

How Party Polarization Affects Governance

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Abstract

The purpose of this review is to take stock of how party polarization affects governance in the United States. The article begins by defining polarization and discussing the means by which it can be measured. It is undeniable that the two parties have grown more sharply differentiated. Some evidence suggests that the substantive policy preferences of liberals and conservatives diverge more widely, but the case for ideological polarization in the spatial sense is not definitive. Effects on the institutional processes of US government have entailed a hardening of party divisions and a tendency toward centralization of power. Nevertheless, these more cohesive parties are not more effective than their predecessors at enacting policies or managing routine governing responsibilities. The consequences for public policy seem best characterized as “drift” (Hacker 2004, p. 246). There is little evidence that party polarization has promoted ideologically extreme policy outcomes or has systematically advantaged either liberalism or conservatism.

INTRODUCTION

“This country was founded on compromise,” remarked President Barack Obama at a December 2010 press conference (White House 2010). Though made at an unusually contentious moment, Obama’s observation encapsulates a general truth: Governing any democracy without compromise is impossible (Gutmann & Thompson 2012, p. 1). Compromise is foundational for governance in the United States. The US Constitution is both the product and the producer of compromises. The complex division of power it establishes—across coequal, separately elected branches with a bicameral legislature—forces national leaders to seek cooperation from an array of independent actors, all with their own bases of political power and formal authority. The system demands exceptional skill at negotiation and conciliation.

The dramatic intensification of party conflict in US national politics over the past four decades raises questions for a constitutional system that places such a premium on compromise. Adjectives such as “polarized” and “dysfunctional” are frequently deployed to describe contemporary politics. In a recent political science bestseller, Mann & Ornstein (2012, p. 102) argue that a fundamental “mismatch” exists between the separation-of-powers system and the “parliamentary-style political parties” that have emerged. Unease about the prospects for successful negotiation in such an environment underlies a recent American Political Science Association Task Force report (Mansbridge & Martin 2013; see also Persily 2015). However, intense partisan conflict is hardly new to US politics (Han & Brady 2007). In fact, it may well be the normal state of affairs, and the long postwar period of muted party conflict may constitute a mere exception.

The purpose of this review is to take stock of how party polarization affects governance in the United States. Governing is multifaceted. There is no single benchmark by which it can be assessed. It obviously entails a capacity to enact policies both in response to social problems and in accordance with the preferences of democratic majorities. Governing also encompasses the ability to carry out routine functions such as budgeting, appropriations, and appointments to the executive branch and judiciary. In addition, governance includes the management of interbranch relationships, such as congressional oversight of the executive branch and presidential leadership of Congress. Finally, governance involves questions of systemic sustainability: Are governing institutions gaining or losing power relative to one another, and is the system of checks and balances being maintained?

The essay begins by defining polarization and discussing the means by which it can be measured. On the basis of the available data, it is undeniable that the two parties in the United States have grown more sharply differentiated, and each party has become more cohesive and more likely to come into conflict with the other. Some evidence suggests that liberals and conservatives diverge more widely than in the past in terms of the substantive content of their policy preferences, but the case for ideological polarization in the spatial sense is far from definitive. Rising party conflict may also be driven, at least in part, by an environment of intensified party competition for the control of governing institutions.

Next, the essay examines the effects of growing partisan differentiation on both institutional processes and policy outcomes. Within and across institutions, the broad story has been one of hardening party divisions and increasing centralization of power. Under circumstances of fierce party competition, leaders have also been empowered to take responsibility for partisan messaging aimed at shaping public opinion. But it is by no means clear that these more cohesive parties are any more effective at governance or at shaping either policy or politics to their liking. The substantive effects on public policy are best characterized as “drift” (Hacker 2004, p. 246; Mettler 2014, p. 14). There is little evidence that party polarization has promoted ideologically extreme policy outcomes or has systematically advantaged either liberalism or conservatism.

DEFINING AND MEASURING POLARIZATION

In a layman's definition, "polarization" denotes "division into two sharply contrasting groups" (Oxford Univ. Press 2000). Notably, political polarization need not entail party polarization. The civil rights movement during the 1950s and 1960s and the Vietnam War both raised profoundly polarizing sets of issues, but they did not clearly divide Republicans from Democrats (Hetherington 2009). Likewise, the issue of slavery was highly polarizing, but before the collapse of the Whig Party and the founding of the Republican Party, the issue was not polarized along partisan lines; instead, top leaders of both major parties sought to straddle the explosive question (Sundquist 1983). Moreover, party polarization may or may not entail societal polarization. In fact, compared with the "creedal passion" (Huntington 1981, p. 4) and social unrest that characterized other periods of American politics, the post-1980s era seems relatively quiescent. The Tea Party and the Occupy movements are but pale shadows of the turmoil and grassroots activism engendered by antislavery agitation, Prohibition, the Vietnam War, and the push for African American civil rights.

Although a lay definition of polarization is simply division into two groups, the term has a more technical meaning in political science. In its most rigorous form, the concept of polarization is grounded in spatial theory. It rests upon a theorized choice space in which policy preferences are ranged along a preexisting continuum, understood generically as extending from left to right. "For parties to be polarized," write Poole & Rosenthal (2011, p. 105), "they must be far apart on policy issues, and the party members must be tightly clustered around the party mean." In other words, parties become polarized when (a) the preferences of members become more distinctly bimodal and (b) the two modes move farther apart.

Polarization in the spatial sense thus means more than increased partisan distinctiveness or division into two groups. The term does not apply if the parties are just better organized into competing "long coalitions" wrangling over control of political offices or logrolling distributive benefits (Aldrich 1995, pp. 32–43). Nor is polarization occurring if Democrats and Republicans merely get better organized as teams, such that members more loyally adhere to the party platforms they hammer out among their factions and allied interests. Instead, party polarization as understood in spatial theory refers to changes in the distribution of policy preferences within and across the parties.

