



INSTITUTIONAL GRIDLOCK IN THE UNITED STATES CONGRESS

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ABSTRACT

During the 1948 election, President Truman campaigned against the “Do Nothing Congress” that had passed a total of 906 bills. The 114th Congress, which ended January 3, 2017, enacted a paltry 329. Among a variety of factors, an increase in partisan or institutional gridlock has been cited as a significant cause of legislative stalemate. By demonstrating the close interconnections between polarization, game theory, and gridlock in a comprehensive discussion, this literature review presents a synthesis of the most important empirical and the theoretical developments in the emerging consensus on gridlock. The author further suggests that the evolution of empirical studies on Congressional gridlock in the post-Mayhew era has diverted attention from the possibility that gridlock might be, in some sense, desirable.

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It seems that the idea of gridlock might be best explained as a clash between the built-in limitations of what American government was shaped to do and what American government is currently required to do. But how has our understanding of this topic evolved over the years? There is now a scholarly consensus (Ho, 2014; Lee, 2013; Saeki, 2009; Woon & Cook, 2015) on the following three points:

- Congressional gridlock exists and can be measured in many ways, including (a) overall legislative productivity, (b) comparative legislative productivity as measured by the ratio of passed laws to laws open for consideration, and (c) comparative legislative productivity as measured by the ability of Congress to pass laws of particularly high importance to the country.
- Congressional gridlock can be predicted through the phenomenon of ideological polarization, which has been defined as the mean difference between the two parties on the liberal-conservative continuum.
- Ideological polarization exists because of the distribution of strong preferences among members of Congress, which, in turn, could represent the ‘responsible party’ desire to better reflect strong preferences in the electorate itself (Arnold & Franklin, 2012; Costello, Thomassen, & Rosema, 2012; Mair, 2008).

Yet the building of consensus on gridlock has taken years to form. This paper will not only present the arguments on behalf of the three hypotheses above, but also take a chronological approach to explaining how and why scholars arrived at the current consensus and identify gaps in discussions surrounding the topic.

One of the gaps in the existing literature is that scholars have not tended to mix insights from the various research traditions that have informed gridlock. For example, Poole and Rosenthal created an influential dataset on polarization encompassing over 130 years of Congressional activity, but did not attempt to correlate these data with gridlock. Meanwhile, Krehbiel (1998) and other scholars have integrated polarization and gridlock findings, but have neglected to more categorically explore the contribution of game theory (which is the conceptual explanation of why polarization and gridlock are related). By demonstrating the close interconnections between polarization, game theory, and gridlock in a comprehensive discussion, the literature review presents a synthesis of the most important empirical and the theoretical developments in the emerging consensus on gridlock.

AN INTEGRATED THEORY AND EMPIRICAL MODEL OF GRIDLOCK

Sarah Binder, one of the pre-eminent scholars of gridlock in the post-Mayhew era, wrote that “how we define gridlock largely shapes how we measure it” (Binder, 2003, p. 35). Binder offered a definition of gridlock as “the share of salient issues on the nation’s agenda that is left in limbo at the close of a Congress” (Binder, 2003, p. 35). There are several other definitions of gridlock, some of which are conceptually similar to the definition offered by Binder. According to Bond and Fleisher, gridlock is “a lack of movement toward solving the nation’s problems,” (Bond & Fleisher, 2000, p. 188). In his 1991 book, *Divided We Govern* Mayhew used a definition of gridlock based on the success or failure of the passage of so-called landmark acts or laws (Mayhew, 2005, p. 80), which Mayhew also refers to as “significant lawmaking” (as cited in Mayhew, 2005, p. 80). Mayhew’s main finding

was that the same number of landmark acts passed in both united and divided governments, suggesting a low intensity of gridlock. Gridlock has also been defined as the existence of “Too much fragmentation or too many ‘veto points’” (Wiarda, 2005, p. 23) that can prevent government from being able to mount legislative responses to change. Ho argued that gridlock refers to two very specific situations, namely (a) one in which “congressional majorities and the President all want to change policy in the same direction but fail to act due to strategic disagreement or due to certain procedural rules” (Ho, 2014, p. 628) and (b) one in which “legislative action may be impossible because congressional majorities and the President want to move policy in different directions” (Ho, 2014, p. 628). As there is no consensus on exactly what gridlock is, multiple definitions will be invoked over the course of the literature review.

