwart filibusters and vetoes.

The persistence of divided party control of the legislative and executive branches of government over most of the last three decades has prompted an extensive, and as yet unresolved, debate about whether or not this phenomenon leads to the stalemate in the lawmaking process which is often referred to as gridlock. In the meantime, however, another phenomenon has been taking place in American politics that has received scant attention in studies of legislative gridlock: the policy preferences of the two parties have become increasingly polarized. Since 1990, more than half of all congressional votes have featured a majority of one party opposing a majority of the other party. This level of party polarization represents a steady increase over the 47 percent of such votes in the 1980s and 39 percent in the 1970s. To date, despite the indisputable rise in party polarization, few scholars have included a thorough investigation of party polarization in their studies of gridlock.

This article expands our understanding of legislative gridlock by examining how party polarization, in conjunction with varying partisan seat arrangements,

NOTE: The author is grateful to Kathleen Bawn, Sarah Binder, Monika McDermott, Barbara Sinclair, George Tsebelis, anonymous reviewers, and the editors of *Political Research Quarterly* for their comments on earlier versions of this article.

Political Research Quarterly, Vol. 54, No. 1 (March 2001) pp. 125-141

affects the relative inability of government to enact significant proposals on the policy agenda. First, I briefly review the literature on the divided government hypothesis and discuss some aspects of the theory that might explain the mixed empirical findings. I then offer an alternative theory to explain how parties affect gridlock. This new theory focuses on party polarization, and its interaction with party seat division. I test these two hypotheses, using an original data set of major legislative proposals considered between 1975 and 1998. The results suggest that parties do affect gridlock, but that their impact is more complex than the standard divided government argument suggests.

Partisan Models of Legislative Gridlock

The standard partisan model that has been offered as an explanation for legislative gridlock (or its counterpart, productivity) is the divided government hypothesis (see Sundquist 1988; Cutler 1988; Kelly 1993; Cameron, Howell, Adler, and Riemann 1997; Edwards, Barrett, and Peake 1997). The divided government hypothesis claims that legislation is less likely to be enacted when the President's party does not hold a majority of seats in both chambers of Congress. Supporters of this hypothesis explain that the constitutional separation of powers requires policy agreement among the House, Senate, and President in order for bills to become law. They further argue that agreement among these three bodies is likely to be thwarted during divided government (see also Kernell 1991).

While the divided government argument is quite intuitive, empirical support has been mixed. For example, while Mayhew's (1991) systematic analysis of significant laws passed in the postwar era finds no evidence that divided government is any less productive than unified government, Kelly (1993) reexamines Mayhew's data using different criteria for "significant laws" and finds that divided government does reduce enactment of these laws. Taking into account the non-stationary nature of time series data, Cameron, Howell, Adler, and Riemann (1997) find that divided government reduces enactment of "landmark" legislation, but increases enactment of less significant legislation. Edwards, Barrett, and Peake (1997) find that divided government increases failure of legislation opposed by the President, but does not increase failure of legislation that the President supports. Binder (1999) finds that divided government produces a mild increase the proportion of salient legislation that fails, but has an effect no greater than several other causal variables.

It is possible to explain the mixed empirical evidence regarding the legislative effect of divided government by re-examining three implicit assumptions made in the divided government argument. First, the divided government argument implicitly assumes that passage in Congress requires support from only a simple majority in both chambers. Second, the argument implicitly assumes that Congress and the President must agree in order to break gridlock. Third, the argument implicitly assumes that the two major parties have distinctly different

policy preferences. I shall illustrate how violations of these assumptions can lead to breakdowns in the divided government hypothesis.

The argument that unified government is not prone to gridlock assumes that passage in Congress requires support from only a simple majority in both chambers. If this were true, then unified government would guarantee that the President's party had enough seats in Congress to pass its legislative agenda. In the Senate, however, a minority of members can prevent final action on a bill by filibustering (or credibly threatening to do so), and thereby prevent enactment. Ending a filibuster requires the support of three-fifths of the Senate, or 60 out of 100 votes. Therefore, unified government in which the President has the support of less than three-fifths of the Senate could be just as prone to gridlock as divided government.

Furthermore, the prediction that divided government leads to gridlock assumes that Congress and the President must agree in order to break gridlock. If this were true, then presidential opposition to legislation passed by the majority party in Congress would prevent enactment during divided government. However, the presidential veto power is not absolute. Congress can override presidential vetoes with a two-thirds vote in both chambers. Therefore, whenever two-thirds of the House and Senate support a bill, divided government will not necessarily lead to gridlock.

