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Source: *Polity*, Vol. 25, No. 3 (Spring, 1993), pp. 475-484

Published by: Palgrave Macmillan Journals

Stable URL: <http://www.jstor.org/stable/3234975>

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Research Note

Divided We Govern? A Reassessment*

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The defining characteristic of American politics in the post-World War II era is the dominance of divided partisan control of American political institutions. Congress and the presidency have been controlled, in some combination, by different political parties for twenty-eight of the last forty-six years. And, in the last twenty years, the presidency, the House and the Senate have been controlled by the same party for only *four* years.

Despite this dramatic pattern, relatively little systematic research has sought to assess the impact of divided government on the governing capacity of the American political system.¹ David Mayhew's *Divided We Govern* is one exception.² Challenging the "conventional wisdom" that

*This research was supported by the Department of Political Science and the Center for the Study of American Politics at the University of Colorado at Boulder, and the Department of Political Science at East Carolina University. The author thanks Larry Dodd, Lonna Atkeson, Claudio Cioffi-Revilla, Rodney Hero, Cal Jillson, Ted Lowi, Steve Majstorovic, David Mayhew, Vince McGuire, Will Moore, Randall Partin, Sheen Rajmaira, Maury Simon, Walt Stone, and Bob Thompson for their help in preparing this research note.

1. Some of the more important works that examine the consequences of divided government are: Gary W. Cox and Matthew D. McCubbins, "Control of Fiscal Policy," in *The Politics of Divided Government*, ed. Gary W. Cox and Samuel Kernell (Boulder, CO: Westview Press, 1991), pp. 155-78; Morris P. Fiorina, *Divided Government* (New York: Macmillan, 1992); Samuel Kernell, "Facing an Opposition Congress: The President's Strategic Circumstance," in *The Politics of Divided Government*, pp. 87-112; Matthew D. McCubbins, "Government on Lay-Away: Federal Spending and Deficits Under Divided Party Control," in *The Politics of Divided Government*, pp. 113-54; Mark P. Petracca, Lonce Bailey, and Pamela Smith, "Proposals for Constitutional Reform: An Evaluation of the Committee on the Constitutional System," *Presidential Studies Quarterly* (Summer 1990): 503-32; Mark P. Petracca, "Divided Government and the Risks of Constitutional Reform," *PS: Political Science & Politics* (December 1991): 634-37; James A. Thurber, "Representation, Accountability, and Efficiency in Divided Party Control of Government," *PS: Political Science & Politics* (December 1991): 653-57.

2. David R. Mayhew, *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990* (New Haven, CT: Yale University Press, 1991).

strong one-party control is necessary to produce significant public policy,³ Mayhew presents evidence that partisan control of government does not have a significant negative effect on the formulation of “innovative policy.”⁴ Mayhew’s careful analysis of data collected from various primary and secondary sources leads him to conclude that the emergence of innovative legislation is more directly linked to the timing of legislation (it is more likely to be enacted in the first two years of a presidential term) and to the public mood (innovative policy is more likely to emerge when there is a public demand for an activist government). Thus, Mayhew concludes, “unified versus divided control has probably *not* made a notable difference during the postwar era.”⁵

Mayhew’s empirical analysis fuels an emerging sentiment within political science that divided party government does not affect the governing capacity of the American system,⁶ thereby standing over a century of scholarship on its head. From Woodrow Wilson⁷ to James MacGregor Burns,⁸ to Barbara Sinclair⁹ and David Brady,¹⁰ the conventional wisdom is that innovative legislation is most likely to occur in periods of united government.

3. For examples of contemporary manifestations of the “conventional wisdom” see David W. Brady, *Critical Elections and Congressional Policymaking* (Palo Alto, CA: Stanford University Press, 1988); Lloyd Cutler, “To Form a Government,” *Foreign Affairs* (Fall 1980): 126-43; Lloyd Cutler, “Some Reflections About Divided Government,” *Presidential Studies Quarterly* (Spring 1988): 485-92; James L. Sundquist, “The Crisis of Competence in Our National Government,” *Political Science Quarterly* (Spring 1981): 183-208; James L. Sundquist, “Needed: A Political Theory for the New Era of Coalition Government in the United States,” *Political Science Quarterly* (Winter 1988): 613-35.