Gridlock is an empirically verifiable outcome; the existence of gridlock can be inferred from the lack of productivity in Congressional decision-making (Binder, 1999, 2003). While the extent of gridlock can be measured, there is an open question as to what causes gridlock (Brady & Volden, 1998; Woon & Cook, 2015). The main explanatory theme emerging from the literature on gridlock is that of polarization (Fiorina & Abrams, 2008; Golder, 2010; Grosser & Palfrey, 2014; Hare & Poole, 2014; Jacobson, 2003; Jones, 2001; Luguri & Napier, 2013; McCright, Xiao, & Dunlap, 2014; Sinclair, 2014; Stanig, 2013). A synthesis of the literature leads to the following hypothesis: The degree of polarization between political decision-makers predicts the degree of gridlock.

This hypothesis is empirically testable; however, it is necessary to examine its theoretical roots as well — in other words, to further explore the question of why polarization might predict gridlock. Many scholars have drawn upon game theory as an underlying explanatory factor for the relationship between polarization and gridlock (Fiorina & Abrams, 2008; Jacobson, 2003; Jones, 2001; Krehbiel, 1998; Krehbiel, Meirowitz, & Woon, 2005). For example, game theory suggests a distinction between

weak preferences, strong preferences, and no preferences (Gilles, 2010; Webb, 2007). These distinctions are particularly important in competitive games. Consider the political agenda item of gun control laws. In Congress, as among the American public, preferences for gun control legislation can be mapped as an inverse distribution (Mitchell-Weaver, 1991). In an inverse distribution of preferences, most actors have views on the extremes of a distribution (Mitchell-Weaver, 1991).

Data from the Pew Research Center (Pew, 2015), which have been drawn upon in empirical studies (Birkland & Lawrence, 2009; Fiorina & Abrams, 2008) of popular and political polarization on gun control, indicate that, as of July 2015, 47% of Americans polled were for what were described as “total gun rights” while 50% were for “total gun control.” Thus, 97% of Americans polled held attitudinally strong preferences – whether for gun rights or gun control – on the issue of guns, whereas no more than 3% of Americans held weak preferences (a category that can include having no opinion or simply not caring much).

In game theory, the emergence of a consensus or cooperation is theorized as resulting from the distance between players’ payoffs (Gilles, 2010; von Neumann & Morgenstern, 2007; Webb, 2007). This aspect of game theory can be placed into an empirical framework. If 0 represents a preference for total gun control, 50 a complete lack of preference for either gun control or gun rights, or 100 a preference for total gun rights, game theory predicts that the propensity of individuals to seek consensus will depend on the distance between their preferences. In the scheme above, the maximum distance possible is 100 while the minimum distance is 0. The polarization literature, drawing not only upon game theory but also on empirical tests of polarization and consensus, indicates that legislative productivity is more likely when the

aggregate distance between decision-makers’ preferences is comparatively smaller (Fiorina & Abrams, 2008; Grosser & Palfrey, 2014; Hare & Poole, 2014; Jacobson, 2003; Jones, 2001; McCright et al., 2014; Stanig, 2013).

The polarization and gridlock literature tends to refer to this as a spatial model (Krehbiel, 1998; Krehbiel et al., 2005). Hare and Poole (2014) used such an approach, rooted in the technique of multidimensional scaling, to measure party polarization on the liberal-conservative dimension. Hare and Poole’s statistical analysis, which has been complemented and affirmed by other scholars’ analyses, indicates that Congressional voting can be almost entirely (according to Hare and Poole, 93%) predicted by the decision-maker’s position on the liberal-conservative spectrum. Hare and Poole measured the liberal-conservative distance between the parties in both the House of Representatives and the Senate and found that the polarization between the parties in Congress has been on the rise.