What makes measurement of polarization so complicated is that the parties can become more distinctive even if liberals and conservatives do not move farther apart in substantive policy terms. Parties can become better "sorted" ideologically—with conservatives confined to one party and liberals to the other—but liberals and conservatives themselves might be no farther apart on substantive policy than they were in the past (Fiorina & Abrams 2009, pp. 61–70). Parties can also become more distinct from one another on issues that do not bear on larger ideological questions (Lee 2009). "Valence issues" (Stokes 1963, p. 373)—in which one party accuses the other of incompetence or corruption—typically trigger ferocious party conflict, even as both parties profess the same underlying preferences for honesty and competency in government. When congressional leaders stage an increased number of message votes—votes designed to highlight the differences between the parties—overall party conflict goes up, even in the absence of ideological shifts among members (Lee 2009, 2011).

There is strong evidence of increased party distinctiveness in American politics. The pattern is unmistakable in Congress, where party conflict has been rising since the mid-1970s. In an increasing proportion of congressional votes, more than 90% of one party votes against 90% of the other party (Van Houweling 2003). When party conflict occurs, both representatives and senators exhibit far more loyalty to their parties than they did in the past. In the 1950s, 1960s,

and 1970s, the typical member of Congress voted with his party on party-dividing questions just over 60% of the time; in the 1980s, over 70% of the time; and in the 1990s, over 80% of the time. Since 2000, members have voted with their parties more than 87% of the time (Ethridge 2012, Weyl 2014).

One of the most important sources of increased partisan cohesion has been the protracted realignment that has sorted economic and racial conservatives into the same party. For decades after the New Deal, race and economics had been crosscutting issues in Congress. Southern Democrats were vital to the passage of many social welfare programs, even while remaining staunch segregationists (Katznelson 2013). Republicans were friendlier to civil rights than were southern Democrats but generally less supportive of social welfare programs and business regulations. Through a long process in which politicians and activists (Schickler 2013) as well as intellectuals (Noel 2013) played key roles, racial liberalism and economic liberalism eventually became linked. After the enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, southern white conservatives steadily left the Democratic Party for the Republican Party, greatly diminishing sectionalism as a source of partisan disunity in Congress (Rohde 1991, Theriault 2008). These changes made the parties more clearly distinct, but it is not clear that they moved liberals and conservatives farther apart in spatial terms.

Sharper partisan distinctions in government draw inspiration and reinforcement from outside government. Republican and Democratic activists—the grassroots volunteers who build and staff the parties' organizations and turnout operations—hold policy positions that are more strongly differentiated than in the past. In great part, this increased differentiation is a result of more "attitude constraint" (Converse 1964, p. 207), which means that activists' policy positions correlate more consistently across different issues. Surveys of convention delegates reveal that, compared with previous decades, Republicans exhibit marked increases in attitude constraint; Democrats have shown no declines (Layman et al. 2010, p. 338). Beyond the increases in constraint, the policy preferences of the two parties' activists also diverge more substantively on some repeatedly polled items, with Democrats' views moving toward the left and, especially, Republicans' views migrating to the right (Layman et al. 2010, p. 336).

Other studies have shown that the most politically engaged and knowledgeable citizens in the United States are also the most ideologically consistent (Abramowitz 2010, Ellis & Stimson 2012, Fiorina & Abrams 2009). Although only a minority of Americans exhibit ideological constraint, the share is larger than in the past. According to a recent study (Pew Res. Cent. 2014), the percentage of Americans who hold either consistently conservative or consistently liberal positions on major issues doubled between 1994 and 2014, reaching one in five Americans.

The extensive organizational networks that now surround each of the two parties also foster partisan distinctiveness. Orbiting each party is an array of organizations, including advocacy groups, media outlets, ideological foundations, lobbying firms, 527s, and think tanks (Grossmann & Dominguez 2009, Herrnson 2009). The two parties' networks are highly distinct from one another (Karol 2009, Koger et al. 2009). They are also much larger than in the past. This growth has been fueled by an explosion of advocacy organizations (Berry 1997, Skocpol 1999), a proliferation of think tanks (Rich 2004), and extensive innovations in campaign finance (La Raja 2013). The liberal advocacy network aligned with the Democratic Party emerged first; the Republican Party's developed afterward (Berry 1997), according to a pattern often described as the conservative countermobilization (Hacker & Pierson 2010, pp. 116–36; Skocpol 2007; Teles 2008).

The question of polarization in the spatial sense of wider policy differences between liberals and conservatives in government is much more difficult to settle. According to their stated platforms, the two major parties in American politics have almost always been highly distinct on issues

(Gerring 1998). Are liberals and conservatives actually farther apart today in substantive policy terms? Some data on convention delegates suggest that they are, though increases in partisan consistency are at least as important as any movements of opinion toward the poles. But we lack hard data on the distribution of officeholders' policy preferences. We have no long-term polls of elite opinion comparable with the ones we possess for the mass electorate or for convention delegates.¹

Instead, the measurement of elite preferences is inferred from behavior—in the case of lawmakers, from their roll-call votes. Among the variety of alternative measures that have been developed (Bonica 2014, Clinton et al. 2004, Groseclose et al. 1999), the most prominent is NOMINATE, created by Poole & Rosenthal (1991, 1997). According to DW-NOMINATE (and results do not differ greatly when alternative methodologies are used), the parties are farther apart than at any point since the Civil War (McCarty et al. 2006, pp. 23–29). Furthermore, such methodologies attribute much, albeit not all, contemporary party polarization to pronounced rightward moves among Republicans, a pattern described as asymmetric polarization (Hacker & Pierson 2005, Mann & Ornstein 2012, Theriault 2013, Theriault & Rohde 2011).

The question, of course, is how well patterns in roll-call voting can gauge underlying substantive policy positions. The widespread acceptance of ideal point estimates derives in great part from their face validity. These methodologies yield rank orderings of lawmakers that correspond well with scholars' and journalists' impressions of who in Congress is most liberal and most conservative. First-dimension DW-NOMINATE scores also work remarkably well at summarizing individual members' behavior across issues and over their whole careers.

Even so, there is reason for skepticism about the ability of these scores to measure change in substantive policy preferences over time. NOMINATE and other vote-scaling methodologies cannot distinguish partisan teamanship from ideology as influences on roll-call voting (Lee 2009, pp. 47–73; Noel 2013, pp. 122–42; Poole & Rosenthal 1991, p. 230). The raw data on which these scores are based—a matrix of zeros and ones—can generate only an ordinal ranking of members, a map of who votes with whom. To draw inferences about the policy distances between members, i.e., to go from an ordinal ranking to estimates of cardinal distances in a theorized choice space, requires additional, debatable assumptions (Clinton 2012).