The prediction that divided government causes gridlock also implicitly assumes that the two major parties have distinctly different policy preferences. In this article I use the term "party polarization" to describe the degree to which party preferences are distinct from each other.[1] When party preferences are highly polarized, members of one party are more likely to be uniformly opposed by members of the other party on the policy matter at hand. Since the President's party lacks a majority in Congress during divided government, highly polarized parties would mean that legislation supported by the President would be unlikely to muster the majority needed to pass in Congress, and legislation that passed in Congress would likely be opposed by the President, thus prompting a veto.

However, just because government is divided it does not necessarily follow that the respective preferences of the two parties are clearly distinct. In the American system of government, party preferences can be highly polarized in some cases and have a considerable degree of overlap in other cases. When party preferences are significantly less polarized, members of one party may be no less likely to vote for a measure than members of the other party are. In this case, divided government will not necessarily prevent agreement between the legislative and executive branches.

[1] In other words, polarized parties are parties whose respective policy views would be distant from each other if placed on an ideological scale. I do not seek to identify the particular source(s) of party polarization, I am merely interested in its effects on gridlock.

Overall, the argument that divided party control of government leads to gridlock is premised on assumptions of majority rule, absolute veto, and distinct parties. By taking into account the importance of the filibuster, veto override, and variation in party polarization, I shall attempt to construct an improved model of how parties affect legislative gridlock.

The divided government argument assumes that support from the President and a simple majority in the House and Senate are necessary and sufficient conditions for enacting a law. As a result of the filibuster, however, legislation supported by the President needs not only simple majority support in the House, but also three-fifths support in the Senate to overcome gridlock. As a result of veto override provisions, legislation opposed by the President can, in fact, overcome gridlock if it has two-thirds support in the Senate and in the House. Overall, in order for legislation to overcome gridlock the Senate always needs to have at least three-fifths support and sometimes as much as two-thirds, while the House always needs to have simple majority support, and sometimes as much as two-thirds. Recent works by Jones (1995) Krehbiel (1998) and Brady and Volden (1998) formalize this argument that supermajoritarian models focusing on the Senate filibuster and the veto are more appropriate to the study of gridlock than majoritarian models (such as the divided government hypothesis). However, these gridlock models that focus on supermajoritarian institutions are generally nonpartisan models, and thus have little to say (or test) regarding how various types of partisan conditions might make gridlock more or less likely (other than to suggest that divided government is irrelevant).

Given that not only majority support, but often supermajority support is needed to break gridlock, what party variables affect the likelihood of achieving large majorities in each chamber? One factor is the level of party polarization in each chamber. When party polarization is low, Democrats are not uniformly opposed to Republican proposals, and Republicans are not uniformly opposed to Democratic proposals. With the possibility of votes from both parties, larger majorities are more likely, and therefore gridlock should be less likely (see also Binder 1999).

At the same time, however, while low party polarization should reduce the likelihood of gridlock, higher party polarization may not uniformly increase the likelihood of gridlock. Instead, the effect of higher party polarization may be dependent on a second party variable in each chamber: party seat division. In the Senate, when neither party is close to having a filibuster-proof or veto-proof majority highly polarized parties should be most likely to cause gridlock. This is because neither party has enough seats to prevent a filibuster or override a veto if the other party solidly opposes its agenda, and party polarization increases the opposition of one party's membership to the other party's membership.[2] However,

[2] Any group of 41 or more like-minded Senators can filibuster. In this sense, low party polarization is no *guarantee* of relief from the threat of filibusters. On the other hand, however, high party

as a party comes closer and closer to a filibuster-proof and veto-proof majority (such as a three-fifths majority along with control of the Presidency), party polarization should become less and less likely to increase gridlock. This happens because as a party gets closer to the supermajority of seats it needs to enact its agenda, it needs fewer votes from members of the other party. Therefore, higher party polarization is less of an obstacle to the supermajority support that is needed to break gridlock. In other words, as a party gets closer to a veto-proof and filibuster-proof majority in the Senate, party polarization provides a diminishing marginal boost to legislative obstruction.

Party seat division should have a similar effect in the House. When the President's party does not have a majority and the opposition party does not have a veto-proof majority, highly polarized parties should be most likely to cause gridlock. This is because neither party has enough seats to enact its agenda without help from the other party. However, as the President's party approaches majority party status in the House (or, less likely, the opposition party approaches a veto-proof majority) party polarization should become less likely to increase gridlock. In these cases, a party needs less help from across the aisle to pass its agenda. In sum, as a party approaches the majority it needs to pass its agenda in the House without fear of a veto, party polarization provides a diminishing marginal boost to legislative obstruction.

