

determined primarily by party strength. To be sure, the degree of organizational elaboration substantially affects the intensity of the demands imposed on integrative capacity and is largely a product of factors other than party strength, e.g., size and workload. Nonetheless, integrative capacity derives or flows primarily from party strength. The higher the degree of party unity or cohesion the more power in both the formal and party systems can be concentrated in the hands of party leaders and the more leadership style will be oriented to command and task or goal attainment. The lower the degree of party unity or cohesion the more power in both the formal and party system will be dispersed and the more leadership style will be oriented to bargaining and the maintenance of good relations. The infrequency of eras of centralized power in the House is thus explicable in terms of the very high levels of party strength required to

support it, requirements which have increased as the organization itself has become more elaborate. Similarly, the degree of power dispersion now present is explicable in terms of present weaknesses in party unity or coherence both in absolute terms and relative to an organizational structure that has grown far more complex in the past two decades. Given the dependence of internal party strength on appropriate constituency alignments, all this, in turn, means that leadership power and style are ultimately tied to the state of the party system in the electorate, that external or environmental factors have a decisive bearing on the parameters and needs that institutional context imposes on leadership power and style. In short, then, to be understood Cannon and Reed must be seen in the context of an entire party system, and the same applies to Rayburn in the 1940s and 1950s, and to O'Neill today.

CHAPTER FIFTEEN

Setting the Agenda

Gary W. Cox and Matthew D. McCubbins

Cox and McCubbins argue that the majority party in the House behaves as a cartel. That is, members of the party cooperate to control the legislative agenda by delegating special agenda-setting powers to various offices – committee chairmanships, the speaker's office, and the Rules Committee – and by exercising party control over those offices. Effective use of these offices minimizes the number of defeats the majority party experiences on the floor of the House.

INTRODUCTION

For democracy in a large republic to succeed, many believe that responsible party government is needed, with each party offering voters a clear alternative vision regarding how the polity should be governed and then, if it wins the election, exerting sufficient discipline over its elected members to implement its vision. America was once thought to have disciplined and responsible parties. Indeed, students of nineteenth-century American politics saw parties as the principal means by which a continental nation had been brought together: "There is a sense in which our parties may be said to have been our real body politic. Not the authority of Congress, not the leadership of the President, but the discipline and zest of parties

has held us together, has made it possible for us to form and to carry out national programs."

Since early in the twentieth century, however, critics of American politics have often argued that congressional parties are largely moribund. Some contend that they have become nothing more than labels for like-minded politicians who act together when they agree but otherwise pursue their own agendas and careers. A chorus of critics depict members of Congress as dedicated to the pursuit of graft, campaign contributions, and the emoluments of office and as captured by interest groups who seek to turn public policy into private favors.

Even though Congress does suffer from many infirmities, we will argue that a hitherto unrecognized form of responsible party government has characterized U.S. politics since the late nineteenth century. As in the traditional view of responsible party government, our theory depicts congressional parties as electorally accountable and legislatively responsible, at least to an important degree. We differ from the traditional view, however, in at least two ways.

First, whereas traditional theories stress the majority party's ability to marshal a cohesive voting bloc as the source of its legislative power, our theory stresses the majority party's ability to set the agenda as the key to its success. The importance of this distinction can be suggested by recalling that the most prominent line of criticism of partisan theories focuses directly on the issue of voting cohesion.

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Many prominent scholars view legislators' votes as driven primarily by their constituents' and their own opinions, with partisan considerations playing a distinctly secondary role. Building on such views, Krehbiel argues that the two parties' attempts to influence votes either are negligible or cancel each other out.

If, as these theories suggest, party pressures cancel out, however, then the majority party cannot marshal its troops effectively, as required by traditional theorists of responsible party government. Instead of being driven toward the platform promises of the majority party by the force of its discipline, policies in Congress will be driven to the center of congressional opinion by the logic of the famous median voter theorem.

If one accepts the traditional view that parties are strong only to the extent that they can affect their members' behavior on substantive votes, and if one views congressional votes as positioning policy along a single left-right continuum, then Krehbiel's argument is persuasive. In particular, given these two assumptions, majority parties matter only if they can secure nonmedian policy outcomes, and, in order to do this, they must engage in the unenviable and unlikely to succeed task of regularly pressuring their constituent members to vote against their constituents' and/or their own opinions.