One must assume sincere spatial voting—that is, that members cast votes by calculating policy distances from their own ideal points (Poole & Rosenthal 1991, 1997). There are other bases on which members cast roll-call votes, and there is no reason to think that these alternative decision criteria entail calculations of policy proximity (Cooper & Young 2002, pp. 100–4). For example, members might cast votes to enhance their party's brand name with various constituencies. Such explicitly political votes can entail reflexively opposing measures proposed by leaders or presidents of the other party (Lee 2009). Under this criterion, members might even vote against measures they favor on policy grounds (Gilmour 1995), such as when Republicans voted in 2010 against a bipartisan debt commission they had previously sponsored (Mann & Ornstein 2012, pp. ix–x; Theriault 2013, pp. 140–41).² Considerations of partisan brands may well take higher priority in

¹Surveys of convention delegates, if restricted on the basis of vocation, could serve as a reasonable proxy for officeholder preferences. But such surveys contain only a limited number of repeatedly asked identical questions that permit direct comparisons across time. Repeatedly polled items tend to be abstract and are likely to trigger different substantive content and policy connotations for respondents in different eras.

²Another nonspatial logic is “hostage taking,” in which members refuse to support measures that are acceptable by their own lights in order to win concessions on other policy dimensions (Aldrich & Rohde 2000a, pp. 59–62).

members' decision making when party control of governing institutions seemingly hangs in the balance.

Members also cast votes to shape their own individual political images. They may seek to cultivate personal reputations for principled behavior, even if doing so requires them to reject policies that are more spatially proximate to their own ideal points than the status quo—such as when Sen. Russ Feingold (D-WI) voted against the Dodd-Frank reforms in 2010 because he supported even tougher financial regulations (Kaiser 2013). During the Obama administration, House Speaker John Boehner (R-OH) repeatedly encountered difficulty in persuading principled conservatives to support compromise measures that could pass the House, even when their refusal greatly weakened conservatives' own bargaining position with a Democratic-controlled Senate and presidency.

Finally, it is likely that most members of Congress will support their own party and committee leaders as a default position and vote contrarily only when there is an affirmative reason to do so (Kingdon 1981, Matthews & Stimson 1975). “Going along to get along” with fellow party members requires no fine-grained calculations of policy distance.

The prevalence of spatial voting in Congress is an empirical question that cannot be resolved by methodologies that begin by assuming spatial voting. Any vote that divides Republicans from Democrats—regardless of its policy or ideological content—will map onto the first dimension of DW-NOMINATE. Furthermore, vote-scaling methodologies will identify a single dominant dimension organizing political conflict whenever the parties are sharply distinct in their voting behavior, even if many dimensions actually shape members' decision making (Aldrich et al. 2014).

The capacity of ideal point estimates to accurately measure the substantive policy distances between members and parties is subject to far more doubt than their ability to summarize patterns in congressional voting. To draw comparisons over time, one must also make assumptions about how individual members' preferences change, whether linearly or according to some other function (Bailey 2007). One must grapple with how these scores are affected by changes in the policy agenda and policy status quo (Lapinski 2013). Changes in congressional rules and practices may also skew these scores (Roberts 2007, Roberts & Smith 2003; but see McCarty et al. 2006, pp. 54–59).

The face validity of these scores as measures of members' substantive policy preferences is open to skepticism. For example, one of the most striking trends presented in *Congress: A Political-Economic History of Roll Call Voting* (Poole & Rosenthal 1997) is the steady rightward drift of southern members of Congress (p. 62). If NOMINATE is interpreted as a measure of members' liberalism and conservatism, southern Democrats of the 1890s were some of the most liberal members ever to serve in Congress. It is certainly true that many southern congressmen during this era held progressive or populist views—many were proponents of trust busting, railroad and safety regulations, income taxes on the wealthy, and public utilities. But theirs was a “progressivism for whites only” (Woodward 1951, pp. 369–95). One hesitates to speculate about how southern Democrats of the 1890s would have reacted to Social Security, Medicare, Medicaid, or the rights of labor to organize, let alone equality for racial minorities, women, and gays and lesbians; however, it seems doubtful that they would have appeared so liberal had they been presented with the policy agenda of later eras. What it means to be liberal and conservative changes dramatically over time (Karol 2009).

Questions about comparability of these scores over time greatly complicate any assessment of the degree of contemporary ideological polarization relative to the past. Are liberals and conservatives farther apart today than they were when conservatives resisted regulations establishing a minimum wage, maximum working hours, and prohibitions on child labor? Today's liberals and conservatives no longer even debate restrictions on child labor, and few conservatives now oppose the existence of minimum wage and overtime pay requirements. Are liberals and conservatives

farther apart today than they were when conservatives were denouncing the creation of Medicare? In a 1961 radio address, Ronald Reagan characterized Medicare as one step toward the day when “you and I are going to spend our sunset years telling our children and our children’s children, what it was once like in America when men were free” (Reagan 1961). By contrast, Republican Mitt Romney vigorously and repeatedly criticized Democrats’ cuts to Medicare spending during his run for the presidency in 2012.

Questions about comparability are especially troubling for efforts to gauge polarization across long periods. But difficult issues can arise even on a shorter timeline. For example, NOMINATE shows that the Republican Party moved to the right throughout the years of unified Republican control under President George W. Bush. But if one looks at the substance of public policy during those years, the picture is far more complicated. These Republican Congresses cut income taxes repeatedly, but they also steadily increased domestic discretionary spending, strengthened the federal role in education, and expanded the Medicare entitlement to cover outpatient prescription drugs. Despite these ideologically diverse policy moves, NOMINATE simply shows the Republican Party becoming more extreme and the parties polarizing further.³

Conflict in recent Congresses is much more partisan than it had been for most of the twentieth century, and the parties are now far better sorted in ideological terms. But whether the scope of the substantive policy distances between liberals and conservatives in Congress is broader or narrower than in previous periods is much more difficult to gauge. It is likely that such distances are broader on some issues and narrower on others. Aggregating across the wide and changing range of issues facing the federal government to arrive at a single summary measure of ideological polarization raises thorny methodological questions.

