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Positive Theories of Congressional Institutions

This paper surveys the range of formal theories that have been developed in recent years to accommodate and explain various legislative practices. The newer theories, especially those emphasizing informational aspects of decision making and partisan features of legislative politics, constitute departures from an earlier tradition of modeling gains from exchange. The authors suggest how these newer developments blend with their forebears and yet still constitute critical departures. These approaches, it is argued, may be distinguished from one another by the weight each places on the demand side and supply side of legislative decision making.

Congressional studies in the past quarter century, though never rigidly doctrinal, have exhibited several prominent theoretical orientations. Two of these approaches bracket the past 25 years. Parsonian structural-functionalism, married to behavioral concepts, provided the theoretical framework for a number of important books in the 1950s and 1960s, including the influential *Studies of Congress* series published by Little Brown. Instrumental rationality has been the theoretical engine of the past decade.¹ In each of these theoretical traditions, as appropriated by congressional scholars, observed behavior, stylized facts, and other empirical regularities figure prominently. At least partly as a consequence of this commitment to empirical relevance, theoretical wars in the congressional field have been muted, limited, and not of the slash-and-burn variety (something utterly foreign to the international relations scholar or student of area studies). Put more concretely, the 535 elected officials of the U.S. Congress, their elections, their staffs, their committees, their leaders, their institutional procedures, and their collective history, along with lobbyists, executive branch liaison agents, and the political community their interactions foster, constitute the shared interest of congressional theorists of all stripes. These are the common threads and joint focuses of congressional scholars, whatever their theoretical moorings.

All is not sweetness and light, however, and the purpose of this essay and the collection it introduces is to highlight recent theoretical controversy in the congressional field. Although there undoubtedly were theoretical fights among structural-functionalists and behavioralists in an earlier epoch, these are not our concern. Instead, our concern is with important differences of opinion that have emerged within the rational choice camp; a spate of recent books and articles have staked out these positions. But here we want to do more than highlight controversy, since we believe that these theoretical disputes have advanced the way we think about legislative institutions. Each of the contending theoretical approaches we describe below possesses powerful insights; it is, therefore, now appropriate to begin knitting them together.

Evolution of Positive Legislative Theory

To frame the range of theoretical perspectives and facilitate synthesis, we begin with an abbreviated bit of intellectual history. The early rational choice pioneers—Arrow, Black, Buchanan and Tullock, Riker—theorized about politics among nominal equals who, at least part of the time, made decisions in institutional contexts by voting. Majority cycling (mitigated in unidimensional settings by single-peaked preferences), vote trading, and coalition formation drew the attention of these scholars. These were the abstract phenomena that, in principle, manifested themselves in real legislatures.

It did not take long for congressional scholars to begin applying insights drawn from this more abstract work. In the 1960s and 1970s a technical literature emphasizing rational individual behavior and irrational collective outcomes began to accumulate (Plott 1967; McKelvey 1976). An early survey of important results as they applied to legislatures was provided by Ferejohn and Fiorina (1975). Substantive applications also began to appear—for example, Fenno's (1973) book on committees, Ferejohn's (1974) study of public works, Fiorina's (1974) monograph on roll-call voting, Shepsle's (1978) volume on committee assignments, and Arnold's (1979) book on legislative-bureaucratic relations. Mayhew's famous book (1974) popularized instrumental rationality in congressional politics, and Fiorina's subsequent study (1977) convinced both his peers and generations of undergraduates that rational choice theory helped account for inside-the-beltway politics.

In short, abstract theoretical work on rational choice in institutional settings, the product of the 1950s and 1960s, was seized upon during the 1970s in a variety of ways by both theoretical and empirical

students of legislative politics. In retrospect, this was quite a remarkable development. Rarely do theorists and substantive scholars work in so complementary and synergistic a fashion. Yet there were several anomalies in this first generation of collaboration.

The first anomaly (and perhaps the most famous, owing to a series of papers exploring why so much stability existed), was that majority rule cycles, so much emphasized by formal theorists, simply did not seem to figure much in the politics of Congress. An occasional story—Riker's elaboration of the Powell Amendment is the most widely known²—displayed how an appreciation of social intransitivity could shed light on political mischief; but in no sense was there evidence that majority cycling was a constant companion of legislative life.

Second, such features of legislative structure and process as the committee system, bicameralism, and parliamentary procedures, emphasized so much in the accounts of substantive scholars, figured hardly at all in first-generation formal models. Although the rational choice pioneers clearly thought their models pertained to majority-rule legislatures, the models were institutionally sparse. Indeed, many formal theorists at the time felt that any introduction of institutional detail would detract from the modeling enterprise by specializing its products too much.

Third, the unofficial structure of politics in Congress provided by parties, party and institutional leaders, and congressional norms went unrecognized by formal theories (but see Weingast 1979). Thus, the members of the majority party were treated as only one of a large number of possible winning coalitions.

To be blunt, there were central features in the theory of abstract legislatures with no significant counterpart in congressional practice (or so it seemed) while, on the other hand, there were central aspects of substantive stories about Congress little elaborated in the abstract theories.

A fourth feature of this first-generation collaboration between rational choice theory and substantive congressional scholarship, and a feature which subsequently proved controversial, is an emphasis on distribution. Rational choice theory, after all, is about individuals trying to get what they want. The preferences of legislators (the Mayhewian reelection goal or the Fennoistic triad of objectives) induce strategic calculation about how to achieve objectives. Such objectives were assumed to be systematically related to members securing for themselves a favorable distribution of pork barrel projects, committee assignments, expenditures targeted to their districts,

and policy outcomes desired by favored constituents. Since the environment for obtaining favorable distributions of these things is highly competitive, members need to make deals, form alliances, and engage in vote trading and logrolling in order to succeed; in short, members need to cooperate. In the language of positive political theory, congressional politics reflects the gains from cooperation in which legislators make themselves better off through exchange and concerted action.

One significant consequence of this focus on the politics of distribution was a relative inattentiveness to other things. Debate and deliberation, for example, were dismissed as mere mood music, as inconsequential position-taking preliminaries to the main event of distributing the gains from cooperation. (We say more on this relative inattentiveness below.)

The 1980s witnessed constructive responses to the opportunities offered by the first-generation formal models. In the first half of the decade, a number of scholars, among whom we include ourselves, sought to enrich the institutional content of rational choice theories of legislatures. These second-generation models, relying on a spatial representation and a politics-of-distribution perspective, suggested ways in which institutional structure channeled expressions of legislative self-interest. The literature on structure-induced equilibrium offered arguments on the way in which the structure of the committee system and procedural restrictions on voting (e.g., jurisdictional germaneness) might attenuate the voting cycles otherwise expected. By providing a theoretical language to handle concrete institutional features, this literature developed models of legislatures that congressional scholars recognized as approximations to the very real legislature they studied (Shepsle 1979).