Our emphasis on agenda control deflects this canonical criticism of partisan theories in the following way. We do not model voting in Congress as if there were a single vote on a single dimension (per the standard unidimensional spatial model); rather, we envision a series of votes on different issues. This opens up the possibility that, even if the majority party were unable to secure a nonmedian outcome on any given issue considered in isolation — a debatable premise — it might nonetheless greatly affect the overall legislative outcome if it prevents some issues from being voted on at all.

To see how agenda-setting power can affect legislative outcomes, imagine a newly elected Congress and the set of existing government policies — label them q_1, \dots, q_n — that it faces. Each of these policies could, in principle, be adjusted, sliding them further to the left or right



Figure 15.1. Illustration of leftward and rightward policy moves.

(e.g., less stringent or more stringent regulation of abortion). The newly elected members of the House have opinions regarding how each of the n policies should ideally be positioned along their respective left-right dimensions. Denote the center of congressional opinion (the median ideal position) regarding each policy by F_1, \dots, F_n for the n policies.

Note that one can divide the existing government policies into two main categories, depending on the relationship between the legislative median, F_I , and the status quo, q_I . In one category are policies that lie to the left of the current center of congressional opinion, $q_I < F_I$. If the House votes on a bill to change such a policy from the status quo (e.g., q_I^L in Figure 15.1) to the floor median, F_I , the result will be a *rightward* policy move. In the second main category are policies that lie to the right of the current center of congressional opinion, $q_I > F_I$. If the House votes on a bill to change such a policy from the status quo (e.g., q_I^R in Figure 15.1) to the floor median, F_I , the result will be a *leftward* policy move.

Now suppose in this simple example that Democratic majorities can block bills that propose rightward policy moves from reaching votes on the floor, thereby killing them without the necessity of a clear floor vote on the bill itself. The Democrats' blocking actions might take many forms, such as a chair refusing to schedule hearings, a committee refusing to report, the Rules Committee refusing to report a special rule, or the speaker delaying a particular bill. Each of these actions might in principle be appealed to the floor and reversed via a series of floor votes. It is a maintained assumption of our approach that the transaction costs involved in such appeals are typically so high that the majority's delaying tactics are effective in killing (or forcing changes in) the bills they target. To the extent that they are successful, the Democrats will produce a legislative agenda

on which every bill actually considered on the floor proposes to move policy leftward. As a natural consequence, a majority of Democrats will support every bill.

This example, we hasten to add, overstates what our theory actually predicts (e.g., there are rightward policy moves that even the Democrats would like to make and, similarly, leftward policy moves that even the Republicans would support, when the status quo is extreme enough). Nonetheless, the discussion so far suffices to illustrate the potential power of a minimal form of agenda control (just the power to block) and makes clear that our theory sidesteps critiques that focus on the debility of party influence over floor votes (such as Krehbiel's). We can deny both the notion that parties must secure nonmedian outcomes issue by issue in order to matter and the notion that parties must exert discipline over how their members vote on bills in order to matter. Agenda control alone suffices — if it can be attained — to exert a tremendous influence over policy outcomes.

In sum, traditional theories of responsible party government see a Democratic (or Republican) majority as mattering because the majority can marshal its troops on a given issue and thereby attain policy outcomes that differ from those preferred by the median legislator on that issue. Aldrich and Rohde's theory of conditional party government shares this perspective: "most partisan theories would yield the expectation that the majority party would have sufficient influence . . . to skew outcomes away from the center of the whole floor and toward the policy center of [majority] party members." Such theories are vulnerable to Krehbiel's critique and its predecessors. In contrast, our theory sees a Democratic (respectively, Republican) majority as mattering because the majority can prevent reconsideration of status quo policies lying to the left (respectively, to the right) of the current median legislator on a given policy dimension — thereby filling the agenda mostly with bills proposing leftward (respectively, rightward) policy moves.