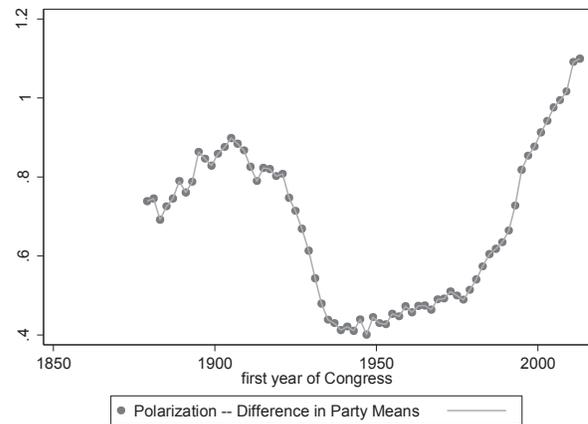


Figure 1. Growth in party polarization, 1879-2013. Original figure based on dataset from Hare and Poole (2014).

Hare and Poole’s dataset is defined to represent perfect liberalism as -1 and perfect conservatism as 1. Taking the absolute value of the ideological differences between the parties in any given Congressional session allowed Hare and Poole to generate a visual representation of the extent of polarization. The data indicate plummeting polarization between the parties in the wake of the Great Depression, reversing course in the early Clinton years and reaching its highest historic level during the Obama administration. It is possible that historically low levels of Congressional polarization were responsible for the ability of numerous Presidents — including Franklin Delano Roosevelt and Lyndon Baines Johnson — to push legislation through Congress more effectively than their predecessors and successors.

Hare and Poole’s quantitative approach to polarization has been echoed in empirical studies of gridlock (Binder, 1999, 2003; Brady & Volden, 1998; Jones, 2001; Saeki, 2009; Woon & Cook, 2015). Some of these studies draw on statistics made available by Congress that focus on (a) the total number of legislative items before a Congress, (b) the number of enacted laws, and (c) the number of failed laws.

Time series graphs on each of these measures have been presented below. The data were collected by Congress itself and have been made available through several sources (Civic Impulse, 2015). The data are presented here because they are drawn upon in key studies of gridlock (Binder, 1999, 2003; Brady & Volden, 1998; Jones, 2001; Saeki, 2009; Woon & Cook, 2015) and because they illustrate various dimensions of the problem of gridlock. Note that, in *Figure 2*, there is a downward trend in the total amount of legislative actions; in *Figure 3*, there is a downward trend in enacted legislative items and, in *Figure 4*, there is an increase in failed legislative items.

While Hare and Poole created an important dataset on polarization, they offered a cursory discussion of gridlock based on seminal definitions and did not develop an explicit theory about the relationship between

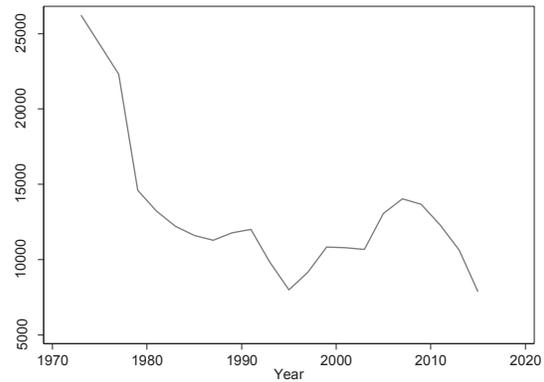


Figure 2. Time series of total legislative items, 1973-2015. Original figure based on Congressional data gathered by Civic Impulse (2016).

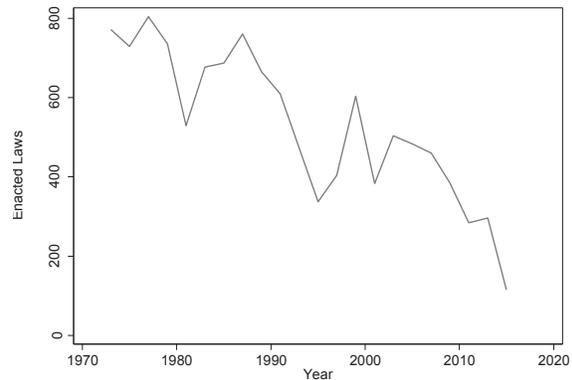


Figure 3. Time series of enacted legislative items, 1973-2015. Original figure based on Congressional data gathered by Civic Impulse (2016).