These models of institutional equilibrium built on the earlier, structure-free models of majority rule. They emphasized a politics of distribution that was not simple majority-rule voting but rather an on-going game of strategic interaction played in a context of both structural arrangements (committees, jurisdictions) and procedural routines (agenda setting, sequential voting, restrictive rules). The structure and procedure analyzed in this theoretical manner, however, were taken as fixed ahead of time. The equilibria that emerged were the consequence of preference revelation in the context of *exogenous* institutional arrangements.

The second half of the 1980s spawned a series of efforts to grapple with both omissions and commissions in these second-generation models. Debate and deliberation, for example, were modeled as signals in a world of imperfect information (Austen-Smith and

Riker 1987; Austen-Smith 1990; Banks 1991). Committees were not conceived merely as asymmetrically powerful agenda setters in a game of distribution, but additionally as specialists who, given the right incentives, would collect and reveal information that could improve the parent chamber's decisions (Gilligan and Krehbiel 1989; Krehbiel 1991). Parties were theorized as solutions to collective dilemmas facing kindred legislative spirits; party leaders were conceived as agents hired to coordinate these activities (Rohde 1991; Cox and McCubbins 1993). Congress was placed in a broader governmental structure involving delegation and control relationships (Kiewiet and McCubbins 1991).

These efforts, these third-generation models, contributed a generous portion of verisimilitude to their predecessors, taking up matters completely ignored by the latter. They also corrected the bias in attention to the politics of distribution, offering alternative rationales for legislative organization and institutional practices. But they generated controversies of their own as well. It is to all these developments that we turn in the remainder of this essay.

In the next section we spell out in more detail these third-generation models, starting first with those based on the principle of gains from exchange. In the third section we develop an alternative view—one might call it a supply-side view—that legislative structure, legislative politics, and, ultimately, legislative outcomes are driven by the need to cope with uncertainty and the acquisition of information. The fourth section is devoted to two additional supply-side views, one that founds legislative structure and politics on the need to cope with various collective action dilemmas and another that emphasizes the logic and necessity of delegation. In the fifth section we identify concerns that constitute a part of the current research agenda. We conclude with some reflections on the way forward for research on congressional institutions.

As will become apparent, we believe that theoretical formulations and principles of the last few years have often been represented as theoretical substitutes for one another. The main distinction among these, however, is that some emphasize the demand side of institutional life while others emphasize the supply side. To the extent that this is true, there may be complementarities that are underappreciated. We believe the remainder of the 1990s will be a theoretically exciting period during which these various approaches will be combined to provide a balanced, more complete, positive theory of congressional institutions.

**View from the Demand Side:
Distribution and Gains from Exchange**

A positive theory of legislative institutions is interested in explaining, by appealing to consequentialist arguments, why legislators go about their business in particular ways and with what effects. The distributive models of politics to which we alluded above begin with the observation that politicians come to the legislature with a variety of purposes. These purposes derive in part from the electoral connection, in part from personal notions of good public policy, in part from institutional ambition, and in part from the influence of others. In any decision-making circumstance, heterogeneity of tastes concerning the aims and uses of legislative authority is the result.

By *heterogeneity* we mean that no one perspective on the use of legislative authority is shared by enough legislators to be decisive. Any legislator is faced with the problem of achieving his or her purposes in a competitive environment. In the extreme, a legislator is on the short end of an $n-1:1$ vote (as, say, when she proposes to target some specific expenditure on her district at the expense of every other district). And, in many circumstances, he or she cares a great deal about precisely the decisions that look so lucrative for the district yet appear to be lost. Something is broke and needs fixing.

The logic of exchange and cooperation is an apparent solution to this problem. If i helps j with his objectives in exchange for j 's help with hers, then so long as the help she has to provide does not exceed the expected reward of an enhanced prospect of achieving her objectives, there is a net gain. In short, there are prospective gains from exchange.

The challenges are to determine what deals should be struck, on the one hand, and how to keep deals struck once struck, on the other. Early models of vote trading ran into some difficulties over the former issue (and hardly bothered with the latter) since it was evident that, in most circumstances, there was no best deal that a decisive coalition would support. Rather, for any deal, there was always another that some decisive coalition would prefer. Deals cycled. But to forego dealing altogether or to cycle endlessly among possibilities was to miss opportunities.

Indeed, as Weingast and Marshall (1988) elaborate, the problem is more complicated than this. Heterogeneous tastes make the exchange of support both necessary and attractive: the value a legislator places on his or her own projects often will exceed the burdens he or she must bear in supporting the projects of other legislators. But

occasions for exchange are not always simultaneous (one cannot always package all the deals into one big omnibus bill), and the flow of benefits is not always contemporaneous (a project in one district may be in the early planning stages while a project in another district is ready for contracts to be put out to bid). Thus, a spot market for exchanging support will not do.

A more satisfactory institutional solution must cope with the need for exchange, the problem of enforcing deals, the problem of extending the life of deals, and the necessity for making deals robust to unanticipated events. There must be a more complicated accounting system and a more sophisticated form of contracting.

What if, instead of trading votes deal by deal, legislators could trade influence in a more general way? Suppose that priorities were sufficiently heterogeneous that policy could be partitioned into categories, legislators could be partitioned into groups, and the categories and groups paired up in a manner that enabled legislators who most cared about some specific policy to be members of the appropriate group. Each group would take full responsibility for a policy area—it would possess property rights to that policy area. That way, it might be possible for farm state legislators to make agriculture policy, urban legislators to manage welfare policy, members of Congress with defense facilities and industries in their districts to influence defense policy, and so on.

The distribution of tastes and priorities would have to be heterogeneous in implausibly specific ways for this situation to occur. Legislators would have to care about policy only in the areas for which they had specific responsibility and not care at all for policy in other areas. Moreover, there is the moral hazard problem of each group seeking to commit the entire GNP to activities in its area. Clearly there are constraints and limits on the discretionary influence of each group.

But these qualifications do not nullify the case for some decentralized partitioning of policy domains and an exchange of influence arrangement as a Pareto improvement on the arrangement of equal influence of each legislator across all policy areas. In addition, replacing repeated spot-market, one-at-a-time exchanges of support with some institutionalized form of deal making economizes on the transactions costs associated with finding partners, haggling over terms of trade, and so on.

Putting all this together yields what Fiorina (1987, 338) tags as the second-generation prevailing view. This view

arises from a base of empirical research that has been formalized by scholars of the Caltech-Washington University school. These scholars view the committee system as

the formal expression of a comprehensive logrolling arrangement. In a large, diverse republic political interests will be heterogeneous—things dear to one set of representatives will be of little value to others, and vice versa. Thus, logrolling can produce gains from trade. . . . But if opportunities to make the same sorts of trades are expected to occur repeatedly, transactions costs can be cut by institutionalizing the trades. Thus legislatures establish committees with specialized jurisdictions, permit their members to self-select positions on committees with greatest interest. . . , and adopt “norms” that lubricate the gears of the system. . . . In full bloom this system allows members to exercise disproportionate influence on the formulation and implementation of policies important for their electoral interest and provides a variety of opportunities to claim political credit. . . . There is one potential glitch in the system, however. Theoretically, logrolled outcomes are not in equilibrium. . . . Someone always has a short-term incentive to attempt to unravel them on the floor. Thus, some means of enforcing agreements must be present.