We should add that we do not view American parties as incapable of disciplining their troops. Indeed, we believe they regularly seek addi-

tional support on close votes, employing both carrots and sticks in the process. Such efforts can even lead to nonmedian outcomes on particular issues (typically via procedural maneuvers, such as closed rules, rather than by outvoting the opposition on the merits). However, the majority party's efforts on the floor are designed to complement whatever degree of agenda manipulation has already occurred by controlling a few votes on the margin, not to coerce moderate members to cast risky votes in order to maximize party cohesion. Picking which bills will be voted on at all — that is, which status quo policies will be at risk of change — is the primary technique; garnering enough votes to eke out a victory is important but secondary.

A second way in which our theory differs from traditional notions of responsible party government is that the latter stress the enactment of new policies — as promised in the party platforms — as the main normative criterion by which one should judge whether party government is operating successfully. In contrast, our theory stresses the avoidance of party-splitting issues, hence the preservation of some existing policies, as the key to the political survival of majority parties (whatever its normative merits).

We do not claim that parties cannot or do not compile positive records of accomplishment and are restricted merely to the preservation of portions of the status quo. Even the most heterogeneous majorities in congressional history, such as the Democrats of the 1950s, were able to agree on a number of new legislative goals and accomplish them. Thus, we have argued that control of the legislative agenda can also be translated into the enactment of some or all of the majority party's platform. However, the majority's success in changing policies, unlike its success in preserving policies, depends on its internal homogeneity.

Another way to frame this second difference is to say that we envision two stories in the edifice of party government, not just one. The first, or bedrock, story involves securing a super-proportional share of offices for the party's senior members, imposing a minimal (primarily negative) fiduciary standard on those senior officeholders, and thereby ensuring that the

party collectively is able to prevent items from appearing on the floor agenda. The second, or super-structural, story consists of enhancing the ability of the party's officeholders to push (as opposed to preventing) bills, imposing a more demanding fiduciary standard upon them (one requiring that they use their new powers for the collective benefit) and thereby enhancing the party's collective ability to push items onto the floor agenda.

By shifting the terms of debate from the majority party's ability to marshal its troops on a given issue to the majority party's ability to decide which issues are voted on to begin with, and from the majority party's ability to change policies to its ability to preserve policies, we seek to provide a new theoretical grounding for partisan theories of congressional organization – and to defend it empirically. In what follows, we will show that our theory explains important features of the postbellum history of the U.S. House of Representatives extremely well. To set the stage for that demonstration, in this chapter we provide a précis of our theory.

A PRÉCIS OF PROCEDURAL CARTEL THEORY

There are two main approaches in the literature on congressional organization. One view stresses how well congressional organization serves members' nonpartisan goals. For example, the House is declared well organized to (1) promote the reelection of its members; (2) make gains from legislative trade possible; (3) make specialization and the efficient generation of information possible; and (4) aid in bargaining with the other chamber or other branches of government. Political parties are explicitly denied a consequential role in these theories.

On the other hand, a new generation of partisan theories argues that the House is well organized to serve the collective interests of the majority party. One variant of partisan theory, known as the *conditional party government* model, focuses on how the majority party leadership's powers expand as the members they lead become more alike in political preference (and

more different from the opposition), leading ultimately to greater voting discipline and thus to greater success in legislating for the majority. Another variant, while accepting a version of the conditional party government thesis, focuses on an array of procedural advantages enjoyed by the majority party that are not conditional on its internal homogeneity. We call this variant "procedural cartel theory," the key aspect of which is the majority party's use of agenda control to achieve its desired outcomes.

Four key claims distinguish our approach. First, legislative parties arise, we believe, primarily to manage electoral externalities involved in running campaigns in mass electorates. Second, legislative parties are best analogized, we believe, to legal or accountancy partnerships, with various gradations of junior and senior partners. Third, legislative parties – especially in systems where floor voting discipline is costly to secure, as in the United States – specialize in controlling the agenda, rather than in controlling votes. That is, they seek to determine what is voted on to begin with, rather than to dictate their members' votes issue by issue (although they do regularly seek votes on the margin). Fourth, a legislative majority party allocates both negative (delay or veto) rights and positive (accelerating or proposal) rights among its senior partners (and groups thereof), but the mix of such rights changes with the degree of preference homogeneity among the party's members.