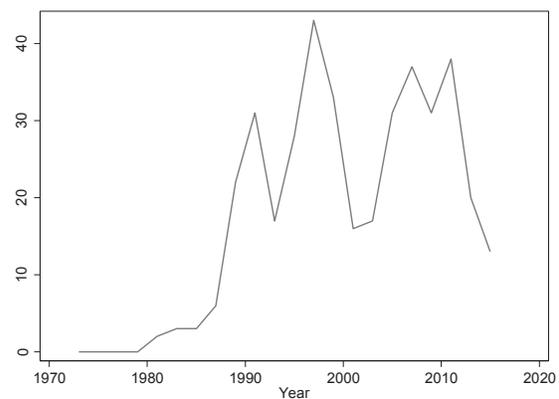


Figure 4. Time series of failed legislative items, 1973-2015. Original figure based on Congressional data gathered by Civic Impulse (2016).

polarization and gridlock. Krehbiel's theory of pivotal politics is an influential theory about the connection between polarization and gridlock (Krehbiel, 1998; Krehbiel et al., 2005). The heart of Krehbiel's theory is the game-theoretic insight that consensus is more likely between decision-makers when the aggregate distance between their preferences is smaller (Krehbiel, 1998; Krehbiel et al., 2005). The graphs presented below are simplified versions of Krehbiel's more advanced attempts to draw empirical connections between polarization and gridlock. These three graphs (Figures 5, 6, and 7) are important because of their illustration of a direct link between Hare and Poole's liberal-conservative dimension of polarization and three measures of gridlock. The graphs replicate the data in Figures 2, 3, and 4, but with the addition of a 95% confidence interval and an ordinary least squares (OLS) line of best fit to illustrate the existence of trends in the data. The graphs triangulate Krehbiel's findings using a simple regression model rather than a spatial model.

These data indicate that polarization negatively predicts total legislative activity, negatively predicts passed laws, and positively predicts failed laws. Thus, there are empirical connections between polarization and gridlock. This empirical insight is the core of the modern consensus on polarization and gridlock. The next section of the literature review contains a chronological overview of past scholarship that establishes a context for the emergence of the consensus viewpoint.

DEVELOPMENT OF THE CURRENT CONSENSUS ON GRIDLOCK

If governance is conceptualized as having to lead, as is suggested in some of the literature (Treib, Bähr, & Falkner, 2007), then, to be certain, there is a presumptive bias in favor of a productive Congress that churns out legislation on what Binder called salient topics (Binder, 2003, p. 35). If there are simply too many salient topics on the legislative agenda, then gridlock might emerge naturally from the fact that Congress was meant to act on topics that were of the highest salience and would thus override ideological differences. Lee has called attention

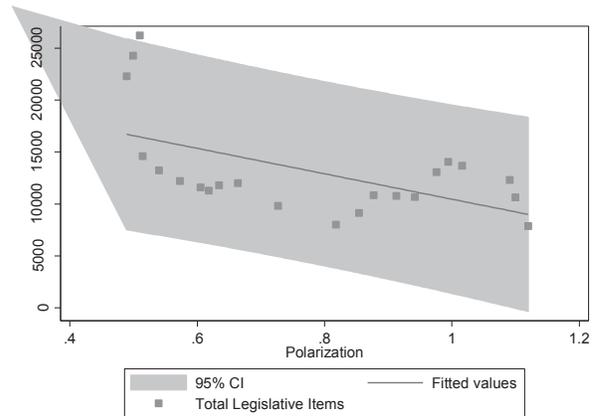


Figure 5. Polarization and total legislative items, 1973-2015. Original figure based on Congressional data gathered by Civic Impulse (2016)