Let us be clear that by gains from exchange we do not merely mean the benefits of swapping votes in pork barrel situations. The gains from exchange in such cases are clear, to be sure, but they are spot-market gains, subject to the spot-market inefficiencies to which we (and Fiorina) alluded above. The broader conception of gains from exchange that we have in mind entails swapping influence across jurisdictions, a prospect requiring multiple jurisdictions and heterogeneous interests.

As we have suggested, second-generation models see distribution in a context of heterogeneous tastes as the principal opportunity facing legislative politicians, as well as the principal problem. The political solution is to create an institutional arrangement for exchanging support that is superior to a spot market. And, it is claimed in second-generation research, the committee system is the linchpin of this arrangement.

To work, however, the committee system must solve several subsidiary problems. First, there must be a mechanism enabling individual legislators to flow to committees whose jurisdictions they care most about (the honoring of preferences in the committee assignment process must be given some priority). Second, committees must retain extraordinary influence in their respective policy areas (some combination of gatekeeping and proposal power, relatively restrictive amendment rules, control over conference committee proceedings, and oversight authority). Third, the system of jurisdictions must accommodate the rise of new issues and change in legislative interests and emphases so that members do not feel short-changed; that is, there must be mechanisms by which to adjust jurisdictions from time to time so that the jurisdictions of committees do not get too unequal in importance. (These mechanisms include not only the creation of new committees—for example, in the 1940s a committee on atomic

energy, in the 1950s a committee on space, or in the 1970s a committee on energy—but also such procedures and institutional devices as the multiple referral of bills, the subcommittee bill of rights, or legislative reorganization.)

Most second-generation models focused on the ways Congress grappled with the problem of (opportunity for) distribution by adjusting its institutional arrangements. Such models focused on the consequences of a well-functioning committee system, with its attendant mechanisms that made the bargains inherent in that system credible and durable. Two features of this literature, however, laid the grounds for the elaboration of alternative perspectives.

First, the politics of exchange focused on preference-based or demand-side rationales for increasing the welfare of legislators. But what if committees are conceived of not as agents of distribution, economizing transactions costs, but rather as specialized factors of production? Committees then improve members' welfare by enhancing productive efficiency on the supply side. In a more normative language, the quality of legislative policy deliberation, debate, and decision is enhanced by congressional committees serving as specialized bodies of experts that collect and reveal information bearing on the relation between public policies and social outcomes. Committees, in this view, are not agents of allocation; they are agents of production. And institutional arrangements are driven not by the demand-side desire for deals but rather by the supply-side requirements of production. It is this perspective that provides an informational rationale for legislative organization, the subject of the next section.

Second, implicit in the second-generation approach to congressional organization is the view that rights allocated within the legislature are costlessly enforced. What is ignored are the transactions costs of enforcement and the institutions that arise to address this important aspect of legislative cooperation. Members, that is, may find themselves caught in a prisoners' dilemma in which each seeks beneficial policies for the folks back home but each recognizes that there may be too much of this sort of legislation (producing a budget deeply in deficit) or legislation with too many costly external consequences (for example, policies inflicting terrible damage on the environment). These are the problems of externality, malcoordination, and collective action. The politics of distribution, according to this perspective, occurs in a context of market imperfections. These problems, in turn, stimulate the development of institutions that smooth out such imperfections (thereby expanding the occasions for cooperation), institutions like leadership and party. These considerations were first

noted by Weingast and Marshall (1988), distinguishing them from their second-generation colleagues. These and other subjects are elaborated in the section after the next.

A View from the Supply Side: An Informational Rationale for Congressional Institutions

Distributive theories paint an individualistic, conflictive, and demand-side picture of legislative politics. Informational theories extend beyond these three features. They explicitly characterize collective objectives alongside individually rational behavior. They allow for informed decision making alongside distributional conflict. And they accommodate the supply side as well as the demand side when analyzing the choice of organizational forms (Krehbiel 1991, 122–23).

In this passage, Keith Krehbiel summarizes the contribution of the informational rationale for congressional institutions. All this trucking and bartering, Adam Smith–style, as described by the distributive perspective, is fine. But legislative policy choice is more complicated than that; institutional arrangements, therefore, are selected to address a variety of problems never mentioned in the distributive perspective. Krehbiel develops this argument masterfully in *Information and Legislative Organization* (1991).

The book has two central premises. The first, the majoritarian postulate, asserts that all legislative choices—organizational, procedural, and substantive—are made by majorities. The point is not the obvious one that a measure needs majority support in a legislative chamber to pass but the subtler one that the ways in which a legislature goes about its business constitute “remote majoritarian choices” (1991, 19). Remote though they be from the hustle and bustle of day-to-day legislative politics, institutional features are nonetheless selected by majorities, are subject to change by majorities, and therefore presumably serve the interests of majorities.

The majoritarian postulate, in effect, asserts that institutions are endogenous. Second-generation gains from exchange approaches, as noted above, improved upon their predecessors by explicitly incorporating institutional practices into models in order to derive institutional equilibria—policy outcomes resulting from both individual preferences and institutional ways of doing things. Krehbiel reminds us that the institutions themselves constitute choices, though possibly of a more remote sort, a point made in the context of distributive models a decade earlier by Riker (1980). Consequently, institutions that frustrate the will of the majority cannot be expected to survive long. A committee system that serves the interests of extremist minorities, a

seniority system that heavily advantages only the most senior, or a leadership structure that puts most of the rank and file at a competitive disadvantage cannot be part of an equilibrium story about Congress. The endogeneity of institutional choices implied by the majoritarian postulate is part of the more general neoinstitutional approach to legislatures and grafts quite naturally onto second-generation gains from exchange models (endogenizing, as it does, what the latter models took as exogenous). It constitutes an important shift of emphasis, but not a radically different perspective.

The second premise of the informational rationale, however, is distinctive and constitutes a novel and important departure from the second-generation models. The uncertainty postulate distinguishes between policy instruments and policy effects; it asserts that legislators do not know the precise relationship between the instruments they select and the outcomes subsequently produced. This postulate has major ramifications for how to think about legislative organization and procedure that go well beyond the banality that lawmaking is a risky business.

Specifically, Krehbiel and others suggest that the relationship between a legislatively selected policy and an outcome may be partitioned into a systematic component and a random component. Everyone, it is assumed, knows the former; it may be thought of as what happens on average if a particular policy is pursued. However, this expected outcome is perturbed in any particular application of a policy, and the perturbation is not known at the time of policy choice.