In short, it is clear that US national party politics is polarized in the layman’s definition of the term. The evidence for increased party distinctiveness is unequivocal and ubiquitous, as well as highly consequential for the operation of the US political system. But whether the parties have polarized in the spatial sense of the term is far more ambiguous.

PARTY POLARIZATION AND INSTITUTIONAL PROCESSES

The emergence of more internally cohesive, strongly differentiated parties has affected each institutional arena of national government in the United States: Congress, the executive branch, and the federal judiciary. More cohesive and distinctive parties have centralized power in their efforts to shape policy outcomes; at the same time, leaders across institutions also face a better organized and more rigid party opposition.

Importantly, the ideological sorting out of the parties coincided with a period of intensified competition for party control of national institutions. For roughly half a century after the New Deal, Democrats were viewed as the natural majority party in Congress (Galvin 2010, pp. 17–25). But since 1980, and especially since 1994, party control of Congress has shifted repeatedly, and margins of control have been narrow by historical standards. Presidential elections have also been close. There has not been a national landslide, where a presidential candidate has won nearly all states, since 1988. Even the ideological and partisan balance on the Supreme Court has been narrow. Uncompetitive circumstances weaken political parties by undercutting their incentives to invest in organization; meanwhile, competitive parity spurs party organizational

³Questions about how well NOMINATE scores measure substantive policy positions also make it difficult to nail down the existence or extent of asymmetric polarization.

development (Schlesinger 1985). These changed competitive circumstances are likely to have significant consequences for both polarization and governance.

Congressional Processes

As the parties have become more cohesive and distinct, members of Congress have empowered their leaders in various institutional and procedural ways to expedite partisan legislation. During the same period, they have also charged their leaders with new responsibilities for political leadership and management of the party's public image. In the highly competitive post-1980s environment, congressional party leaders have been charged with taking control of the party's message and with setting up issues with an eye to the next elections. These institutional changes not only emerged out of increased party conflict but also created feedback loops that have deepened and perpetuated it.

With regard to the power of leaders to prosecute party programs, subsequent institutional developments have remarkably borne out Cooper & Brady's (1981) predictions about how the power of congressional leaders varies across time: The more internally unified and distinctive the parties, the more willing their members will be to put up with strong, hierarchical leaders.⁴ Even so, the trajectories of institutional change have been very different in the House and the Senate, with the enhancement of leadership authority much less pronounced in the Senate.

As the congressional parties became more internally unified and distinct, members gave House leaders new authority and institutional resources. Rohde (1991) details how the congressional reforms of the 1970s strengthened Democratic Party leaders. Among these, the Speaker was given the power to appoint majority party members to the Rules Committee, greatly enhancing leadership control over the floor agenda (Oppenheimer 1977). The Speaker was also given the right to refer a single bill to multiple committees, weakening the turf monopolies previously enjoyed by committee chairs and granting an enhanced role for party leaders in brokering agreements across committees (Sinclair 2012). Whip systems were revitalized and dramatically expanded (Sinclair 1995).

As the parties became more homogeneous, deference based on seniority drastically decreased. The seniority system—under which the longest-serving majority party member on a given committee would automatically assume the chair of that panel—was historically one of the chief constraints on the power of House leaders. It forced party leaders to broker agreements with committee chairs who were both independent from the party's leadership and unaccountable to the party's rank and file. Given the dominance of southern conservatives in key chairmanships, this was a source of frustration to northern liberals and, not infrequently, to Democratic Party leaders themselves (Zelizer 2004). The 1970s reforms made the committee chairs elective via secret ballot in the House Democratic caucus. This change put committee chairs on notice, prompting them to adjust their behavior to maintain the support of rank-and-file Democrats (Rohde 1991).

The seniority norm further deteriorated after the Republicans won majority control of the House in the 1994 elections (Aldrich & Rohde 2000b). The new Republican majority reorganized the committee system, abolishing three committees and two dozen subcommittees. Speaker Newt Gingrich (R-GA) then chose several committee chairs in violation of seniority rank. House Republicans also imposed term limits on their committee chairs, thus ensuring that chairs would have

⁴Organizational changes strengthening party leaders are often attributed to party polarization in the spatial sense (see Aldrich & Rohde 2000a). However, Cooper & Brady's (1981) account does not rely on spatial theory *per se*. It posits that legislative party leaders will be strong when the party rank and file are internally unified and when the two parties draw upon different bases of constituency support (e.g., urban versus rural, industrial versus agricultural).

little opportunity to build power bases independent of leaders. In the contemporary Congress, seniority still assists a member in becoming a serious candidate for a chairmanship, but it no longer guarantees selection, particularly not among Republicans (Deering & Wahlbeck 2006). As one might expect, party leaders select committee chairs with a proven record of party loyalty both in votes and in fundraising (Cann 2008, Heberlig & Larson 2012).

Strengthened House leaders have tightened their control over floor procedure, constricting the opportunities for rank-and-file members, especially members of the minority party, to participate. Using their influence over the House Rules Committee, leaders structure the consideration of legislation so as to maximize the chances of success on the floor. The use of restrictive and closed rules has skyrocketed (Sinclair 2012, p. 151). Legislation is often brought to the floor for a vote with so little time to read its provisions that it would be difficult for members to develop viable amendments, even if they had an opportunity to offer them (Curry 2015). The result is a more centralized, streamlined process in the House, in which a unified majority party can work its will while the minority party enjoys little opportunity to shape outcomes or even put the majority on the record in awkward ways.

Contemporary Senate leaders take a more central role in the legislative process than did their counterparts of earlier eras. However, the growth of leadership power in the Senate has been held within strict bounds. The Senate's rules permitting unlimited debate constitute the single biggest obstacle to majority leadership power (Sinclair 2012, Smith 2007). In the Senate, unlike in the House, a simple majority can neither force consideration of most legislative matters nor bring debate to a close. In the absence of cloture—a procedure that allows a Senate supermajority of at least 60 to bring a matter to a vote—debate continues as long as any senator seeks recognition. This basic fact renders the majority party unable to control the floor agenda. Contemporary majority leaders are more assertive than past ones in negotiating complex unanimous consent agreements to manage the floor (Sinclair 2012). They have also taken recourse to a previously obscure parliamentary device called “filling the tree” to limit amending activity (Smith 2014). But there is no equivalent to House special rules for structuring floor debate. The supermajority requirement of cloture empowers a Senate minority to block Senate majorities.