To explain the last point, note that there is a trade-off between increasing veto power (and suffering higher negotiation costs in order to do anything) and increasing proposal power (and suffering higher externalities from the decisions made by those with such power). The more *heterogeneous* the preferences within a given coalition, the more that coalition's partners will wish to limit the proposal rights of other partners, which necessarily entails strengthening their own and others' veto rights. The value of the coalition then comes more and more in keeping certain issues off the agenda and stabilizing the associated status quo policies. The more *homogeneous* the preferences within a given coalition, the more that coalition's partners will agree to expand each other's proposal rights,

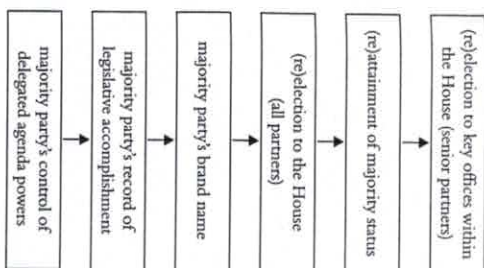


Figure 15.2. Majority-party agenda control and legislative success.

which necessarily entails weakening their own and others' veto rights. The value of the coalition then comes more and more in pushing certain issues onto the agenda with the hope of changing the associated status quo policies. Regardless of the coalition's homogeneity or lack thereof, regardless of whether its value stems more from stabilizing status quo policies or more from changing status quo policies, it will continue to seize the vast bulk of offices endowed with special agenda-setting rights and thus to cartelize agenda power. In this sense, *party government is not conditional* on the level of agreement within the party; rather, the nature of party government simply changes, from a more progressive vision (implicitly taken to be the only party government worth having in most of the previous literature) to a more conservative vision.

Having stated our inclinations on four important distinctions within the family of partisan theories, we can now diagram the elements of our theory (see Figure 15.2). Reading up from the bottom of the figure, we start with "majority party's control of delegated agenda powers," that is, with its control of the powers inherent in the various offices of the House endowed with such powers (e.g., the speakership and com-

mittee chairs). The better the majority party's control of such powers is, the more able will it be to fashion a favorable record of legislative accomplishment, although certainly other factors enter into this as well (such as the party of the president). The more favorable is the majority party's record of legislative accomplishment, the better its reputation or brand name will be, although again there are other factors that affect this, too (such as the president's actions). The better the majority party's brand name, the better will be the prospects for (re)election of its various candidates and the better will be the prospects for (re)attainment of majority status. The senior partners of the majority party care in particular about the latter because their ability to retain their chairs, speakerships, and other offices depends crucially on their party retaining its majority.

Reading the diagram top-down, instead of bottom-up, one starts with individual members of Congress assumed to care both about (re)election to the House and (re)election to offices within the House. They recognize that (re)election (especially to internal posts) depends crucially on majority status, which in turn depends on maintaining a favorable brand name for the party. Maintaining a favorable brand name, in turn, depends on the party's record of legislative accomplishment, hence on its ability to solve the various cooperation and coordination problems that arise within the legislative process. The party solves these problems primarily by delegating agenda power to its senior partners.

Because the element in this theory that we most wish to stress concerns agenda power, we turn now to a more extended consideration – albeit still abbreviated – of the cartel thesis. Chapter 16 provides a fuller elaboration of our theory.

THE PROCEDURAL CARTEL THESIS

The broadest thesis is that *agenda power in busy legislatures is almost always cartelized*. To put it another way, even though voting power in democratic legislatures is everywhere equal,

proposal and veto power are everywhere unequal.

What do we mean by agenda power being cartelized in the specific case of the U.S. House? The agenda is cartelized when (1) special agenda-setting powers are formally delegated to various offices, such as committee chairs, the speakership, and the Rules Committee; (2) the majority party's members secure most of these offices, so that "agenda-setting services" can be procured only from members of the procedural cartel, just as certain kinds of economic services or goods can be procured only from the relevant economic cartel; and (3) the majority party's "senior partners," who hold these agenda-setting offices, act according to a minimal fiduciary standard – namely, that they do not use their official powers to push legislation that would pass on the floor against the wishes of most in their party.