Third-generation informational models assume that everyone is endowed in advance with common-knowledge beliefs about this perturbation. These beliefs can, in principle, be updated and hence improved upon by collecting new information. To the extent that such new information is disseminated, it can in turn affect policy choice. That is, a better informed legislature will make choices different from those it might have made in the absence of the information.

Combining the two principles, Krehbiel observes that particular majorities may, in making remote organizational choices, establish institutional incentives for capturing some of these prospective informational efficiencies—that is, they may provide incentives and convey resources to specialized committees who invest in becoming experts. This is the novel insight of the informational approach: that institutional arrangements may reflect the need to acquire and disseminate information in addition to (or instead of) the need to solve distributive issues. Committees may be powerful in a legislature not

(only) because they monopolize agenda power but (also) because they monopolize information and expertise.

Krehbiel and colleagues also suggest alternative ways to think about other facets of legislative life. Debate and deliberation, for instance, may be one method by which information, initially a private commodity, gets aggregated and disseminated. Rules governing the treatment of committee bills, to take another instance, may reflect the parent body's self-imposed restrictions on its ability subsequently to alter committee products, restrictions that induce committees to develop expertise and reveal it truthfully.

A host of implications follow from these two postulates (a number of additional important assumptions are also required—see below), and they are elaborated in Krehbiel's book and in the series of papers by Gilligan and Krehbiel. For example, it follows from this approach that committees, in general, will not be composed chiefly of preference outliers but will instead reflect a more centrist, median position. Similarly, conference committee institutions will reflect majoritarian sentiments. Procedurally, Gilligan and Krehbiel suggest, majorities will often bind themselves in various ways to prevent the floor from tampering with committee outputs and to provide committees with incentives to become expert. Self-imposed constraints become more compelling, moreover, the more representative committees are of the parent body.

This summary has only hinted at the rich implications that flow from the informational rationale. We will take up some substantive and modeling concerns below. Here, however, we want to emphasize that this approach constitutes an effort to provide a positive rationale for many legislative practices. Second, in its emphasis on uncertainty and on endogenizing institutional practices, it may be distinguished from the second-generation gains-from-exchange models. But, third and somewhat puzzling, the informational rationale for congressional institutions is often touted by its proponents as a substitute or replacement for, rather than a complement to, the gains from exchange rationale.

The quotation from Krehbiel's book at the beginning of this section suggests the view that informational and distributional rationales are complements, but the vigor and strong assertion elsewhere in his book undermines this interpretation. We conclude, as we began, with a passage from Krehbiel, this time reflecting his deep doubts about the gains from exchange rationale:

As a former subscriber to the orthodox distributive view of legislatures but an increasing skeptic regarding its fit with a similarly impressive body of empirical research, I regard it

as important in this book to confront distributive-theoretic predictions pertaining to legislative organization head-on. Intuitiveness may be a nice property of theories, and surely it deters challenges from skeptics. However, positive social science is not primarily about the intuitiveness of theoretical arguments; it is about the derivation and assessment of refutable hypotheses. The appropriate standards in this context are standards of evidence rather than intuitiveness, and while distributive theories are strong on intuitiveness, they have proven here to be rather weak in terms of evidence. Theory says: committees are composed of homogeneous high-demanders. Evidence says: probably not true. Theory says: special rules are adopted mainly to facilitate gains from trade. Evidence says: false. Theory says: legislatures commit to restrictive postfloor procedures to enhance distributive committee power and cross-committee logrolling. Evidence says: false again (1991, 247–48).³

A Second and Third View from the Supply Side: Cooperation and Delegation

Influential researchers . . . have argued that structure—in particular the committee system—is key to understanding why decisions in Congress are not forever overturned by shifting majorities. We share this emphasis on structure but view as the key actors not the committees, but the parties. In our view, congressional parties are a species of legislative cartel. These cartels usurp the rule-making power of the House in order to endow their members with differential powers. . . . Most of the cartel's efforts are centered on securing control of the legislative agenda for its members (Cox and McCubbins 1993, 278).

An important feature of the recent literature on Congress is the reconsideration of issues central to the earlier behavioralist studies of Congress. These issues—such as the role of the leadership and parties—played little part in the rational choice approach to Congress of the first or second generation. Recent scholarship on this topic falls into two groups. In the first, scholars working in the “soak-and-poke” tradition of congressional observation have attempted to demonstrate the changing nature of the congressional landscape in the postreform era. These scholars argue, for example, that although the standard wisdom of the mid-1970s downplayed the role of parties, this conclusion was, at best, time-bound. In the postreform era the party is not over! To the contrary, parties seem to play a crucial role in congressional behavior and outcomes. Moreover, a host of new phenomena seems important (see, e.g., Collie and Cooper 1989; Bach and Smith 1988; Rohde 1991). These include the increased power and importance of the speaker; a new and critical role for the Rules Committee, especially as an arm of the leadership; the rise of restrictive rules and the decline of the open rule; and increased use of multiple referral. As many of the papers in one recent collection (Davidson 1992) suggest, these phenomena, depending as they do on party mechanisms, yield a

congressional politics that simply does not fit with that from the textbook era (Shepsle 1989).

In view of this seemingly central role for parties, a second group of scholars has begun to theorize about these organizations. Why are parties the basis of legislative organization and in what ways do they influence that organization? How do they interact with the committee structure? How do parties ultimately affect public policy making? Here we turn to the important new book by Cox and McCubbins (1993), quoted above, which revises and transcends second-generation models. For Cox and McCubbins, the majority party, when it is sufficiently homogeneous in political purpose, is in a position to seize legislative authority and (re)design legislative institutions and practices (such as the committee system) in order to prosecute the political agenda on which its members agree. The powerful committees of the textbook era reflect a majority party in disarray; the more subservient committees of the postreform era reflect, as Rohde (1991) among others has emphasized, a majority party whose northern and southern wings share a broader consensus than in earlier times.

Cox and McCubbins begin their analysis with a series of collective dilemmas, problems faced by individual legislators who, acting alone, cannot capture the gains from legislation for their district. The problems are familiar—public goods, externalities, coordination. In the tradition of the new economics of organization, they argue that members faced with these problems will devise mechanisms to capture potential gains. This logic about institutions is familiar; what is new is the focus on party and party institutions as means of achieving improvements in legislator welfare.

Their supply-side argument suggests that in any organization there are a number of collective dilemmas, externalities, and public goods issues to which institutional solutions are devised. These various problems frustrate the causes and purposes of individuals with mutual concerns or common fates. Improvements may be realized through the creation of institutions, principally leadership institutions, to help correct for failures in noninstitutionalized or unregulated circumstances.

In this view, parties serve as the institutional means of achieving legislators' goals. In the context of a multitude of problems preventing decentralized or spontaneous cooperation among legislators, parties provide the means for cooperation by which the gains can be secured. Moreover, parties serve this role in two distinct ways, as procedural coalitions and as agenda setters.