Overall, reanalyzing the assumptions of the divided government hypothesis suggests a new, more nuanced hypothesis regarding the effect of parties on gridlock. This new hypothesis, which I will refer to as the party polarization hypothesis, argues that unified versus divided government per se does not affect gridlock. Instead, gridlock is caused by the interaction between two partisan variables: party polarization and party seat division. While a few scholars have looked at one or the other of these variables, none has analyzed the interaction between them that is central to this hypothesis. Binder (1999) examines the effect of party polarization on gridlock, but does not take into account variation in party seat division. She therefore does not test whether the effect of party polarization diminishes under certain partisan seat configurations (as the discussion above would suggest). In fact, Binder suggests that divided government will still have an effect on gridlock even when party polarization is taken into account —an assertion that is contrary to my hypothesis. Coleman (1999) looks at Senate supermajorities, but only as a dichotomous variable, and without considering its interaction with party polarization.[3]

polarization—in which members of one party uniformly oppose members of the other party—will necessarily increase the threat of filibusters when neither party has a filibuster-proof majority.

[3] Coleman does consider possible effects of divisions within each congressional party, but not directly between parties, and not in interaction with party seat division.

In contrast to previous works, this study argues that higher party polarization increases gridlock, but that the magnitude of this increase diminishes to the extent that a party is close to having enough seats to thwart filibusters and vetoes. Therefore, unified government is just as prone to gridlock as divided government when parties are highly polarized and neither party has a large majority. Conversely, divided government is just as productive as unified government when party polarization is low or when one party has a veto-proof, filibuster-proof majority.

Data and Method

This article examines how different partisan configurations affect the relative inability of government to enact significant proposals on the policy agenda ("gridlock"). Given this goal, the first step in the analysis is to identify what Mayhew (1991: 35-36) refers to as the "agenda of potential enactments." Once this agenda is identified, it is then possible to compare the conditions associated with governmental failure relative to those associated with governmental success, for each item on the policy agenda.

Kingdon (1984: 3) defines the agenda as "the list of subjects or problems to which governmental officials, and people outside government closely associated with those officials, are paying some serious attention at any given time." I identify such significant potential enactments using *Congressional Quarterly Weekly Report*'s lists of major legislative proposals for every Congress from 1975 through 1998 (94th-105th Congress). The starting date of 1975 is used because this is the first year that the three-fifths cloture rule for ending filibusters went into effect.[4] For each Congress, I examined every issue of *Congressional Quarterly Weekly Report* that was published during its two-year term. Using every periodic list of major legislative proposals contained in these issues, I compiled one comprehensive list for each Congress. Following Mayhew (1991: 40), I exclude from this data set a small number of proposals that would not constitute "law" if passed, including presidential appointments and non-binding congressional resolutions. I also exclude treaties, which do not require passage in both chambers.

The smallest possible unit of analysis for gridlock is the failure of a single item on the policy agenda. Specifically, gridlock can be said to occur whenever a

[4] From 1917 until 1975 the Senate operated under a two-thirds cloture rule. With a two-thirds cloture rule, the theory would predict a slightly different relationship between party polarization, seat share and gridlock. For example, with the two-thirds cloture rule (prior to 1975) party polarization in the Senate would be expected to produce gridlock even when a party held between 60 and 66 percent of Senate seats. With the current three-fifths cloture rule, party polarization is not necessarily expected to increase gridlock in this seat range. For purposes of brevity and clarity, this work does not attempt to elaborate and test the different implications of the theory under different cloture levels.

significant proposal on the policy agenda fails to be enacted into law during a two-year Congress. Using this definition, I create a dichotomous gridlock variable. This variable is coded 1 for proposals in the data set that failed to be enacted into law—regardless of what stage in the legislative process the proposal died—and 0 for proposals that were enacted into law—regardless of the particular route to enactment.[5]