With a few exceptions, senators have declined to alter these supermajoritarian procedures. Budget resolutions and reconciliation packages are the most important exceptions to unlimited debate, and these procedures have allowed recent Senate majorities to enact some partisan agenda items, such as the Bush tax cuts of 2001 and 2003 and the Affordable Care Act of 2010. In 2013, a Senate majority overrode precedent to change Senate rules and limit debate on nominations to positions other than Supreme Court Justice (Smith 2014). The reasons for no broader change in Senate rules are a subject of scholarly debate, but it is clear that moving toward majority rule would come at a great price to individual senators' prerogatives (Wawro & Schickler 2006) and is difficult to accomplish within the Senate's existing rules (Binder 1997).

In light of the obstacles to stronger Senate leadership, the primary effect of growing party conflict on that chamber has been the emergence of a “60-vote Senate” (Koger 2010, pp. 167–87; Wawro & Schickler 2006). Even though the cloture process has been a feature of Senate rules since 1917, it was rarely used before the 1960s, and although the 1970s and 1980s saw marked increases in the number of cloture votes taken, filibustering in this era was more often the “unrestrained activism” of individual senators than a coordinated minority party effort (Sinclair 1989, p. 88). It was only in the 1990s that the Senate minority party began to systematically deploy filibustering to veto the majority party's agenda (Sinclair 2012, pp. 153–54). In other words, these changes reflect an evolution in practice rather than a change in rules (Binder & Smith 1997; Koger 2010; Mayhew 2010, pp. 142–54). The consequence is that a Senate majority party has enormous difficulty recruiting bipartisan support or acting in the absence of it.

Cloture is now a ubiquitous feature of Senate procedure (Sinclair 2012, p. 136; Smith 2014, p. 20). Cloture votes, however, represent just the “tip of the iceberg” of Senate obstruction strategies (Rawls 2009, p. 52), which encompass holds, nongermane amendments, and the whole range of individual prerogatives that grow out of unlimited debate. The efforts of Senate leaders to assert control over rampant obstruction have mired the body in parliamentary combat, a phenomenon Smith (2014, p. 9) characterizes as “obstruct and restrict.” The warfare has escalated over time, and “what seems like an extreme use of the filibuster at one time becomes a routine strategy later on” (Binder & Smith 1997, p. 16). Far from streamlining Senate procedure, party polarization has tied the chamber in knots, reducing the legislative productivity of Congress as a whole.

Taken together, party-polarized Congresses have transformed the legislative process. Contemporary congressional leaders have been continually innovating: cracking down on open participation, bypassing committee consideration, modifying legislation after it is reported from committee, relying on omnibus measures, negotiating creative unanimous consent agreements, and utilizing alternatives to the conference committee process (Hanson 2014, Krutz 2001, Oleszek 2010). These “unorthodox lawmaking” processes offer no guarantee of success, but most successful major legislation now takes an unorthodox route (Sinclair 2012, p. 263). Despite all this institutional innovation, Congress has struggled even to carry out routine responsibilities of budgeting and appropriations.⁵

The changing role of leaders is not confined to matters involving legislation. Congressional leaders are now expected to take responsibility for their party’s efforts to maintain or win back congressional majorities. This has not always been a central part of party leaders’ job description. In fact, scholarship on Congress from the 1960s and 1970s had virtually nothing to say about majority-seeking as a task for congressional leaders—likely because continued Democratic Party majorities were taken for granted. But with the return of alternation in party control, the majority-seeking function has become central to recent theories of congressional organization and leadership (Cox & McCubbins 2005, Green 2010, Heberlig & Larson 2012, Smith 2007).

Leaders’ and members’ more intense focus on winning and holding party majorities has wide-ranging consequences for congressional politics. A large part of leaders’ job now is to craft and disseminate party messages for outside constituencies. The contemporary Congress is much more oriented toward external audiences than was the textbook Congress (Malecha & Reagan 2012). Congressional leaders take a higher public profile as media spokespersons (Harris 1998, 2013). Since 1980, the number of people employed by party leadership offices in both House and Senate has more than doubled, and half or more of the total increase is attributable to growth in the parties’ communications staffs. Leadership offices coordinate members’ talking points, floor speeches, and media appearances (Groeling 2010, Harris 2005, Sellers 2010). They utilize events, websites, social media, and the full range of communications technologies. The most ideologically consistent and party-loyal members take the lead in these messaging efforts; moderate and cross-pressured members tend not to participate (Grimmer 2013).

The principal goals of partisan communications are to burnish the public image of one party and tarnish that of its opposition. To those ends, the minority party looks for every available opportunity to force roll-call votes that can politically embarrass the majority (Lee 2011). The majority tries to block the minority’s messaging efforts. The upshot in the Senate is constant procedural wrangling over the minority’s right to offer amendments. Likewise, Senate majority

⁵See “Reforming the Budget,” a Brookings Institution blog devoted to contemporary challenges of budgeting and appropriations, at <http://www.brookings.edu/blogs/fixgov/series/reforming-the-budget>.

leaders frequently refuse to bring up appropriations and budget bills altogether so as to avoid the politically painful “gotcha” votes that the minority will force (Cooper 2013, Hanson 2014).

A preoccupation with majority-seeking disincentivizes bipartisanship. The practice of setting up roll-call votes for purposes of messaging has become a routine leadership function (Evans 2001; Evans & Oleszek 2002; Lee 2011; Oleszek 2014, pp. 123–25). These votes fulfill their goal when they show the two parties voting on opposite sides. As leaders strive to win seats held by the other party, they also have a political motive to deny bipartisan cover to marginal members of the opposition. One way of doing so is for the minority party to vote en masse against controversial majority party initiatives, thus forcing the majority to muster the needed votes entirely from within its own ranks. Another way is for party and committee leaders to deny opportunities for legislative participation and success to marginal members of the opposition party, thus shunning bipartisan cooperation with the members most likely to grant it. Political scientists have not yet investigated these political dynamics sufficiently; however, it is apparent that messaging activity and party competition for majority control contribute to the strident tone and pervasive extent of partisan conflict in the contemporary Congress.