The first collective dilemma Cox and McCubbins emphasize

concerns reputation effects. Consider an individual member of Congress. Apart from characteristics tied specifically to that individual—policy positions, previous record, personal character—a component of every member's election prospects is his or her party label. Indeed, actions by national party leaders and party regulars create a collective reputation. Like all reputations, it is a public good, differentially affecting its members, that must be developed, maintained, and protected. While all members of a party have some stake in the party's reputation, each member would like to tailor the reputation to his or her precise needs. For all members to do this, however, is a formula for disaster. Party members must therefore create collective mechanisms for resolving disputes over reputation and preventing the shirking that would undermine and discredit reputation (a perspective very much aligned with Weingast and Marshall's).

Other collective dilemmas abound. Going it alone, few legislators are likely to obtain for their districts the fruits of legislation. To get anywhere, they must cooperate, and party provides the means, especially if it consists of sufficiently kindred spirits. It promotes cooperation by creating legislative institutions that serve the needs of its members and enhance the prospects of achieving their goals. In the view of Cox and McCubbins, party leaders use the tools of congressional organization to these ends. Committee authority, assignments to committees, the production and scheduling of committee products, and the control of floor deliberations all come under party control. Events, procedures, and legislation, seen as produced by powerful committees in earlier models, are now seen more as the product of closely coordinated partisan teams. Committees may be the agents of legislative production, but their influence exists solely when it serves the ends of the party. In short, Cox and McCubbins offer the prospect of a family of party-based models, with a partisan parameter depending upon the degree to which the majority party can get its act together.

This description reveals the Cox-McCubbins approach as being squarely in the third generation. Elements taken as exogenous in second generation models—most notably, committee composition and leadership power—are endogenous in this perspective. Their model of committee assignments, for example, follows from their premises of the party as cartel and the party as internalizing externalities. They argue, in brief, that the policies of some committees entail externalities potentially affecting the reelection prospects of many partisans. Other committees, by contrast, have much more narrowly targeted effects. A cartel intent upon maintaining itself would sensibly permit self-selection by interested members for the latter class of

committees but would scrutinize appointments to the former class much more carefully. Likewise, the cartel would select managers—party leaders—who appropriately balance their own self-interest (district-level and leadership-level reelection pursuits) against the broader cartel interest of maintaining and enhancing its majority status.

Cox and McCubbins enhance the plausibility of their impressive formal arguments by providing a large body of empirical evidence to support their views. A central issue is the representativeness of committees, which presents a large range of collective dilemmas to be solved. In particular, those committees providing goods affecting all members should be constituted and constrained differently from those providing goods affecting subsets. Defining a party's interest in terms of its representative or median member, Cox and McCubbins investigate to what degree membership on committees reflects party interest. The evidence is striking. For those committees serving most members (e.g., Appropriations, Budget, Ways and Means, Rules), the divergence between committee and party medians is not statistically significant. For those serving more narrow constituencies (e.g., Agriculture, Armed Services, Education and Labor) there is, at least some of the time, divergence.

Taken as a whole, *Legislative Leviathan* provides a striking new dimension to models of congressional organization, considerably enriching earlier models. Cox and McCubbins have done so by reaching back to the behavioral tradition and earlier generations of modeling in the congressional literature. Their emphasis on party as the solution to various collective dilemmas corrects for the stylized fact of atomistic, blindly narcissistic behavior of individual members of Congress in the behavioral literature; for the preoccupation of first-generation models with static, one-shot situations, preference cycles, and chaos; and for the restricted structural focus of second-generation models on the committee system.

Before closing, we note the ways in which the supply-side research program of Kiewiet and McCubbins (1988, 1991) complements that of Cox and McCubbins. In each enterprise, parties are central to the analysis of legislative organization. Kiewiet and McCubbins, however, focus on the problems of delegation. Among those which animate their book-length analysis are the relationship between the House and the House Appropriations Committee and the relationship between the Congress and the president. With respect to the Appropriations Committee, their thesis naturally parallels and extends that of Cox and McCubbins. Because the activities of that committee are valued by virtually all members of Congress, the major-

ity party will ensure that the committee's composition mirrors its own. More importantly, and here the strength of *The Logic of Delegation* emerges clearly, the majority party will design institutions that induce committee decisions to conform to majority party expectations. This lens affords a new interpretation of the history of appropriations politics and the relationship between the Appropriations Committee and the full House.

Kiewiet and McCubbins also break new ground in their treatment of the institutionalized presidency. Their analysis, with its emphasis on the conceptual difference between delegation and abdication, demonstrates that even those organizations nominally under presidential control—for example the Bureau of the Budget and its successor, the Office of Management and Budget—may in fact have been designed with congressional interests in mind. The structure and processes associated with these agencies do not serve and advantage the president alone. Therefore, it would be misleading to conclude that, in creating them, the Congress merely gave the president new tools with which to improve his bargaining strength against the Congress. And, in observing the imprint of these agencies on the details of the budget, one cannot infer presidential influence alone (perhaps not at all).

As the last paragraph suggests, one of the most exciting prospects for the Kiewiet-McCubbins research program is the development of an analytical approach to the separation of powers—a theory of strategic interactions among the principal political institutions of U.S. national government. Historically the Congress, presidency, bureaucracy, and courts have been studied in isolation from one another. In the last few years, scholars have begun, following the Kiewiet-McCubbins lead, to study institutional interactions formally, something that is simply not possible with traditional thinking.⁴

Concerns and Criticisms

Previous sections have surveyed four theoretical organizing principles emphasizing the role of committees as jurisdictional agenda-setters in a gains from exchange institutional arrangement (e.g., Shepsle and Weingast 1987; Weingast and Marshall 1988); the role of committees as repositories of information and expertise (Gilligan and Krehbiel 1989; Krehbiel 1991); the role of parties in solving collective dilemmas (Rohde 1991; Cox and McCubbins 1993); and the role of committees as links in a chain of principal-agent relationships, both receiving and transmitting delegated legislative

authority (Kiewiet and McCubbins 1991). The analytical unity that characterized the field in the 1980s is now being contested. The standard wisdom that constituted a consensus five years ago is now undergoing revision. What are we to make of the field?

We begin our discussion with the observation that these approaches have more in common than a casual reading of them suggests. All draw in various ways on the logic of the new economics of organization in which institutions represent solutions to particular forms of transactions problems, solutions that allow members to capture the gains from cooperation. Furthermore, all the approaches not only focus on committees but also assume that institutionalization is in part an exchange of rights.

For Weingast and Marshall, problems of enforcing agreements among many legislators lead to the creation and maintenance of committee rights to jurisdictions and legislator rights to committee seats. Committees with special powers, according to their view, facilitate exchange across issues by making deals more durable and hence more valuable. The rights are not irrevocable—committees may be abolished, their jurisdictions altered, their members bumped, as Cox and McCubbins remind us. But revoking rights is precedent setting and potentially generalizable. Hence deals founded on these rights are likely to be more durable than deals would be if these rights did not exist at all.