4. Mayhew’s book also examines the timing and duration of major investigations, among other issues that have been associated with divided government. In this short work I deal only with Mayhew’s conclusions about legislation.

5. Mayhew, *Divided We Govern*, p. 179.

6. Roger H. Davidson, “The Presidency and the Three Eras of the Modern Congress,” in *Divided Democracy: Cooperation and Conflict Between the President and Congress*, ed. James A. Thurber (Washington, DC: Congressional Quarterly Press, 1991), pp. 61-78; Fiorina, *Divided Government*; David Menefee-Libey, “Divided Government as Scapegoat,” *PS: Political Science & Politics* (December, 1991): 643-45; Petracca et al., “Proposals for Constitutional Reform”; Petracca, “Divided Government”; James A. Thurber, “Introduction: The Roots of Divided Democracy,” in *Divided Democracy*, pp. 1-8.

7. Woodrow Wilson, *Congressional Government* (Baltimore, MD: Johns Hopkins University Press, [1885] 1981).

8. James MacGregor Burns, *The Deadlock of Democracy: Four-Party Politics in America* (Palo Alto, CA: Stanford University Press, 1967).

9. Barbara Sinclair, “Agenda and Alignment Change: The House of Representatives, 1925-1978,” in *Congress Reconsidered*, 2d ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, DC: Congressional Quarterly Press, 1981), pp. 221-45.

10. Brady, *Critical Elections*.

The enthusiastic reception of Mayhew's work has been less than critical in some circles, and is quickly being accepted as the "new conventional wisdom." Some scholars have gone so far as to cite Mayhew's work as tantamount to conclusive evidence that divided government does not make a difference. Fiorina's assessment of this book summarizes its impact in the discipline: "Those who think that the advent of a persistent condition of divided government threatens American democracy will have to rethink their position in light of Mayhew's findings."¹¹

I contend that a reassessment of Mayhew's finding, that partisan control does not matter in the formulation of public policy, is in order before a new conventional wisdom is too quickly established. In this work, I use Mayhew's data, and his model, to demonstrate that divided government *does* have a significant negative impact on the emergence of innovative policy. In doing so, I intend to expand the scope of the debate that surrounds this puzzle.

I. The Data

Mayhew collects his data on innovative policy in an imaginative manner.¹² First, he uses contemporary sources to discern which policies were considered innovative at the time of their enactment, examining end of session and end of Congress commentaries in the *New York Times* and *The Washington Post*. He defines innovative policies as those that the authors of these commentaries saw as particularly promising pieces of legislation to emerge during a particular session of Congress. These commentaries were supplemented by works that related contemporary descriptions of legislative activities. This approach produced 211 pieces of innovative policy.

Mayhew then turns to secondary sources, written by policy experts, that retrospectively examine the consequences of innovative legislation. As Mayhew states, "by drawing on long-term perspectives of policy specialists about what enactments have counted most in their areas, it adds a dimension of expertise. . . . It pursues the effects of laws, not the promise attached to them when they were passed."¹³ Mayhew adds 56 laws to his database using these secondary sources. In all, Mayhew unearthed 267 pieces of innovative legislation that he uses in his analysis.¹⁴

11. Taken from the Yale University Press promotional material for the book.

12. For a full discussion of Mayhew's data collection technique see his description: Mayhew, *Divided We Govern*, pp. 34-50.

13. *Ibid.*, p. 44.

14. *Ibid.*, p. 49.

This strategy for collecting data provides Mayhew with a unique opportunity of which he fails to take advantage. Mayhew lumps together all policies, regardless of whether the policy was arrived at through method one or method two. However, using the second stage of Mayhew's data collection as a tool enables one to arrive at a more valid measure of innovative policy; the second method may serve as a validity check for the first stage of his data collection. If the contemporary judgment of a policy as "important" is confirmed by policy experts in retrospect, then one may be more confident that the legislation is, in fact, important.