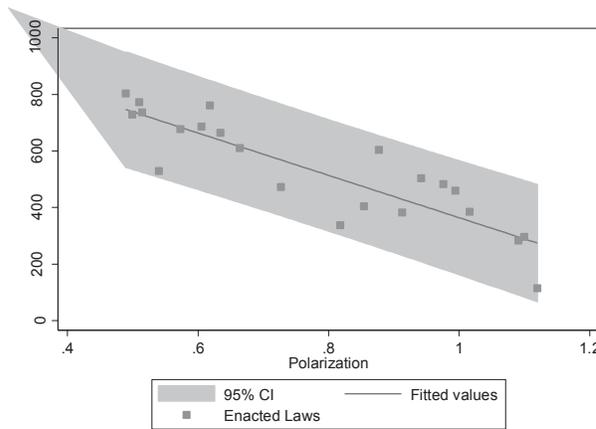


Figure 6. Polarization and enacted legislative items, 1973-2015. Original figure based on Congressional data gathered by Civic Impulse (2016) and Hare and Poole (2014).

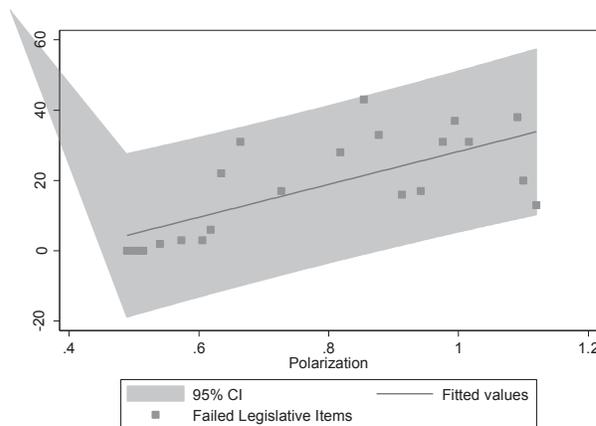


Figure 7. Polarization and failed legislative items, 1973-2015. Original figure based on Congressional data gathered by Civic Impulse (2016) and Hare and Poole (2014).

to this dynamic through empirical analysis, noting that there is an inverse correlation between gridlock and issue salience (Lee, 2013, p. 175), meaning that gridlock goes up when issues are less salient and gridlock goes down when issues are more salient. Without invoking Binder specifically, Lee's finding is aligned with Binder's claim that gridlock is associated with low-salience legislative items.

The 110th Congress voted on 861 bills, while the 1st Congress voted on only 16 (Civic Impulse, 2015). The extension of governance into additional corners of public and private life, while reflecting contemporary attitudes about the centrality of government (Douglas, 1989, p. 84), necessarily implies an explosion in the number of legislative acts to be voted on, without any corresponding change in the ease of passing legislation. In the 1st Congress, the matters before the national legislature were, in Binder's phrase, of extremely high salience — issues of truly national significance. Salience has become diluted as Congress has been called upon to handle more and more issues, and this dilution could be the ultimate explanation of gridlock. To some extent, this possibility has been acknowledged by both Mayhew (1991, 2005) and Binder (Binder, 2003, p. 35), who limited their analyses of gridlock to significant or salient legislation. The idea of salience is highly subjective. Binder, for example, described salience as the function of how many times an issue before the legislative branch had been discussed in the editorial page of the *New York Times*. It is possible that, over time, the idea of salience itself has been defined in an overly inclusive manner. Lee is one of the few scholars who appears to have adopted an exacting standard of what counts as high salience in the context of gridlock (Lee, 2013, p. 175), meaning the use of several dimensions — including mentions in editorials but also qualitative assessments of issue salience.