For each case in the dependent variable, we need a measurement of party polarization and a measure of party seat division in each chamber. Party polarization varies not only across Congresses, but also across major policy initiatives within a given Congress. In the 105th Congress, for example, the parties held widely divergent views from each other on the subject of managed health care, but held positions that were more difficult to distinguish from one another on the subject of transportation funds. This study argues that even within a Congress, policies on which the parties have similar preferences should be less likely to become mired in gridlock than policies on which the parties preferences are far apart. Therefore, measures of party polarization that are aggregated by Congress are inappropriate for testing the hypothesis at this level (and can even lead to counterfactual inferences; see King 1997). Since only individual-level analysis can effectively be used to explain variations in gridlock across policy items as well as across Congresses, I measure party polarization on a case-by-case basis as the absolute difference between the percentage of Democrats voting yea and the percentage of Republicans voting yea on a measure.[6]

Ideally, the votes used to measure party polarization should attempt to capture the sincere preferences of members rather than any strategic behavior. For this reason, I measure party polarization on the final recorded vote taken on each measure in each chamber. Though other votes, such as those on particular amendments, may sometimes display higher party polarization, final votes are the most conducive to sincere voting on the issue at hand. As Mayhew (1991: 120) aptly points out, final votes "are the ones that pose an up-or-down choice between passing a bill or doing nothing. . . . Victorious amendments are incorporated in the final measures; others are left behind."[7] While measuring party polarization on a case-by-case basis is the best way to establish a direct causal link and avoid inference problems inherent in aggregate analyses, it does carry a caveat. Since party polarization is measured using votes on each proposal,

[5] The data set contains 49 cases of gridlock and 181 enactments.

[6] Ideally, the measure of party polarization should capture the degree of distance between the parties. While it is difficult to measure party distance at the individual level, the index of party difference measure provides a good approximation. When aggregated by Congress, the index of party difference correlates with the distance in party medians (based on DW-NOMINATE scores, a common measure of member ideology) at .91 (Senate) and .87 (House) for the period under consideration.

[7] In the data set, polarization ranges from 0-97 (House) and 0-100 (Senate), with means of 33 (H) and 29 (S), and standard deviations of 26 (H) and 28 (S).

significant proposals that did not receive recorded votes are necessarily excluded from the analysis. However, analysis of these excluded cases suggests that their exclusion does not bias the findings of this study.[8]

For party seat division, I measure the percentage of seats held by voting members of the President's party in a chamber at the time each proposal was considered. In the Senate, since the President's party only needs a three-fifths majority to end a filibuster while the non-presidential party needs a two-thirds majority to override a veto, it is much more likely that larger proportions of seats held by the President's party will help overcome gridlock than it is that larger proportions of seats held by the non-presidential party will help overcome gridlock. This is also the case in the House, where the President's party needs only a simple majority for passage while the non-presidential party needs a two-thirds majority to override a veto.[9]

Finally, to test the divided government hypothesis, I code for unified versus divided government.[10] Since the divided government hypothesis claims that only unified party control of all three legislative actors—House, Senate, and President—can break gridlock, proposals that were considered when the President's party held a majority in both the House and the Senate are coded 0 for unified government (N = 58) and proposals that were considered when the President's party did not hold a majority of seats in both the House and Senate are coded 1 for divided government (N = 172).[11]

[8] Approximately two-thirds of all proposals listed in CQ received recorded floor votes in both chambers. Using Poole and Rosenthal's (1997) coding scheme of 99 specific issues, I find that all of the issue areas covered by the excluded cases are also present among the included cases. I also develop a rough estimate of party polarization for most (86 percent) of the excluded cases. A Chow test suggests if these cases were included they would have no significant impact on the magnitude or significance of any of the key coefficients.

[9] Presidential party seat percentage ranges from 32-69 (House) and 37-61 (Senate), with means of 47 (H) and 49 (S), and standard deviations of 10 (H) and 7 (S).

[10] While other variables such as leadership involvement and presidential position are also related to legislative outcomes, they are generally modeled as having an *indirect* impact via the preferences of party members in Congress—a factor that is already accounted for in the analysis. For example, Bond and Fleisher (2000) find that when a President takes a position on a measure he is more likely to draw more support from his own party than from the opposition party, and when congressional leaders support such measures, fellow partisans are more likely to support them and opposing party members are more likely to oppose them (thus affecting party polarization). I this study, I restrict my focus to the effects of polarization rather than its potential causes.

[11] Consistent with the divided government hypothesis, the 97th-99th Congresses in which Republicans held the White House and a majority in the Senate, but not a majority in the House, are coded as divided government. There is no significant difference in the results if two separate divided government dummy variables are used instead (one for 97th-99th, another for "pure" divided government), indicating that the findings are in no way dependent on whether divided government is defined broadly or narrowly (results available from the author).

