

Gridlock and the Democratic Tradeoff Between Decisiveness and Resoluteness

Mathew D. McCubbins

Introduction

The design of democratic institutions presents many tradeoffs. *Chief among these is a tradeoff between the likelihood of tyranny and the likelihood of gridlock.* If the authority to make law is invested in a single institution, whether a legislature or executive, then the likelihood that a single purpose, whether expressed by one individual or a faction, may be able to seize control of law making and pervert it to its own purpose is increased. If, by contrast, legislative authority is so thoroughly fragmented and divided that numerous competing factions each must consent to changes in law and policy, then government might be incapable of pursuing the public good, in which case gridlock ensues. At the extreme, the government might be incapable of even sustaining the public order, leading to chaos and anarchy. Every democracy, then, whether parliamentary or presidential, federal or unitary, treads the space between tyranny and anarchy.

To decrease the likelihood of tyranny, even a tyranny of the majority, the framers of many modern constitutions have created systems of checks and balances wherein the ability to change public policy is shared among multiple, competing departments of government. Checks and balances are instituted by separating legislative from executive and judicial power. Further, the central government may make policy in some domains and lower levels of government may control policy on other issues. Both the ability to set

the policy agenda and the power to approve changes may be shared, as in a bicameral legislature, or divided, as in presidential systems. At its heart, a separation of powers requires that more than one branch of government (or one legislative chamber) must consent to a proposed policy change.

But a separation of powers is not sufficient to provide a guarantee against tyranny. A well known maxim, derived from the writings of Madison and Montesquieu, holds that the institutional checks meant to protect a democracy from tyranny must be balanced and that balance is achieved by dividing and separating the purposes of the individuals who occupy the separate offices of government. That is, there must be some conflict of interest between those who hold office.

More recently, modern political scholars have recognized new tradeoffs induced by checks and balances, and the costs they impose on the legislative process (c.f., Buchanan and Tullock 1962). Some have argued that presidential democracies are prone to gridlock, a situation in which the diffusion of vetoes in a political system allows some actors to stymie others' legislative initiatives (cf. Key 1964, Sundquist 1988, Linz 1990, Shugart and Carey 1992). The danger in this situation is that prolonged or pronounced gridlock might lead to the rise of authoritarianism (see, for example, Linz and Valenzuela 1994). These observations have led some scholars to flip Madison's logic on its head, arguing that unifying powers, through parliamentary government, not separating it in presidential government, is the cure to the ills of tyranny (see, for example, Lijphart 1992, Linz 1994; by contrast, see Shugart and Carey 1992, Loveman 1993).

Gridlock is, however, merely one symptom of the broader class of ailments known as *state indecisiveness*. Indecisiveness represents one end of a continuum running

between a political system's level of *decisiveness* (i.e., the ability to enact and implement policy change) and its level of *resoluteness* (i.e., the ability to maintain and commit to a policy once established). The tradeoff between these two is apparent from their definitions: a more decisive polity, possessing a greater ability to make or implement policy changes, must necessarily be less resolute and thus less likely to be able to maintain the status quo.

In what follows, I first describe how a polity's institutions interacts with key aspects of its society to cause state indecisiveness. When political institutions facilitate diversity of opinion in the legislative process, and require that either a larger or a more diverse population of opinions must be taken into account in law making, then the decisiveness of a polity is reduced. Both electoral and legislative institutions affect decisiveness in this way, as I describe in the next section. After discussing the causes of state indecisiveness, I address its consequences for policy making.

The Causes of Indecisiveness

Recent work has demonstrated that political institutions are one, although not the only, source of state indecisiveness. In the abstract, where a polity locates along the aforementioned continuum between resoluteness and decisiveness depends upon the “effective number of vetoes” in a political system. The effective number of vetoes refers both to the number of groups, factions, or parties who must consent to a policy change, and the diversity of those actors.