Presidential Leadership

Party polarization has far-reaching effects on presidential leadership. Increased ideological homogeneity eases the task of party leadership, a central role for presidents. Under conditions of close party competition for institutional control, the bonds of shared party interest in winning and maintaining power are also stronger. These partisan bonds are an asset to presidents as they work with fellow party members in Congress as well as in the executive and judicial branches. But the flip side is perhaps even more important: Party polarization forces presidents to confront a more unified and better organized opposition.

The most obvious effects of party polarization relate to the presidential leadership of Congress. Even in less partisan eras, party affiliation has always constituted the best predictor of congressional voting behavior. In this sense, presidential leadership is always “at the margins” (Edwards 1990, p. 3). As the parties have polarized, presidents have been able to count on markedly higher levels of support from their fellow party members in Congress, but also dramatically lower levels of cross-party support (Ethridge 2014, Jacobson 2003). Because major legislation can rarely pass on the strength of one party alone (Mayhew 2005), enhanced support from the president’s party cannot counterbalance the downsides of reduced support from the opposition.

Presidents’ difficulties in obtaining cross-party support loom large in the polarized era, especially because unified party control has been a feature of only 4 out of 18 Congresses (22%) since 1980. Instead, contemporary presidents typically encounter strong resistance from an opposition party that controls one or both chambers of Congress. Even opposition party members representing swing districts or states resist the president almost as much as those representing constituencies the president lost by a wide margin (Jones 2014). There is no evidence that a presidential strategy of “going public” (Kernell 2007, p. 1) can overcome these obstacles (Edwards 2003). By raising the visibility and political stakes associated with an issue, going public may well make it even harder to win support from cross-pressured or opposition party members (Covington 1987). Presidential leadership tends to deepen the partisan divide on the issues presidents champion (Lee 2009).

Presidents’ increased difficulties with opposition party members in the polarized era extend beyond the legislative arena. Polarization, especially in the context of divided government, also makes it harder for presidents to staff the executive branch, postponing their ability to reorient agency priorities (McCarty & Razaghian 1999). Delays and obstruction in the party-polarized Senate have greatly extended the time required to make judicial appointments (Binder & Maltzman

2009). Commissioners have also polarized along party lines on independent agencies such as the National Labor Relations Board, the Environmental Protection Agency (EPA), the Federal Election Commission, and many others. Opposition party appointees to these agencies are now more likely to serve out their full terms, so that polarization also prolongs the time necessary for presidents to appoint majorities to these commissions (Devins & Lewis 2008). Polarization, especially in the context of divided government, also makes Congress less willing to delegate additional authority to administrative agencies (Epstein & O'Halloran 1999). In recent decades, presidents have undergone more vigorous oversight and investigatory activity from Congresses controlled by the opposition party (Kriner & Schwartz 2008; Lee 2013; Mayhew 2005, pp. 223–26; Parker & Dull 2013).

Although party polarization entails many difficulties for presidents, in some respects it also fortifies them. Polarization makes it much more difficult for Congress to assert itself legislatively vis-à-vis the president. In arenas where presidents can act unilaterally, they can expect less frequent and effective checks from Congress (Howell 2003). A president facing a stalemated Congress can make more unfettered use of the office's powers and tools, such as executive orders, signing statements, proclamations, and national security directives. It is hard to imagine the party-polarized Congress successfully overriding a presidential veto on a major issue. Meanwhile, a president enjoying unified party control can seemingly trust Congress to stand down in terms of executive oversight and investigations (Mann & Ornstein 2006). Despite a frenzy of investigatory activity under divided government, congressional oversight may be less effectual in the polarized era, because of its obvious politicization and the dearth of critical voices from within the president's own party.

Being the leader of a more ideologically unified party enabled Reagan and subsequent presidents to centralize power in the Executive Office of the President, giving rise to the "administrative presidency" (Nathan 1983, p. 1). Contemporary presidents more actively screen potential appointees for ideological conformity with party goals (Lewis 2008). Presidents now appoint to executive positions loyalists who have long been active in partisan networks and ideological think tanks (Skinner 2011) rather than the technocrats, representatives of clientele groups, and personal allies favored by presidents during the low polarization period (Milakis 1993, Polsby 1978). These decisions about appointments, in turn, allow presidents to assert significant political control over many agency outcomes (Wood & Waterman 1991). The regulatory authorities available to the executive branch are vast and ambiguous, even if polarization limits Congress's willingness to expand them further.

Party polarization has transformed presidential leadership just as it has altered Congress. In some respects, contemporary presidents have been strengthened, both by leading more homogeneous parties and as a side effect of a more gridlocked Congress. But in a system in which divided government is the norm, party polarization is more frequently an obstacle to presidents than an asset.

Judicial Processes

The Supreme Court has not been insulated from party polarization. Although ideological divisions have been evident among justices at many points in US history, never before has the Supreme Court been divided along strictly partisan lines (Devins & Baum 2014). After the retirement of liberal Republican Justice John Paul Stevens in 2010, the Court became perfectly sorted by both party and ideology. For the first time, all of the conservatives on the Court were Republican appointees and all of the liberals were Democratic appointees.