Since the dependent variable in this study is dichotomous (a proposal either fails or is enacted into law), I employ logistic regression analysis. The analysis therefore evaluates the impact of the independent variables on the *likelihood that government will fail to enact a given significant proposal* ("likelihood of gridlock").

Findings

Table 1 presents the results of five logistic regression models testing alternative partisan explanations for gridlock.[12] The first model estimates the effect of divided government alone on the likelihood of gridlock. As predicted by the divided government hypothesis, the coefficient for divided government is positive and significant. The specific effect of an independent variable in a logistic regression model can be interpreted by translating the results into probabilities. In this case, the results indicate that the presence of divided government increases the probability of gridlock by 12 percentage points—a fairly substantial amount. However, the divided government variable does not actually lead to any more cases being correctly predicted.

The next column in Table 1 tests the relative strength of the party polarization hypothesis versus the divided government hypothesis by adding variables measuring party polarization and the interaction of party polarization with presidential party seat percentage in each chamber. The party polarization hypothesis predicts that higher party polarization in a chamber increases system-wide gridlock, but that the magnitude of this increase diminishes to the extent that the President's party has a larger percentage of seats in that chamber. If this hypothesis is correct, the coefficients for party polarization should be positive and the coefficients for the interactive terms should be negative.

The results of the estimation of model 2 support the party polarization hypothesis. In both the House and Senate, the coefficients for party polarization and for party polarization's interaction with presidential party seat percentage are in the expected direction, and in the Senate both variables are statistically significant. Furthermore, inclusion of the party polarization hypothesis variables provides a statistically significant boost in the model chi-square and improves its predictive efficiency. On the other hand, the results suggest that divided government does not have any impact on gridlock over and above the effect of party polarization and its interaction with party seat division. When these other party variables are included in the estimation, the magnitude of the divided government coefficient drops and its significance vanishes.

It is worth speculating why, empirically, the party polarization and party seat division in the Senate seem to have a more significant impact on gridlock than

[12] I also ran the model with dummy variables for each Congress to test for any Congress-specific fixed effects. The fixed effects were neither jointly nor individually significant, while my key variables remained jointly significant and their signs and magnitudes were not affected.

TABLE 1
EFFECT OF PARTY VARIABLES ON GRIDLOCK, 1975-1998

Independent Variables	Model 1	Model 2	Model 3	Model 4	Model 5
Divided government	.8560**	.4347	.2390	.4945	
	(.4404)	(1.0402)	(.7294)	(1.0037)	
Party polarization (Senate)		.1028**	.1372***	.1568**	.1449***
		(.0584)	(.0446)	(.0671)	(.0322)
Party polarization × seats of President's party (Senate)		−.0016*	−.0018**	−.0021**	−.0020***
		(.0012)	(.0009)	(.0012)	(.0006)
Party polarization (House)		.0453			
		(.0511)			
Party polarization × seats of President's party (House)		−.0002			
		(.0011)			
Party polarization × divided government				−.0087	
				(.0220)	
Constant	−1.9859***	−4.0828***	−3.2619***	−3.4660***	−3.0646***
	(.4031)	(.9960)	(.7175)	(.9200)	(.3656)
Number of cases	230	230	230	230	230
Initial −2 log likelihood	238.262	238.262	238.262	238.262	238.262
Model chi-square	4.325**	78.443***	70.786***	70.945***	68.909***
Reduction in error	0.00%	26.53%	30.63%	30.63%	32.63%
Aldrich-Nelson[a] pseudo-R^2	.04	.51	.47	.47	.46

Note: Entries are unstandardized coefficients (standard errors in parentheses). *p < .10, **p < .05, ***p < .001 one-tailed.

[a]Uses Hagle and Mitchell (1992) correction.

similar measures in the House when both are included in the model. One possibility is that when partisan conditions in the Senate are sufficient to overcome the institutional obstacles to enactment in that chamber, they are empirically likely to be sufficient in the House as well, but the reverse is not necessarily true. In this case, variables measured in the Senate would be sufficient for explaining almost all of the party polarization effect in both chambers. This scenario is consistent with the empirical finding that party variables are highly correlated across chambers (polarization .78, seats .87), and the fact that only the Senate allows filibusters.[13]

[13] I do not mean to suggest that passage of a proposal in the Senate guarantees enactment. What I do suggest is if party polarization in the Senate is low enough to overcome a potential filibuster

Since the insignificance of the divided government variable could be attributable to mispecification of the model, I estimate two alternative models with divided government. First, model 3 removes the insignificant House variables. Nevertheless, divided government remains insignificant—unlike the party polarization variables from the Senate. Second, model 4 tests for the possibility that divided government is significant only when parties are polarized by adding an interaction between these two variables (using Senate polarization). However, the original party polarization hypothesis outperforms even this revised divided government hypothesis.

