

The Bicameral Roots of Congressional Deadlock: Analyzing Divided Government Through the Lens of Majority Rule

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Objective. It is widely argued that a primary source of legislative deadlock in America is the combination of a secular increase in polarization, combined with constitutional provisions that divide law-making power across branches. We argue that polarization affects productivity, but only given a particular pattern of divided government. We distinguish between *split branches*, where a president from one party faces a Congress controlled by the other, and *split chambers*, where each party controls one house of Congress. *Methods.* Multivariate analysis of enactment data from post-War Congresses, augmented by data on House and Senate Uncovered Sets. *Results.* Enactments of major legislation are less likely given split chambers compared to the other options and polarization has no impact after controlling for these factors. *Conclusion.* These results redefine the conditions under which polarization drives deadlock. They also explain why the increase in polarization over the last two decades has until recently had little impact on major enactments.

For most Congress scholars, descriptions of recent congressional terms as “the least productive body in a generation,” “the most ineffectual in history,” and “the laziest Congress ever” (Steinhauer, 2012; Klein and Soltas, 2013) are no surprise. It is widely argued that a primary source of legislative deadlock is the combination of a secular increase in the polarization of American political parties, combined with constitutional provisions that divide power between the legislative and executive branches, and establish a system of elections that allows divided partisan control. Despite this argument’s acceptance, however, empirical tests have yielded mixed results, as exemplified by the titles of two well-cited works on divided government, Binder’s (2003) *Stalemate* and Mayhew’s (2005) *Divided We Govern*.

The central premise of this article is that polarization affects productivity in the modern Congress, but only given a particular pattern of divided government. We distinguish between *split branches*, where a president from one party faces a Congress controlled by the other, and *split chambers*, where each party controls one house of Congress. While this distinction has been noted in previous work, these two configurations have been analyzed as though they have the same implications for legislative productivity. They do not.

Our deadlock hypothesis draws on a theory of majority rule decision making to predict that enactments of major legislation are less likely given split chambers compared to split