For Krehbiel, problems of information lead legislators to create committee rights to agenda control. Committees with special powers, in this view, provide legislators with the incentives to specialize in order to reduce the uncertainty associated with legislation.

For Cox and McCubbins, collective dilemmas lead to the creation of institutions to solve them, notably party leaders and committees. Committees and leaders are endowed with special powers to produce legislation, but committees must be carefully policed by party leaders to ensure that legislative efforts benefit party members.

Finally, Kiewiet and McCubbins treat legislative committees as part of a chain of principal-agent relationships. They enable delegation and specialization but require monitoring and other forms of oversight.

These models differ in the nature and source of the problem to be solved and thus in the nature of the institutional solution. Yet each focuses on a problem in which members can be made better off if they cooperate. Institutions provide the means by which cooperation dividends are captured. Nothing inherent in the logic of these approaches makes them antithetical. Accepting one of the principles described

above as important for the understanding of congressional organization does not require that we reject the others. From an *a priori* theoretical standpoint, they are not mutually exclusive and may instead represent different and important parts of the same very complex puzzle. Congress is a multifaceted organization, one that is unlikely to be understood in terms of a single principle. Nevertheless, in the last few years scholars have emphasized competing hypotheses, incompatibilities, and evidence that one approach—their own—does better when tested against the data. To make sense of this, and to begin forging a broader perspective, we identify the essence of each approach:

- The essential requirements of the argument focusing on committees as gains from exchange institutions are that policy preferences are heterogeneous and policy choices are multidimensional. Exchange is possible only when there are different kinds of things available for trade and when tastes and priorities concerning those are also heterogeneous.⁵
- The essential requirement of the informational rationale is imperfect information, as captured by Krehbiel's uncertainty postulate. There must exist opportunities for members to gain from acquiring and disseminating new information about the relationship between alternative policy instruments and policy outcomes.
- The essence of the partisan model is spillover and coordination. Committees, as decentralized organizational instruments of policy making, require oversight and orchestration when their jurisdiction-specific activities have politically relevant effects on noncommittee members.
- Finally, the essence of the delegation perspective is the rationale provided by principal-agent relationships. Here the focus is on the advantages of the specialization of labor weighed against the costs of monitoring, controlling, and otherwise incentivizing specialized agents.

Heterogeneous preferences, multidimensional outcomes, imperfect information about policy instruments, external effects of policy making, agency costs and benefits—these are the components of the alternative positive theories of congressional institutions. A synthesis will contain them all, whereas under special circumstances one or another of these components will loom especially large.⁶ In the remainder of this section we want to clear away some of the underbrush by critically examining some of the more controversial aspects of the proposed alternatives to the gains from exchange rationale.

Informational Rationale

Krehbiel's approach relies explicitly and crucially on the assumption of a single policy dimension (see Krehbiel 1991, ch. 3, especially 260–61). For the most part this assumption reflects limits in the technology of information models, not in Krehbiel's application of them. Nevertheless, it affects the type of conclusions he derives. His principle of remote majoritarianism, for example, requires this unidimensional restriction. With only a single relevant dimension of policy, a legislature whose organization depends upon majority rule is unlikely to depart from a design that serves the interest of the median voter. Indeed, why would the median legislator, who is decisive in this circumstance, support such departures? This feature undergirds many of Krehbiel's substantive conclusions. In a policy space of several dimensions, however, a median voter typically fails to exist. This, in turn, yields a problem for Krehbiel's remote majoritarianism.

As Riker (1980) elegantly argued over a decade ago, in the presence of many issues the problem of choice over institutions inherits the incoherence of collective policy preferences. The logic is straightforward. If institutions have a predictable effect on policy choice, then cycles in the underlying policy space manifest themselves as cycles over institutions. Put another way, for any institutional arrangement there is a majority that prefers another. Remote majoritarianism offers no unique predictions in the world of many issues.

Moreover, although Krehbiel discusses distributive and informational approaches, the focus on a single dimension assumes away the possibility of legislative exchange across issues. The principle of exchange requires more than one good or dimension being traded. In a one-good world, an individual can only trade apples for apples, one for one. Only in a multi-good world can individuals with different preferences exchange apples in return for oranges.

The same argument holds for political exchange. A committee system involving the exchange of rights over jurisdictional authority requires a multitude of jurisdictions. If there were only one, what could a given legislator get in exchange for giving up some power? Legislative exchange requires that there be at least two dimensions over which legislators have heterogeneous preferences. In this world, legislators give up power on one issue in order to gain power on another. When marginal changes on the issue over which they gain power affect them more than marginal changes on the issue over which they lose power, these legislators can be made better off.

We conjecture that a similar gains from exchange argument would hold under the conditions emphasized in the informational rationale. Suppose there are two separate issues, each of which is characterized by uncertainty about the relationship between policy instruments and outcomes. Suppose also that legislators have differential preferences over those issues—for example, each legislator's reelection prospect is affected to a greater extent by one issue than by another. In this world, it is possible to make legislators better off in committees with restrictive powers. The sources of benefits, however, are now multiple. First, according to the exchange argument, the welfare of members increases when they gain influence over those issues most affecting their reelection. Second, according to the uncertainty reduction argument, overall welfare increases when committees acquire and provide information. Under these conditions, the two effects—exchange and information—are distinct but complementary. As in economic models, demand-side and supply-side components interact and combine, producing a richer image of the exchange process than does either one alone. To be sure, Krehbiel's emphasis on supply-side uncertainty forces us to think beyond an exclusive focus on demand-side, preference-driven rationales for legislative organization. But supply-side or production-driven rationales are complements, not substitutes, in this instance.

One reason we dwell on this is that much of Krehbiel's discussion presents the reader with a forced choice: we must choose between the informational approach and the exchange approach. (See, for example, the claims for informational theories as alternatives to what we have called gains from exchange theories in Krehbiel 1991, 248.) And in a world of a single-issue dimension, it seems that he is right and that his evidence is persuasive. But in a world of many political issues, the two approaches are mutually reinforcing. Krehbiel is surely right that the second-generation modeling literature, based on an exchange point of view, has overemphasized demand-side arguments in its explanation of the role and effects of committees on public policy making; it has also underemphasized the role of information. But many of Krehbiel's empirical tests are not as clear cut as his arguments suggest.

We can hardly review all his arguments on this point, but one illustration will convey our outlook. In summarizing his case for the informational rationale (1991, 254–57), Krehbiel suggests that the gains from exchange perspective has conveyed a mistaken view on committee power. Committees are differentially powerful in their respective jurisdictions (“committee power is not a myth”), but the explanation for their power in the informational approach differs from

that in the gains from exchange approach, with the former putting its emphasis on committees' persuasive appeals. "More specifically," writes Krehbiel (1991, 256), "committees earn the compliance of their parent chamber by convincing the chamber that what the committee wants is in the chamber's interest. In this respect, committee power is not only inherently informational but also inherently majoritarian."