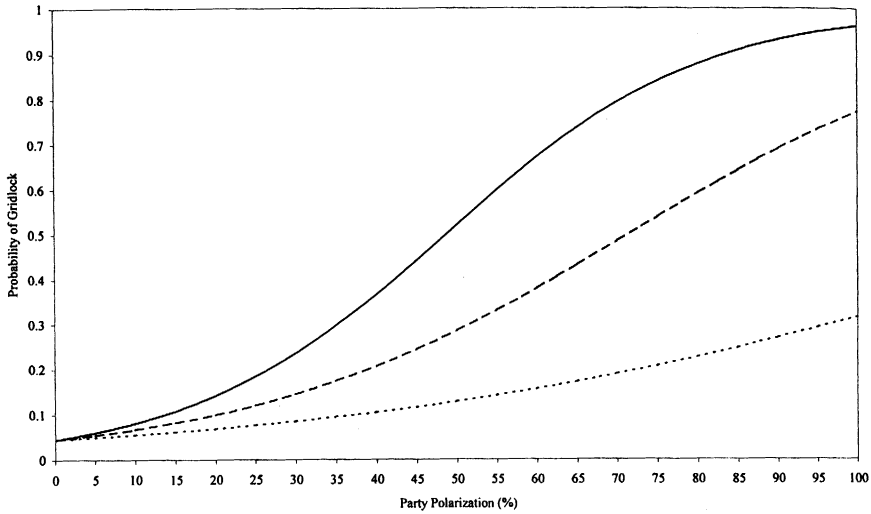
Finally, I estimate a reduced model of policy gridlock that includes only party polarization and its interaction with presidential party seats in the Senate. As in the previous three models, these two variables are significant and retain their relative magnitude. Furthermore, removal of the divided government variable does little to diminish the explanatory power of the model.[14]

Figure 1 translates the results of this estimation into probabilistic terms. The figure displays three lines, each representing the effect of party polarization on gridlock for a different hypothetical percentage of Senate seats held by the President's party: 41 percent, 51 percent, and 61 percent. When party polarization is non-existent (0 percent), the probability of gridlock for all three seat levels is equally unlikely—about .04. However, as party polarization rises, the effect on gridlock is different for each of the three seat levels. For the line labeled 41 percent, greater levels of party polarization dramatically increase the probability of gridlock, as indicated by the steep, positive slope. Specifically, gridlock becomes more likely than enactment (probability > .5) for all levels of party polarization above 48 percent. When the President's party has a larger proportion of Senate seats—the line labeled 51 percent, for example—party polarization still increases gridlock, but the magnitude of its effect diminishes somewhat. In this case, gridlock becomes more likely than enactment only for levels of party polarization above 71 percent. Finally, when the President's party has 61 percent of Senate seats, gridlock is always less likely than enactment (probability always < .5), regardless of the level of party polarization.

(in conjunction with a particular party seat division), a similar level of party polarization and seat distribution in the House (as expected empirically) should be more than sufficient to achieve the simple majority support that is needed for passage there. But, if party polarization in the House is just barely low enough to ensure simple majority support in the lower chamber (in conjunction with a particular party seat division), it is quite possible that a similar level of party polarization and seat distribution in the Senate will not be sufficient to overcome potential filibusters in the upper chamber.

[14] While individual bill-level analysis is the most appropriate method for testing the party polarization model, the results are similar when one conducts an aggregate analysis of the model using Mayhew's data on the number of enactments per Congress and average party polarization scores for each Congress (Jones 1998).

FIGURE 1
ESTIMATED EFFECT OF PARTY POLARIZATION AND PARTY SEAT DIVISION ON THE PROBABILITY OF GRIDLOCK (BASED ON TABLE 1, EQUATION 5)



41% of seats held by President's party
51% of seats held by President's party
61% of seats held by President's party

Figure 1 also offers an explanation why divided government might appear to increase gridlock when one does not control for party polarization or party seat division. The regression line representing a 41 percent minority of seats for the President's party is necessarily an example of divided government, while the line representing a 51 percent majority of seats for the President's party is more typical of unified government.[15] In other words, divided government may appear more prone to gridlock simply because party polarization is more harmful to legislation when the President's party has fewer seats, not because legislative-executive agreement is precluded.