The effective number of veto players in a polity are affected by the institutions in the following way. First, the *separation of power* divides up authority among various actors within the national and subnational legislative process. By establishing checks and

balances, as Madison argues in *Federalists* 47 to 51, the goal is to reduce the ability of any single faction (let alone a majority faction) from taking advantage of state power to achieve outcomes that they alone prefer. As American history has shown, however, in the cases of the Alien and Sedition Acts in the 1790s, the suspension of the writ of habeas corpus in the 1860s, and the internment of Japanese-Americans in the 1940s, the separation of powers is not sufficient for ensuring that the interests of one faction would be checked. In addition to separating powers, the institutions must also ensure that different groups are represented by the persons holding the various positions of power established in a polity. That is, the institutions must establish a *separation of purpose* among the various veto players as well, to ensure that no single purpose holds all the reins of power at the same time. One way of accomplishing this is by establishing electoral rules that ensure that all groups in society are represented or even over-represented in the legislative process. At one extreme case, that of unanimous rule, the separation of power and of purpose are jointly maximized, but enormous transactions costs are encountered in attempting to change policy. In this case the polity may be resolute but very indecisive. Meanwhile, at the other extreme dictatorships create very small transactions costs, implying that dictatorships are maximally decisive but minimally resolute.

The theory underlying my focus on vetoes has two components. First, an increase in the effective number of vetoes makes it more likely that no policy that makes all veto players unanimously better off relative to the status quo exists. In this situation, at least one group would exercise its veto and halt any policy change. Consequently enacting policy change becomes more difficult, but committing to established policies becomes easier. Second, increasing the effective number of vetoes also increases the transactions

costs that must be overcome in order to change policy. These transactions costs may be simply the costs of negotiating with more people, or they may take the form of side payments that must be offered to each person to guarantee their support of a proposed policy change. As a larger population is provided with vetoes, it becomes increasingly difficult to structure logrolling negotiations. As more diverse population is provided with vetoes, it becomes increasingly difficult to ensure that every party to the negotiations receives sufficient value to accept the deal. Hence changing policy becomes increasingly costly as either the number of parties to a negotiation, or as the diversity of their preferences, increases. It follows then that, as *the effective number of vetoes increases, the polity becomes more resolute, and less decisive, all else constant*. The reverse is also true.

Polities located at either extreme along the continuum from indecisive to irresolute suffer negative symptoms. A state that is irresolute is likely to be plagued by chaos and instability. Alternatively, a state that is indecisive is likely to be afflicted with gridlock and stalemate, and thus it may be unable to meet its challenges efficiently. In the next section I discuss further these consequences.

The Consequences of Indecisiveness

As I stated above, gridlock is one of the potential consequences of state indecisiveness, which results when a polity becomes unable to change policy because of disagreements between pivotal actors over the goals of the policy change. The image of political decision making I just presented is one in which policy is made through an ongoing bargaining session among veto players. In some ways, gridlock is a natural consequence of the bargaining situation when there are multiple veto players. Delay is

one of the primary bargaining techniques in such situations: by refusing to agree a party shows willingness to incur the costs of delay, hence toughness. Thus public wrangling and interminable delay are natural features of the politics of bargaining under divided government.

Second, when faced with a stalemate among veto players, some of the veto players may attempt to pursue their goals unilaterally. Indeed, one of the primary criticisms leveled at presidentialism is that it leads to gridlock, and that gridlock in turn leads to unilateral action that circumvents, and undermines, normal constitutional processes (Linz 1994).

Third, Cox and McCubbins (1999) note that the absence of agreement among veto players can lead to other types of unilateral action, such as "institutional warfare" or "balkanization." An example of institutional warfare is the sequence of moves and countermoves concerning impoundments taken by President Nixon and the (Democratically-controlled) Congress during the early 1970s. Nixon, in an effort to stall or derail portions of the Great Society programs enacted under Lyndon Johnson, began to impound funds for certain programs that had been duly authorized and appropriated. In so doing, he greatly expanded the executive power of impoundment, which had previously been used in a different, and non-controversial, fashion. Had he not been challenged, the consequence would have been a substantial shift in power to the executive, by creating something along the lines of a suspensory line item veto. However, he was challenged: Congress passed the Budget and Impoundment Control Act of 1974, which spelled out the limits on the executive's power of impoundment and reasserted

congressional primacy in budgetary matters (Kiewiet and McCubbins 1991; Schick 1980).