Differences between Democratic and Republican judges are evident on a wide array of matters that come before the federal courts. Democratic judges and justices are more likely to rule in favor

of the defendant in criminal cases, for the government in regulatory questions, and for plaintiffs against corporations in civil cases (Segal & Spaeth 2002). The depth of the judicial party divide varies across issues, and partisan division is starkest on civil rights cases (Epstein et al. 2013). Even now, most Supreme Court cases are not decided on simple ideological lines. Notably, a Supreme Court with a narrow conservative majority ruled largely in favor of the EPA's authority to regulate greenhouse gas emissions,⁶ upheld most of the Affordable Care Act,⁷ and unanimously rejected President Obama's recess appointments.⁸ However, the share of Supreme Court cases decided by majorities of 5–4 reached all-time highs on the Roberts and Rehnquist courts, when they accounted for approximately one-fifth of cases. Most of these narrow-margin decisions split along ideological lines, with conservatives deciding the outcomes on hot-button issues such as contraception coverage,⁹ campaign finance,¹⁰ and the Voting Rights Act.¹¹

As is the case for other branches of government, the partisan and ideological sorting of the Supreme Court represents the culmination of a long process. The considerations that drove the selection of Supreme Court nominees in earlier eras were varied and sometimes idiosyncratic (Abraham 2008, Yalof 1999). But since Reagan, presidents have taken more care to systematically screen potential judicial nominees for conformity with the dominant ideological commitments of their parties (Devins & Baum 2014). This vetting for ideological conformity filters down even to the selection of law clerks. Liberal justices are now far more likely than in the past to hire clerks who previously worked for judges appointed by Democratic presidents; similarly, conservative justices hire clerks who worked for Republican-appointed judges (Liptak 2010).

A less proximate but not less important cause of judicial party polarization was the long organizational effort of what Teles (2008) terms the conservative legal movement. Central to this story is the founding of the Federalist Society, which has become vital for credentialing conservative lawyers. Four of the Court's current conservative justices are Federalist Society members, including Justice Antonin Scalia, one of the original faculty advisors to the organization. Since the late 1970s, conservative legal foundations, public interest law firms, and academics have done much to elaborate and legitimate conservative approaches to legal interpretation, such as originalism and economic analysis of law. In 2001, liberals responded with the establishment of the American Constitution Society, modeled explicitly on the Federalist Society. More broadly, liberalism remains well ensconced in elite law schools and in many long-established legal organizations. As a result, conservative and liberal judges now have diverging sets of professional reference groups in these different legal communities (Devins & Baum 2014). Such developments in the wider legal world reinforce and perpetuate party polarization on the Supreme Court and the federal judiciary more generally.

Party polarization both empowers and threatens the federal judiciary. Like the president, the Supreme Court gains sway as Congress becomes gridlocked (Epstein & Knight 1998). Stymied by internal conflict, the contemporary Congress is far less likely to override the Court's interpretations of statutes (Hasen 2013). On the other hand, party polarization on the Supreme Court poses dangers for its institutional legitimacy. Judicial legitimacy rests on the fundamental idea that judges apply the law but do not write it. Chief Justice John Roberts recognizes this threat but has

⁶*Utility Air Regulatory Group v. EPA*, 573 U.S. ____ (2014).

⁷*National Federation of Independent Business v. Sebelius*, 567 U.S. ____ (2012).

⁸*National Labor Relations Board v. Noel Canning et al.*, 572 U.S. ____ (2014).

⁹*Burwell v. Hobby Lobby*, 573 U.S. ____ (2014).

¹⁰*Citizens United v. Federal Election Commission*, 558 U.S. ____ 2010.

¹¹*Shelby County, Alabama v. Holder*, 570 U.S. ____ (2013).

had only limited success promoting consensus among justices (Rosen 2013). If party conflict on the Court becomes obvious and ubiquitous, it is likely to undercut the whole rationale for judicial independence and lifetime appointment.

PARTY POLARIZATION AND POLICY OUTCOMES

Decisive action is always a challenge for a political system characterized by diffuse power and a multitude of veto points. Pervasive, fierce partisan conflict undoubtedly multiplies those challenges. This is especially true under contemporary conditions, given the narrowness of party majorities and the frequency of divided government. “Polarization accentuates gridlock, that is status quo bias” (McCarty et al. 2006, p. 165; see also Krehbiel 1998). Various empirical studies show that policy stalemate has trended upward along with party polarization (Binder 2003, Jones 2001, Lapinski 2008). The frequency of divided government is by no means the only factor, because polarization also makes lawmaking tougher under conditions of unified government. A party in control of Congress and the presidency can still find itself blocked by a minority party filibuster, as shown by Republicans who were thwarted on drilling in the Arctic National Wildlife Refuge and some other energy priorities during the George W. Bush administration.

Does gridlock have a substantive ideological bias? Scholars disagree on this point. McCarty et al. (2006) and Hacker & Pierson (2010) argue that polarization has a conservative impact on social policy because it freezes existing laws in place and prevents them from being adjusted to cope with rising economic inequality. During the party-polarized era, for example, the minimum wage has dramatically declined in real value, and adjustments to it have been less frequent and more modest. Grossmann (2014, p. 5), in contrast, argues that “status quo bias is ideologically asymmetric” in advantaging liberals. Drawing on data from Erikson et al. (2002, pp. 374–80), he points out that the majority of important postwar legislative enactments have expanded the role of government and moved policy in a liberal direction, whereas less than 10% of these enactments have moved policy in a conservative direction. Many established policies have constituencies who exploit veto points to block retrenchment. Programs indexed to inflation, such as Social Security, can maintain themselves on autopilot despite partisan deadlock (Patashnik 2008). Regulatory agencies, too, retain the power to assert their authority in new ways—such as the Obama administration’s EPA issuing new carbon emission standards or its Department of Homeland Security deferring deportations of some undocumented immigrants. Given such considerations, status quo bias often impedes conservatives’ efforts to restrict the scope of government.

Although points can be scored on both sides of this debate, Mayhew (2010, p. 162) is likely correct in observing that “the status quo side is not the same thing as the conservative side.” The ideological effect of gridlock differs from policy to policy. This is by no means to say that the consequences of gridlock are ideologically neutral. Its effects depend on what types of policy changes or institutional reforms are being proposed and blocked at any given time.

The substantive effects of polarization on public policy are probably best characterized as “drift” (Hacker 2004, p. 246), meaning unguided policy change. Public policy does not remain static, even when Congress is gridlocked. Indeed, the effects of policy can shift dramatically as a result of societal or economic changes even when laws remain the same. The growth in student loan indebtedness and the rise of the for-profit higher education sector offer key examples of the transformation of federal policy in the absence of congressional action (Mettler 2014). Drift’s consequences for governance are hardly benign. A government that cannot adjust its fiscal or entitlement policy as its demography changes grows increasingly out of step with society’s needs. A government that cannot respond to emerging challenges such as global climate change puts its citizens and the broader world at increased risk.