CONCLUSION

Based on original individual-level data from 1975 through 1998, this article finds that divided government per se does not cause gridlock. Instead, the results

[15] Though this could also qualify as a form of divided government if the President's party did not have a majority of House seats.

show that higher party polarization increases gridlock, but that the magnitude of this increase diminishes to the extent that a party is closer to having enough seats to thwart filibusters and vetoes. Therefore, unified government is just as prone to gridlock as divided government when parties are highly polarized and neither party has a large majority. On the other hand, divided government is just as productive as unified government when party polarization is low or when one party has a veto-proof, filibuster-proof majority.

Based on the conventional wisdom of the divided government argument, some reformers hoping to alleviate legislative gridlock have advocated changes in the electoral system designed to promote unified government (see Sundquist 1992). Yet the results of this study suggest that adopting such changes may not help to reduce gridlock, since unified government is not necessarily any less prone to gridlock than divided government. A more effective strategy for those who desire active government may be to reduce the threat of filibusters by lowering the three-fifths cloture requirement. Ironically, however, lowering the cloture requirement requires a vote of two-thirds of the Senate, a level of agreement that is unlikely to be reached in the current era of party polarization.

Appendix: Major Legislative Proposals

105th Congress
bankruptcy revisions
managed care
partial birth abortion
supplemental approp. 1997
budget reconcil.-spend. 1998
budget reconcil.-taxes 1998
defense authorization 1998
supplemental approp. 1998
defense authorization 1999
higher education
housing overhaul
internet tax
IRS restructuring
transportation

104th Congress
balanced budget
flag desecration
State Dept., for. aid 1996-97
job training
budget reconciliation 1996
product liability
regulatory overhaul
term limits
anti-terrorism/death appeals
congressional compliance
defense authorization 1996
defense authorization 1997
farm bill
recissions 1995
health insurance
immigration
line item veto
lobbying
paperwork reduction
safe drinking water
shareholder lawsuits
minimum wage hike
telecommunications
unfunded mandates
welfare reform

103rd Congress
campaign finance
lobbying

EPA cabinet position
abortion clinic access
Brady bill
budget reconcil. 1993
defense authorization 1994
defense authorization 1995
economic stimulus package
education reauthorization
family & medical leave
GATT
Goals 2000
Hatch Act
independent counsel
motor voter
NAFTA
national service
NIH reauthorization
omnibus crime
savings & loan bailout
unemployment benefits

102nd Congress
crime bill
education goals
striker replacement
urban aid tax bill 1992
campaign finance reform
China-MFN
motor voter
family leave
gag rule
middle class tax cut 1992
NIH reauthorization
balanced budget
foreign aid auth. 1992-3
vertical price fixing
banking overhaul
cable TV regulation
civil rights
defense authorization 1992
Desert Storm supplemental
energy policy
federal waste compliance
higher education reauth.
RTC financing
Russian aid
disaster relief
supplemental auth. 1991
surface transportation
unemployment benefits
use of force in Gulf

101st Congress
civil rights
Hatch Act revisions
textile & apparel trade
campaign finance reform
age discrimination
clean air
contra aid
defense authorization 1989
defense authorization 1990
disabilities act
farm programs
housing programs
legal immigration revision
minimum wage increase
Nicaragua election aid
oil-spill liability
Poland, Hungary aid
budget reconciliation 1990
thrift bailout/reform
vocational education

100th Congress
airport reauthorization
catastrophic health care
Grove City civil rights
clean water act
contra aid
G-R-H revisions
defense authorization 1989
drought relief
fair housing

farm credit
FSLIC recapitalization
defense authorization 1988
budget reconciliation 1988
highway reauthorization
homeless aid
housing authorization
omnibus drug
omnibus trade
plant closings/notice
welfare reform

99th Congress
clean water act extension
emergency farm credit
budget reconciliation 1986
defense authorization 1986
farm bill
foreign aid authorization 1985
Gramm-Rudman budget act
immigration reform
MX missile appropriation
MX missile authorization
South Africa sanctions
contra aid
superfund reauthorization
tax reform

98th Congress
immigration
defense authorization
deficit reduction
housing authorization
revenue sharing
social security/medicare
emergency jobs program

97th Congress
oil allocation
balanced budget amend.
defense authorization 1983
budget reconcil.-taxes 1982
foreign aid auth. 1982
highways/mass transit
military pay
nuclear waste
omnibus farm bill
budget reconciliation 1983
budget reconcil.-spend. 1982
social security
supplemental approp. 1982
tax cut
voting rights act