If the bar for salience is raised, as Lee suggests (Lee 2013, 175), then it might be the case that gridlock is less prevalent than assumed. For example, the 2008 bailout of the American

economy was a truly salient issue (Malhotra & Margalit, 2010, p. 853), because it addressed the well-being of the entire country — which, according to Binder (2003), is one mark of salience — and, indeed, Congress took action. Scholars who are inured to — or even actively invested in — the idea of an interventionist, ubiquitous government might count as gridlock those instances of Congressional inactivity that actually reflect the fact that the system is working, that is, by keeping the legislation inert on topics that do not actively require government activity in a Lockean or Smithian version of a liberal society (Abbas & Kumar, 2005, p. 233).

Polsby (1968) argued that institutionalization consisted of three sub-phenomena: (a) well-boundedness, meaning strong distinctions between membership and leadership; (b) internal complexity, characterized by the increasing specialization of functions; and (c) universalism, meaning, *inter alia*, a determination to follow precedents and rules (Polsby, 1968, p. 144). Polsby argued that one of the consequences of institutionalization was the increasing propensity of Congress to block legislation rather than produce it. Polsby did not offer an empirical test of this claim, and his development of the theory of institutionalization has come to be of diminishing importance in the light of Mayhew's revolution in gridlock studies.

Mayhew's main concern was to calculate the difference between the numbers of so-called landmark acts passed under divided government versus the number of landmark acts passed under united government. Statistically, this model was admirably simple. As there were only two possible values for the independent variable of government (united versus divided) and a continuous dependent variable (number of landmark acts passed), with an independent samples *t* test serving as the obvious inferential measure. Using this test, Mayhew discovered that "it does not seem to make all that much difference whether party control of the American government happens to be unified or divided" (Mayhew, 2005, p. 198). From

this finding, Mayhew concluded that divided government was not a meaningful influence on Congressional gridlock.

Kelly (1993) critiqued Mayhew's methodology by arguing that the most appropriate measure for landmark legislation was legislation that had been identified in contemporary sources as well as discussed in secondary sources. Kelly thus raised the bar on Mayhew's definition of salience (based on Mayhew's own qualitative decisions about which acts of legislation were landmark acts), reducing Mayhew's original data from 267 items of landmark legislation to 147 items.

Kelly's results thus diverged from those of Mayhew. Mayhew found that the mean number of acts passed under united government was 12.78, while the mean number of acts passed under divided government was 11.69. Using Levene's test for the equality of means, Mayhew found that, at a significance level of 0.05, there was no statistically significant difference between the mean number of legislative acts passed under united government and the mean number of legislative acts passed under divided government. After reducing the number of items in Mayhew's original dataset, Kelly found that the mean number of acts passed under united government was 8.78, while the mean number of acts passed under divided government was 6.09 (Kelly, 1993, p. 479). Using Levene's test for the equality of means, Kelly found that, at a significance level of 0.05, there was a statistically significant difference between the mean number of legislative acts passed under united government and the mean number of legislative acts passed under divided government, such that more legislative acts were found to have been passed under united government. Note how this statistical approach, which relied on dichotomous measures of polarization, has subsequently been improved upon by Hare and Poole's (2014) use of a continuous variable to define polarization.

Kelly also replicated Mayhew's use of covariates, including the variables of early term, activist mood, and budget / surplus deficit. In Mayhew's model, the covariates of early term and activist

mood were in fact predictors of the generation of legislation. In Kelly's analysis, the change of dataset meant that early term was no longer a significant predictor, and the effect of activist mood on landmark legislation was only around half of that observed in Mayhew's model. Kelly took the results to mean that divided government was in fact a highly important influencer of Congressional gridlock, because more legislative activity took place when government was not divided. Of course, Kelly and Mayhew used different definitions of salience, which explains the difference in their findings.

After Kelly's paper, most of the other scholars working on empirical models of Congressional gridlock — whose findings are described in detail below — have also felt obliged to take some position on the importance of divided government as a predictor of Congressional gridlock. In addition, Kelly's inventive redefinition of salience appears to have inspired other scholars, such as Binder, to articulate and defend their own measure of salience. Mayhew looms large over all of these scholarly efforts, as he was the first to empirically measure Congressional gridlock as a function of other aspects of government (such as the party composition of Congress) and also the first to try to define salience in the context of gridlock.