This argument depends on unidimensional reasoning in two respects. First, Krehbiel's reference to the chamber's interest only makes sense in a unidimensional world. Second, even if there were some multidimensional meaning to chamber interest, Krehbiel's argument presumes that committees must persuade the chamber that they act in the chamber's interest jurisdiction by jurisdiction, issue by issue, bill by bill, even title by title. This perspective ignores the possibility of gains from exchange as a result of cross-jurisdictional, cross-issue, cross-bill, or cross-title trades.

Although Krehbiel has provided considerable empirical evidence of the importance of informational features in congressional organization, this evidence, based on unidimensional reasoning, falls short of providing the grounds for an out-of-hand rejection of the gains from exchange approach. If, as we argue above, the two approaches can apply at the same time, no clean separation can be made between them.

Partisan Rationale

Because Cox and McCubbins focus on collective action problems, they can highlight the role of parties in legislative organization and build an impressive array of models and hypotheses about congressional organization. But their focus also leads, in our view, to a narrow view of committees.

To demonstrate this, let us set the problem in a standard multidimensional spatial setting in which legislators possess ideal points, preferences, and party memberships (see Figure 1). Moreover, let us suppose (for illustration, though the supposition is not necessary) that members of one party differ on average in their preferences from members of the second party. Thus, in Figure 1, legislators P_j and Q_j are the j th members, respectively, of the majority and minority parties. As can be seen, majority party members, on average, prefer higher values along both dimensions than the members of the minority. Suppose further, as Cox and McCubbins suggest, that the legislators from a given party are willing to form institutions to help achieve their goals. What policy will a party seek to implement?

FIGURE 1
Majority and Minority Preferences



This question seems central to the partisan rationale, and yet there is no obvious answer. Cox and McCubbins's references to representativeness do not answer this question. The heterogeneity of each party, even though less than that of the full legislature, challenges any conception of representativeness, except in the unidimensional case. Thus, because there is no answer to this question, it is difficult to use the model to predict what a party will do in designing committees. In Figure 1 the problem may not strike the reader as entirely damaging, since the parties are clearly and cleanly separated in the preferences of their respective adherents. We might not be capable of rigorously defending any particular description of representative tastes for each party, but we can surely say that party P's preferences lie distinctly to the northeast of party Q's. The distribution of preferences of real-

world parties, however, is messier, leaving us more likely to be tongue-tied when asked to characterize representativeness.

We should emphasize here, as we did in our discussion of Krehbiel, that if members of a given party possess differential preferences over issues, they will be willing to make welfare-enhancing exchanges that allow for differential powers across issues. Nothing in this party-based approach rules out differential preferences—although Cox and McCubbins would undoubtedly emphasize party as the vehicle for organizing the committees, for delegating powers to them and maintaining these powers, and for policing potentially errant behavior. Moreover, if, as they emphasize, some committees are valued equally by all, these committees are unlikely to be unrepresentative. In these cases, most members will wish to have influence, and hence there is no reason why those gaining such power should have unusual or distinctive preferences. For committees not subject to this qualification, on the other hand, there may nonetheless be a degree of unrepresentativeness precisely because members value it. If members' reelection prospects hinge upon different policy issues, then reallocating power can make them better off.

The Cox-McCubbins argument adds an important consideration of the role of parties in the division-of-labor committee system and the allocation of their members to niches in it. Additionally, it forces us to take account of the potential damage to party "brand name" from unbridled individual optimizing. At the very foundation of their argument, however, there is a crack: their treatment of the manner in which individual party members' preferences are aggregated into a collective partisan view is not satisfactory.

All this matters because it affects how we evaluate the role of committees. At one extreme is the second-generation gains from exchange view: committees have effective rights over issues and thus dominate public policy making within their jurisdiction. At the other is the pure party model: individual committee members are simply agents of their party, and have no independent decision-making capacity. In this world, if any power is delegated to a committee, the leash is sufficiently short that the committee dare not make choices or produce legislation other than that desired by the party. In the former world committees put their independent stamp on public policy; in the latter, they do not.

Nevertheless, it is easy to imagine worlds between these two extremes; indeed, we interpret Cox and McCubbins as belonging there much of the time. Between the two extremes parties as organizing agents in the legislature are entirely compatible with strong commit-

tees. As is well known, passing committee legislation on the floor is a nontrivial problem. What prevents marginal members of a coalition—or the party—from being bid away by the opposition? Cox and McCubbins provide part of the answer with their conception of parties as vehicles for legislator cooperation. In a world where legislator preferences differ substantially, parties may not only organize committees with strong powers but also help them form coalitions to support the legislation and keep that deal intact on the floor. If members of the legislature (who are also members of parties) prefer committees with strong, independent powers, then parties, as agents of their members, should provide that sort of committee.

Before leaving Cox and McCubbins, we must give some assessment of their impressive empirical results. The implication of the gains from exchange perspective is that party delegations on committees, reflecting distinctive membership preferences, will be composed of members who differ from the rest of the party. The empirical results of Cox and McCubbins fail to support this implication and therefore seem to weigh against a gains from exchange perspective—even one adjusted for the notion of parties as vehicles.

We raise two issues concerning their results. First, regarding our main theoretical criticism above, we wonder what strong parties would attempt to implement in the first place. Representativeness, as we noted, is hard to define in multiple dimensions. In the empirical context, however, what are the implications for the composition of committees? Should committees look like an average profile of party members?

Second, Cox and McCubbins use Poole-Rosenthal NOMINATE scores for their tests. Ironically, however, the Cox and McCubbins model suggests that these provide an inappropriate basis for testing the hypothesis of preference differentiation. After all, these scores are based on votes, not measures of preference, and are therefore endogenous to the legislative context. Members decide how to vote not only on the basis of their preferences, but also on the basis of legislative institutions and members' expectations of the behavior of others. In Cox and McCubbins's view, a central role of parties is to coordinate members' behavior so as to pass legislation. That very cooperation, however, implies a much greater homogeneity in party members' voting patterns than in their preferences. Moreover, the stronger the mechanisms discussed by Cox and McCubbins—at least at the level of floor voting—the less useful are these scores for testing differences among members! This suggests that NOMINATE scores will underestimate the difference between a party contingent on a committee and its

noncommittee comrades, if in fact a difference actually exists. This, in turn, suggests the prudential use of the Poole and Rosenthal data as a means for testing hypotheses about preference differences among members of Congress, a view echoed in other contexts by Snyder (1992a,b) and Hall and Grofman (1990).

These two considerations suggest that the debate about parties and committee composition has yet to be settled. It is fair to say, however, that a pure party model is implausible (it would require, it seems to us, too much preference homogeneity within parties), but that some hybrid model of parties-and-committees, possibly along the lines articulated by Cox and McCubbins, holds promise.