96th Congress
energy mobilization board
Alaska lands
banking/NOW accounts
Chrysler aid
education department
food stamp spending cap
Federal Trade Commission
Geneva trade agreements
nuclear energy
railroad deregulation
synthetic fuels
Taiwan relations
trucking deregulation
windfall profits

95th Congress
labor law revision
campaign financing
aid for education
airline deregulation
Arab boycott
civil service reform
clean air amendments
emergency natural gas
energy department
financial disclosure
Humphrey-Hawkins
minimum wage
national energy act

New York City aid
omnibus farm-food bill
public works jobs
reorganization authority
social security financing
stimulus tax cuts 1977
strip mining
tax cuts 1978
water pollution control

94th Congress
clean air
common-site picketing
consumer agency
farm supports
lobby reform
natural gas
strip mining
Vietnam contingency act
arms sales/military aid
education aid
emergency housing
energy conservation & oil
FEC changes
food stamp price freeze
northeast rail assistance
New York City aid
public service jobs
public works jobs
railroad reorganization
revenue sharing
tax reduction
tax revision
Vietnam refugee relief
voting rights

References

Binder, Sarah. 1999. "The Dynamics of Legislative Gridlock, 1947-1996." *American Political Science Review* 93: 519-36.

Brady, David, and Craig Volden. 1998. *Revolving Gridlock: Politics and Policy from Carter to Clinton*. Boulder, CO: Westview Press.

Cameron, Charles, William Howell, Scott Adler, and Charles Riemann. 1997. "Divided Government and the Legislative Productivity of Congress, 1945-1994."Paper presented at the annual meeting of the American Political Science Association, Washington, DC.

Coleman, John J. 1999. "Unified Government, Divided Government, and Party Responsiveness." *American Political Science Review* 93: 821-35.

Cutler, Lloyd N. 1988. "Some Reflections About Divided Government." *Presidential Studies Quarterly* 17: 485-92.

Edwards, George C. III, Andrew Barrett, and Jeffrey Peake. 1997. "The Legislative Impact of Divided Government." *American Journal of Political Science* 41: 545-63.

Fleisher, Richard, and Jon R. Bond. 2000. "Partisanship and the President's Quest for Votes on the Floor of Congress." In Jon R. Bond and Richard Fleisher, eds., *Polarized Politics: Congress and the President in a Partisan Era*. Washington, DC: CQ Press

Hagle, Timothy M., and Glenn E. Mitchell II. 1992. "Goodness of Fit Measures for Probit and Logit." *American Journal of Political Science* 36: 762-84.

Jones, David R. 1995. "Explaining Policy Stability in the United States: Divided Government or Partisanship in the House?" Paper presented at the annual meeting of the Midwest Political Science Association, Chicago.

_____. 1998. "Parties and the Volume of Law Production, 1947-1994." Presented at the annual meeting of the Midwest Political Science Association, Chicago, IL.

Kelly, Sean Q. 1993. "Divided We Govern? A Reassessment." *Polity* 25 :473-84.

Kernell, Samuel. 1991. "Facing an Opposition Congress: The President's Strategic Circumstance." In Gary W. Cox and Samuel Kernell, eds., *The Politics of Divided Government,* pp. 97-112. San Francisco, CA: Westview Press.

King, Gary. 1997. *A Solution to the Ecological Inference Problem: Reconstructing Individual Behavior From Aggregate Data.* Princeton, NJ: Princeton University Press.

Kingdon, John W. 1984. *Agendas, Alternatives, and Public Policies.* Boston: Little Brown.

Krehbiel, Keith. 1998. *Pivotal Politics.* Chicago: University of Chicago Press.

Mayhew, David R. 1991. *Divided We Govern.* New Haven: Yale University Press.

Poole, Keith T. and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll Call Voting.* New York: Oxford University Press.

Sinclair, Barbara. 1997. *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress.* Washington, DC: CQ Press.

Sundquist, James L. 1988. "Needed: A Political Theory for the New Era of Coalition Government in the United States." *Political Science Quarterly* 103: 614-24.

_____. 1992. *Constitutional Reform and Effective Government,* rev. ed. Washington, DC: Brookings Institution.

Taylor, Andrew J. 1998. "Explaining Government Productivity." *American Politics Quarterly* 26: 439-58.

Received: July 19, 1999
Accepted for Publication: July 5, 2000
david_jones1@baruch.cuny.edu