Binder's 1999 article, *American Political Science Review* added some innovations to the body of empirical literature on gridlock. Binder used her empirical results to support "an alternative theory of gridlock" (Binder, 1999, p. 519) based on "the distribution of policy preferences within the parties, between the two chambers, and across Congress more broadly" (Binder, 1999, p. 519). Binder began by defining gridlock as the ratio of enacted agenda items to all agenda items, filtered by salience — which, like Mayhew, Binder calculated through an examination of the frequency with which a specific legislative topic appeared on the *New York Times* editorial page. Because Binder used a ratio variable rather than an absolute measure of passed legislation, such as the measure used by Mayhew, she was able to generate individual gridlock scores for

every Congress, while Mayhew was not able to. While Mayhew conceived of gridlock as a binary state, Binder's approach allowed gridlock to be measured along a continuum.

Binder's creation of individual gridlock scores for each Congress from 1947 to 1996 radically expanded the scope of possible statistical analysis. For Mayhew, the use of the number of passed legislative acts only allowed a broad comparison between united and divided governments, which (a) offered no insight into time-dependent changes in Congressional gridlock and (b) offered no insight into the quality of specific Congresses in terms of legislative productivity. Indeed, Binder took advantage of the ratio measure of gridlock to conduct time-series analysis designed to determine whether gridlock was increasing, decreasing, or remaining the same over time. Binder found that the amount of gridlock has increased over time. Going beyond her measurement of time-dependent trends in the evolution of gridlock, Binder found that conflict between the House of Representatives and the Senate was the most important predictor of Congressional gridlock.

Meanwhile, Krehbiel's explicit intention was to generate a theory atop Mayhew's empirical findings. According to Krehbiel, Mayhew "did not propose a theory of divided and unified government that accounts for variation in legislative productivity or degrees of gridlock... his finding serves as an essential empirical foundation on which to build a theory" (Krehbiel, 1998, pp. 53-54). Thus, Krehbiel's work provided both a confirmation and a theoretical extension of Mayhew's results. Krehbiel, like Binder but unlike Mayhew, operationally defined gridlock in a manner that allowed each Congress to be evaluated on this measure. On that basis, Krehbiel argued that gridlock was a pervasive characteristic of Congressional activity, with its pervasiveness cutting across times of divided or unified government. Krehbiel introduced or championed ideas that currently constitute the core of an emerging consensus in the literature, one that focuses on the importance of medians.

In terms of influences on Congressional gridlock, Krehbiel developed the idea of gridlock as being determined by the distance between the preferences of legislators. The existence of gridlock is confirmed by data, and, following Mayhew, Krehbiel argued that it cannot be explained by divided or unified government. As Krehbiel and colleagues argued in a later paper, the observed phenomenon of gridlock appears amenable to explanation by any number of theories (Krehbiel et al., 2005, p. 249). The explanation Krehbiel preferred was that of the pivot. A pivot is, in Krehbiel's theory, a weak preference that can be co-opted by the opposing party, thus facilitating the building of a supermajority. For example, a Republican Senator who had weak preferences about gun laws would be a pivot, as this Senator's vote could go in one direction or the other. In an atmosphere of weak preferences, Krehbiel argued, it is easier for legislative activity to take place, because weak preferences lead to fluid coalitions whereas strong preferences are resistant to compromise.

Richman (2011) built on Krehbiel's theory, agreeing with the centrality of pivotal politics as a predictor of legislative action and inaction, and suggesting a role for parties themselves as contributors to gridlock. Richman's main conclusion was that parties routinely seek to apply pressure to pivotal members of their causes in order to prevent legislative actions that would significantly alter the status quo (Richman, 2011, p. 151). Thus, parties tend to seek out and apply pressure to pivots. This insight is important because it demonstrates that polarization is, to some extent, consciously engineered by parties.