Balkanization sometimes manifests itself as multiple actors pursuing parallel, but different, policies. This is illustrated by the pursuit of separate foreign policies regarding Nicaragua by the Reagan Administration and the Wright Speakership. The Administration, knowing that it could not secure the assent of Congress for its hard-line policy, pursued this policy anyway via covert action (the financial aspects of which came to light in the Irangate scandal). The Speakership, knowing that it could not secure the assent of the Administration for its conciliatory policy, pursued this policy anyway via shuttle diplomacy centering on the office of the Speaker.

Another kind of balkanization occurs when each veto actor controls some areas of policy, leading to subgovernments. This kind of result is typically thought to lead to each subgovernment acting as a champion of particular kinds of subsidies and is most likely when the policy decisions made in one subgovernment have relatively small external impacts (other than budgetary) on political actors controlling other subgovernments (Cox and McCubbins 1993).

Many of the fears expounded about gridlock are based on reasoning along the lines of, "if there is no agreement on policy, then 'the people's business' isn't being done." If, for instance, gridlock results because a veto player prefers the reversionary policy to other options, then gridlock appears to bias policy making toward actors whose preferences are nearest the reversionary policy (Kiewiet and McCubbins 1988, McCubbins 1991). Similarly, when policy decisions affect every veto holder in a consequential way, a result of the possibility of gridlock is that policy is passed but takes

a long time to negotiate and is laden with substantial side payments to the prospective losers (Cox and McCubbins 1999).

The view of gridlock presented here is that it is an equilibrium outcome to a larger political game among factions in a polity. It follows, then, that it is misleading to speak of gridlock as an immutable feature of a political system. Rather, gridlock is an outcome derived from the more basic features of a political system, and can be changed when those more basic features change. I will conclude with a caveat, and an overview of my argument.

The view of gridlock presented here also suggests that indecisiveness can and does emerge in non-presidential systems. It is entirely possible among members of a coalition government, or among factions within a single ruling party (such as the LDP in Japan) to be so divided that they cannot reach even common and simple decisions. More generally, gridlock can occur any time there are multiple effective veto players with regard to enactment of a policy. So, any time there is a separation of power that creates multiple veto points--such as a bicameral legislature, a federal system of government, an independent judiciary, or between coalition partners in a government--some form of indecisiveness becomes possible.

Conclusion: Decisiveness vs. Resoluteness

Every polity makes a tradeoff between decisiveness and resoluteness. At one end of the continuum, a polity may be unable to change the status quo, and gridlock or stalemate might result. At the other extreme, the polity may be unable to commit to a particular policy, and chaos and instability might result. Whether a polity faces these

issues is highly dependent on its constitutional choices, which set the stage on which the policy making process is played out.

Three propositions follow from the above discussion. First, a necessary condition for state indecisiveness is that either the electorate is fragmented, or the polity's purpose is separated by the electoral institutions, or both. A corollary of this statement is that the separation of power is not sufficient to cause indecisiveness. Second, a necessary condition for indecisiveness is that the purpose of the polity must be separated. However, electoral fragmentation is not sufficient for irresoluteness, since if power is separated and each subgroup possesses a veto, then you end up back at the opposite problem of indecisiveness. This fact has long been part of the conventional wisdom, and Madison relied heavily upon the idea that institutional design can overcome problems of instability in justifying the American constitutional structure. Thus there is a second necessary condition for irresoluteness, which is that the power to make policy must be unified (or there is unilateralism, which is merely a form of unified power with a different time frame).

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