Note that the features we have just listed also characterize most parliamentary governments: (1) Special agenda-setting powers are formally delegated to cabinet ministers, presiding officers, and directing boards (the analogs of the U.S. chairs, speaker, majority leader, and Rules Committee, respectively); (2) the governing coalition's members secure most, if not all of these offices; and (3) the governing coalition's "senior partners," who hold these agenda-setting offices, respect a norm according to which no bills are pushed that would split the governing coalition. It is often true that many parliamentary procedural cartels expect an even greater level of cooperation between their senior partners than would have been expected of U.S. committee chairs during the uneasy alliance of Northern and Southern Democrats in 1937–60. Nonetheless, the structural design of the most basic form of party government is similar across a wide range of systems: break the theoretical equality of legislators by creating a class of agenda-setting offices, ensure that the governing coalition's senior partners secure these offices, and deal with the consequent problems of agency loss and floor discipline, as best the local conditions permit.

The basic design of party government within legislatures admits a trade-off between two

costly methods of maintaining the power and advantages of these agenda-setting offices: procedural agenda control and voting discipline. Designing and maintaining rules that establish agenda control is costly; ensuring that members of the majority party vote with the party is also costly. Different legislatures, depending on their circumstances, choose different mixtures of these two costly mechanisms.

The question remains, why should agenda power be cartelized according to this basic recipe, in so many legislatures? Let us sketch out an answer to this question.

Although the details of legislative procedure differ widely across the world's democratic legislatures, one generalization holds universally: Important bills can only pass pursuant to motions formally stated and voted upon in the plenary session. The necessity of acting pursuant to formally stated motions means that every bill must consume at least some plenary time, if it is to have a chance at enactment. Simply put, plenary time is the sine qua non of legislation.

If all legislators have equal access to plenary time, then plenary time is a common pool resource, and rising demand for such time leads to various problems in the legislative process. Can a coalition restrict access to plenary time, enhancing its own members' abilities to propose and block, while diminishing those of the opposition? The majority is held together by the threat that failure to abide by certain norms of behavior will bring down the coalition, and with it each majority member's superior access to plenary time.

We suggest a somewhat more detailed and concrete recipe by which access to plenary time is restricted. A procedural cartel endows (or inherits) offices with agenda-setting powers, secures those offices for its senior partners, and ensures minimally fiduciary behavior by those senior partners.

How is it that such cartels stick together? In addition to the threat that the whole arrangement can come crashing down, depriving senior members of their offices or stripping those offices of their powers, we would add two additional reasons why access-hogging majorities, once formed, are stable. First, individual

nonpivotal legislators in the majority have reason to fear punishment – such as lack of promotion, lack of aid for pet bills, demotion, and, ultimately, expulsion from the majority – should they violate crucial norms of behavior. Second, building up a mechanism by which to regulate access to plenary time (creating offices endowed with various special veto and proposal powers and ensuring that one's members secure those offices) entails large fixed costs and very low marginal costs on any particular policy or decision. The large fixed costs arise in creating and maintaining (1) the party's brand name and (2) the rules, procedure, precedent, and interpretation that establish and clarify the powers of agenda-setting offices. To the extent that the parties succeed in establishing themselves as the only viable route to the top offices, they can become very stable indeed.

Assuming that agenda-setting offices exist and that procedural cartels take most of them (but not all), why are senior partners subject to the minimal fiduciary standard we suggest, wherein they cannot use their official powers in such a way as to split their party? Note that, if this minimal standard is not imposed, one has a model similar to the committee government model in the United States or the ministerial government model in comparative politics. Agenda power is delegated to offices, and the governing coalition takes most of these offices;

however, the occupants of those offices are then free to act as they please. The result is that, if negotiations between chairs/ministers do not suffice to clinch a policy program supported by all, then the logical possibility exists that different chairs/ministers may push bills that a majority of their coalition would unsuccessfully oppose on the floor. We argue that, to avoid such events, the handwork of chairs/ministers is subject to central screening – by the Rules Committee and majority floor leaders in the United States, and by the cabinet, directing board, and majority in the typical parliamentary system. The central screen helps ensure that chairs/ministers routinely foresee very low chances of success from using their official powers to push bills that would be (a) supported on the floor by most of the opposition and a swing group of the governing coalition and (b) opposed by a majority of their own party.

In our model, chairs/ministers remain free to use their official powers to block bills their partners wish to see passed. The only crime is using those powers to push bills that then pass despite the opposition of most of the governing coalition. If this crime of commission can be avoided, the majority coalition can determine which status quo policies will be preserved and which will run the risk of being overturned by bills allowed onto the floor.