Krehbiel's introduction and development of the idea of gridlock ultimately relies on a model of polarization. The further apart voting blocs happen to be, the larger the gridlock space, which can also be conceptualized as the distance between preferences. This claim is particularly useful when matched to polarization datasets (Hare & Poole, 2014). In a majoritarian legislative body, polarization will result in

the changing of agendas to represent more extreme (that is, from the viewpoint of the opposing party median) content. As Cox and McCubbins stated, “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” (Cox & McCubbins, 2005, p. 9). This theory predicts the maintenance of the status quo, which is another means of defining gridlock. The maintenance of the status quo — as defined by a shrinking legislative agenda, fewer enacted laws, and more failed laws — is, as demonstrated in the second section of the literature review, an empirical fact, and, in the House of Representatives, polarization appears to explain how and why the legislative status quo does not often change.

The same logic applies to the Senate, in which the creation of the supermajority necessary for a change in the status quo is also threatened by polarization. This argument was championed by Jones, who argued that “higher party polarization increases the likelihood of encountering gridlock on a given proposal, but that the magnitude of this increase diminishes to the extent that a party is close to having enough seats to thwart filibusters and vetoes” (Jones, 2001, p. 22). Jones’ identification of the role of the supermajority concurs with Krehbiel’s theory, in which supermajorities also figure closely in the degree of gridlock around any particular legislative act. One of the novel aspects of Jones’ analysis is the identification of ideological differences as potential explanatory factors in gridlock. This line of analysis suggested a causal relationship between polarization and gridlock, with higher polarization taken to predict higher levels of gridlock.

This point was addressed, more indirectly, when Krehbiel wrote about how the status quo would become more preferable given the distance between individual legislators. Jones made a substantive case for ideology as the main determinant of distance in a spatial model of

gridlock — meaning that ideology determined polarization. This finding has since been confirmed by Hare and Poole (2014), who found that 93% of the Congress’s voting record since 1870 can be explained by where on the liberal-conservative spectrum members of Congress fell. Polarization is itself a function of what Sinclair has described as the transition of the two major parties “from fluid coalitions to armed camps” (Sinclair, 2014, p. 308). This well-attested phenomenon (Fiorina & Abrams, 2008; Golder, 2010; Hare & Poole, 2014; Jacobson, 2003; Jones, 2001; Sinclair, 2014) appears to be at the root of Congressional gridlock, albeit through different mechanisms, in the House of Representatives and the Senate. In the House of Representatives, the rules of debate favor the majority (which wields more power through its leadership) whereas the Senate is more amenable to the minority, given its less centralized structure and the reduced role of party leadership. Sinclair’s so-called armed camps would be easier to institutionalize in the House of Representatives, whereas, in the Senate, they would exist as natural outcomes of individual Senators’ preferences.

DISCUSSION AND CONCLUSION

The hypothesis of polarization serving as the main predictor of gridlock represents the emerging consensus on the topic, and, as discussed earlier, has solid theoretical backing from game theory. The current consensus has emerged from interconnected research on polarization and gridlock that, over time, has established the empirical links between these two phenomena. The purpose of the conclusion is not to reiterate these findings or their theoretical basis but to reflect on the nature of gridlock as a political phenomenon.

The eruption of empirical studies on gridlock in the post-Mayhew era has diverted attention from the claim that gridlock might be, in some sense, desirable. If so, then the topic of gridlock and its influences takes on added interest, because it gestures not merely towards legislative dysfunction but also towards defense against tyranny.

Even the kinds of operational language used by Mayhew, Binder, and other contemporary scholars of gridlock reflect value judgments. Congress is said to be productive, to be passing landmark laws, and to be addressing salient issues. It is not easy to contest such language, for surely few scholars or policy-makers would want to be seen arguing on behalf of a non-productive Congress that does not pass landmark laws or address salient issues. Thus, one of the gaps in the literature on gridlock has to do with the

absence of a fair-minded discussion of the role of the legislative body in American life and the resulting reification of legislative action; this theme is taken upon in other political literature emphasizing grassroots change (Brinkerhoff, 1996). Although the work on gridlock continues to take on a quantitative dimension, more qualitative discussion of the topic of Congressional activism versus Congressional restraint also needs to take place.

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