Our criticisms of the informational and partisan approaches⁷ are not intended as a defense of the pure gains from exchange perspective nor as an argument that that perspective ought still to predominate. Rather our purpose is to make three points. First, gains from exchange cannot be summarily dismissed. Second, on an a priori basis, the latter is not theoretically incompatible with the alternatives. Besides, claims about the distributive significance of committees have persisted through several generations of congressional scholarship, and have been based on both rational and nonrational foundations. It is quite unlikely that all this work is so misguided. Third, the arguments of Cox, Kiewiet, Krehbiel, and McCubbins are enriched by their specification of hypotheses, the collection of data, and the performance of an elaborate and intricate series of empirical tests. The strength of their evidence commends their respective theoretical formulations. Nonetheless, as we have emphasized, these tests do not constitute definitive evidence favoring one approach over another. Given the vibrant literature on the outliers controversy (see especially Snyder 1992a), we expect these issues to continue to receive active attention in the remainder of the decade.

Future Work: The Way Forward

Our now lengthy survey of positive theories of congressional institutions provides the basis for a series of questions concerning the theoretical frontiers in the study of Congress. Two sets of frontier issues suggest themselves, those arising out of the conflicts among the specific works that we have reviewed and those relating to the field as a whole.

The first class of questions involves the compatibility of the different approaches. Just where are the real differences between these approaches? Where are they commensurate and where are they incom-

patible? We have claimed that, although the various authors of this literature have sought to differentiate their respective products, a compelling case for exclusivity has not been made and perhaps should not be.

Clearly, work will continue on each perspective, much of it in isolation from the others. A degree of separate development is unavoidable at this stage since the extension and depth of each perspective is not yet known. Exclusive attention to single perspectives should not be the only type of research pursued, however. Central to any effort at resolving the theoretical compatibility among these three approaches is a theoretical model that melds the gains from exchange framework with the informational and party-based approaches in a multidimensional setting. Developing such a model entails solving a series of difficult nested testing problems that we are not about to pose, let alone resolve, here. But a comprehensive, spatially organized theory in many dimensions is clearly required if we are to assess the relative importance of distribution, information, and partisan impact. This grander synthesis probably cannot proceed until we learn more about the actual mechanisms enabling gains from exchange, gains from reductions in uncertainty, and gains from partisan coherence. Cox and McCubbins, for example, provide a nice structure for characterizing coordination and other types of externality problems and for providing intuition about the role played by leaders and other party mechanisms in solving these problems. The important next step, as we suggested, is to provide a spatial formulation of these problems that shows why gains from exchange go unrealized unless captured by party coordinating mechanisms, why these mechanisms are self-enforcing, and how they ensure that the deals they encourage are durable. For Krehbiel, the important next step is to determine the ways in which the informational approach generalizes to many issues.

These works also raise a second set of questions about the role of institutions generally and the specific design of congressional institutions. As both early and more recent work has emphasized (Polsby 1968; Davidson 1992), Congress is a dynamic institution, and no simple characterization can be said to hold for long periods of time. The obvious features of the new, postreform landscape differ considerably from those of the previous textbook era. This dynamism raises a host of problems worthy of further pursuit, focusing on what accounts for institutional change and what expectations about the durability of existing arrangements are entertained by legislators.

The dynamism of Congress as an institution creates something of a moving target problem that may have contributed to the

dissension in the literature. Second-generation models focused on the textbook era, attempting to provide characterizations and explanations of the then-current consensus about Congress. In contrast, third-generation scholars have more clearly rooted their analyses in behavior and data from the postreform period. For Cox and McCubbins, looking at most of the post–World War II era, the textbook period appears anomalous, the result of party splits on civil rights and other issues fracturing the Democrats and making for a weakened party system. The periods before and after are characterized by stronger parties (see Rohde 1991). Similarly, Krehbiel's evidence comes exclusively from the postreform period (but see his discussion of this issue—1991, 257). We wonder how much of the conflict among approaches and organizing principles arises from the fact that authors have concentrated on different historical periods, a point raised recently by Fiorina (1992, 126–27, fn. 1) about divided government.

A Brief Conclusion

In this paper we have sought to survey important facets of positive theories of congressional institutions. On the demand side there are prospective gains from exchange—the dividends of cooperation. On the supply side there are alternative mechanisms—parties, committees, and hybrid organizational forms—that emerge or are fostered to enable some of these dividends to be secured for legislators. Each of these facets has its intellectual claimants, its models, its supporting arguments, and its evidence drawn from various historical eras. What is apparent is that each facet is underelaborated; more importantly, so are the connections among them. Constructive developments over the next few years, we believe, will encourage a broader, integrated perspective that links legislative problems on the demand side to multiple institutional solutions on the supply side.

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NOTES

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1. Historical materials on rational choice and legislatures may be found in Black 1958. An excellent survey of the modern literature is in Krehbiel 1988.

2. The most recent exposition is Riker 1986, ch. 11.

3. Krehbiel (1991, 248) continues: "Juxtaposition of theory and evidence as such is not inaccurate, but it is incomplete and thus misleading in its negativism. The more important aim of this book has been to advance an alternative, informational theory of legislative organization. To do this it was useful and ultimately constructive to refute the predictions of distributive theories. . . . The issue then becomes, can the new generation of theory predict better than the old?"

4. This body of work includes Ferejohn and Shipan 1990; Gely and Spiller 1992; Lemieux and Stewart 1991; Marks 1988; McCubbins, Noll, and Weingast 1989; and Moe 1991.

5. There is occasionally a confusion in the literature concerning gains from exchange. Our conception has been presented in terms of heterogeneity and multidimensionality. An alternative perspective treats gains from exchange in terms of forming coalitions to divide up a fixed pie. Several articles in this series on formal models of legislatures take the latter perspective, with distribution referring to the game of dividing the dollar. The seminal work in this tradition is Baron and Ferejohn 1989. We hope it is clear that we do not have divide the dollar in mind in our gains from exchange rationale; instead we have a game in mind in which multiple things are being divided up over which the players have heterogeneous preferences.

6. We are not being Pollyannas here. We concede that it may simply be beyond our technical capacity at present to introduce multidimensionality and distributive considerations into informational models. But technical constraints of this sort should not be the basis for drawing substantive conclusions that accept one pure approach and reject others. Such conclusions would be premature.

7. We have not laid out explicit criticisms of the delegational approach, as such, mainly because Kiewiet and McCubbins sought primarily to emphasize the nonabdication quality of many delegations Congress makes, whether to its own committees, to independent regulatory agencies, or to the institutionalized presidency and its executive bureaucracy. Kiewiet and McCubbins did not see themselves as articulating a comprehensive rationale for congressional organization, as is argued for the informational, partisan, and gains from exchange approaches.

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