Does party polarization promote extreme policies? If the parties have moved substantively farther apart in ideological terms, then it stands to reason that they would push through more extreme policies on the rare occasions when they have an opportunity to do so. The Affordable Care Act, for example, is landmark legislation and the largest expansion of the social welfare safety net since the Great Society. Certainly, Republicans saw it as an ideologically extreme policy shift. Similarly, the Bush tax cuts were strongly criticized as being “off center” relative to public priorities (Hacker & Pierson 2005, p. 3). It is perhaps worth noting that the enactment of these policies relied on both unified party control and procedural protection from filibusters. In that sense, they are not representative of what is generally feasible. Furthermore, and despite the harsh criticisms they received, many elements of these policies were publicly popular and acceptable to both parties. The individual mandate had first been proposed by the Heritage Foundation in 1989, and other Republican priorities were incorporated into the Affordable Care Act (Rigby et al. 2014). Since the enactment of the Affordable Care Act, a growing number of Republican governors have been willingly participating in the program. Even at the time of this writing, it is by no means clear that a future unified Republican government will seek to repeal the program. Along similar lines, all of the Bush tax cuts affecting incomes below \$400,000 per year were made permanent under President Obama through the American Taxpayer Relief Act of 2012, which was supported 89–8 in the Senate and 257–167 in the House, with more Democrats than Republicans voting yea in both chambers.

Many other controversial recent policies that were harshly criticized at the time of their passage were subsequently acquiesced in after a change of party majorities. Democrats enjoying unified party control in the 111th Congress, for example, did not attempt to undo Medicare Part D, No Child Left Behind, expanded National Security Agency surveillance, or the partial-birth abortion ban, even though, when they were in the minority, they forcefully criticized all these policies at the time of adoption. Overall, it is difficult to make the case that party polarization has promoted extremism in policy outcomes (Brady et al. 2008).

Finally, in evaluating the effect of party polarization on gridlock, it is important to recognize that the ebbs and flows of legislative productivity are simply not well understood by political science. Certainly, it is true that the postwar “Congress enacted the vast majority of its significant legislation during its least polarized period” (McCarty et al. 2006, p. 181). A lack of party polarization during this period likely contributed to its outsized legislative success, but it is hard to know whether low polarization was a necessary or a sufficient condition. This period also corresponded with an activist “public mood” that extended across presidential administrations of both parties and across both unified and divided government (Mayhew 2010, p. 160). More broadly, government policy making in the United States seems to be characterized by long periods of stasis punctuated by occasional large departures (Baumgartner et al. 2009). Political scientists have been forced to conclude that the story of policy making is largely one of different epochs that do not correspond closely to divided party government, party politics, or other institutional factors (Grossmann 2014; Howell et al. 2000, pp. 297–302; Jones et al. 1998).

PARTY POLARIZATION AND THE CONSTITUTIONAL SYSTEM

Schattschneider (1942, p. 8) characterized American political history as “the story of the unhappy marriage of the parties and the Constitution, a remarkable variation of the case of the irresistible force and the immovable object.” His observation applies even better to the contemporary era than to his own. Parties are a more potent force in American politics today than they were at the middle of the twentieth century. They are more ideologically coherent and distinctive, headed by institutionally stronger leaders inside government, and bolstered by committed activists and large

networks of party-allied organizations outside government. But the constitutional system blocks today's stronger parties at least as effectively as their weaker forebears. Contemporary parties remain, in Rossiter's (1960, p. 64) words, "contractors unable to deliver on many of their most solemn promises to the electorate."

In the midst of a ferociously competitive political era, these more distinctive parties are locked in an ongoing contest for control of national institutions. No party has the upper hand in American government for long, and divided government predominates. Regardless of whether liberals and conservatives are polarized in the spatial sense—that is, farther apart in ideological terms—a pervasive, rigid conflict between two evenly matched political parties poses significant challenges for the Madisonian system.

Contrary to the hopes of an earlier generation of political scientists (Am. Polit. Sci. Assoc. 1950), there is little reason to think that stronger, more coherent parties will yield a more responsible two-party system. Indeed, the contemporary environment of intense party competition for institutional control may well foster a more irresponsible party system, as politicians focus on electioneering rather than policy making. With control of institutions hanging in the balance, politicians have more reason to postpone tough decisions, hoping for better advantage after the next elections. In the meantime, they "kick the can down the road" with short-term reauthorizations that leave the key controversies and policy questions unsettled. Administrative agencies struggle to plan and budget through these policy uncertainties. Routine appointments, budgets, and appropriations fail to get approved in a timely manner. Meanwhile, officeholders concentrate on messaging, scoring political points, and positioning themselves before external constituencies.

The key outstanding question is whether the contemporary impasse between the parties and the constitutional system is sustainable. Certainly, the system is not static. Recent decades have seen an enormous amount of institutional innovation. Congress, the president, and to some extent even the courts have undergone significant institutional development under the pressures of rising party conflict. Despite these developments, there is still reason to doubt that a system as fragmented as that of the United States can continue to be responsive to public problems in the face of institutionalized party warfare across so many different dimensions of public policy. Empirical work consistently suggests that party conflict compromises the government's ability to act. It preserves status quo policies, even as they become poorly adapted to present circumstances, and it inhibits new policy departures. More qualitatively, since 2010 Americans have witnessed repeated spectacles of high-stakes brinkmanship over the debt limit and other policies, a downgrade of US Treasury debt, and a two-week shutdown of most federal government operations. It is little wonder that public trust in government has fallen to historic lows.

There is no guarantee that the constitutional system will remain workable under current conditions. Even if party polarization was the norm throughout the nineteenth and early twentieth centuries, the responsibilities of the federal government today are so much broader that policy stalemate has far more wide-ranging consequences. In the end, American political science does not yet offer a sufficiently complete account of the drivers of public policy making to confidently predict the long-term consequences of contemporary party polarization. Weighing uncertain future possibilities, one might do worse than to contemplate the confidence of Charles Beard (1943, p. 38), a fierce critic of the Constitution who yet maintained that "in our system the matured will of an undoubted and persistent majority will prevail in the long run."

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