What is of interest when we examine policy is not *just* the promise of a law, or *just* the performance of a law, but rather the intersection of promise and performance. It is this intersection that defines an innovative policy. Innovative policy is both *timely* and *enduring*. Innovative policy is timely in that it addresses a problem that is salient given the contemporary political context; it is enduring insofar as the impact of the policy remains evident across time.¹⁵ The contemporary judgements may be used to determine the timeliness of a piece of legislation; the retrospective judgements may be used to determine the endurance of timely legislation. Thus, the retrospective judgements are independent confirmation, across time, of the importance of a piece of legislation. Using this strategy we arrive at a more valid measure of innovative policy.¹⁶

The "most innovative" pieces of legislation in Mayhew's database, then, are those that were judged to be innovative at the time of their passage (the contemporary judgement), and have since been judged to have been innovative (the retrospective judgement). This is a more stringent decision rule for determining which pieces of legislation are innovative. By determining which pieces of legislation were considered *both* innovative at their enactment and innovative in retrospect, one can discern which pieces of legislation are truly innovative.

Using this decision rule, 56 of the original 267 laws that Mayhew considers are excluded from this analysis because they were gleaned from the secondary literature, but were not considered important at the time of

15. These criteria do not entirely address how *consequential* a piece of legislation is, that is, the scope of the legislation's impact on the nation. Some other research approach would be necessary to precisely measure the consequences of legislation. However, the *endurance* of a piece of legislation implies, in part, that the legislation has had consequences that exceed those of "normal" legislation.

16. Other criteria are suggested by Michael L. Mezey, *Congress, the President, and Public Policy* (Boulder, CO: Westview Press, 1989).

Table I. Mean *Type 1* and *Type 2* Policy,
Under United and Divided Government

	TYPE 1 POLICY 1946-1990		TYPE 2 POLICY 1946-1986	
	UNITED	DIVIDED	UNITED	DIVIDED
Mean	12.78	11.69	8.78	6.09
S.D.	4.60	5.48	3.83	2.84
N	9	13	9	11

their passage. Thirty-four additional laws were excluded because they could not be confirmed by retrospective judgement. Fifteen of these laws were passed early in the time period and failed to be confirmed in retrospect. The remaining 19 laws did not fit into categories that could be confirmed by the secondary literature.¹⁷ Finally, 30 of the laws were passed too recently to be confirmed by retrospective judgments. When taken as a group, policies that were picked up by contemporary sources and confirmed by retrospective judgements comprise 147 of the 267 laws, or 55 percent of all of the laws that Mayhew considers in his analysis. For the remainder of this paper, *type 1* policy will refer to innovative policy as Mayhew has considered it in his work, and *type 2* policy refers to my refinement on Mayhew's data. The data for *type 2* policy covers only the period 1946 to 1986, since more recent policies are yet to be judged by history as innovative.

II. Analysis and Discussion

The most straightforward test of the divided government hypothesis is to examine the mean number of innovative policies under united and divided government. Consider Table I. Mayhew claims, and my replication of his analysis confirms, that "the nine 'unified' two-year segments average 12.8 acts, and the thirteen 'divided' segments average 11.7."¹⁸ Mayhew concludes that the differences between united and divided government are "trivial," and indeed they are; a difference of means test indicates that the difference between these means is not statistically significant.¹⁹

17. I thank David Mayhew for providing me with this information.

18. Mayhew, *Divided We Govern*, p. 76.

19. The *t-value* is equal to 1.13, which fails to meet the standard level of statistical significance: $p < .05$ (one-tailed test).

When *type 2* policy is examined, however, the differences are substantively important. Periods of united government average 8.8 acts and periods of divided government average only 6.1 acts per Congress. This difference is significant in the statistical sense.²⁰ In more concrete terms, these findings indicate that there are over 30 percent fewer innovative policies passed in every Congress under divided government than under united government; the difference *is not* trivial.

Of course a more sophisticated analysis of the data is in order so that alternative causes of this difference may be ruled out. Thankfully Mayhew provides a model for a multivariate test.²¹ He argues that there are three possible other causes—beyond partisan control of government—of variation in innovative policy. First, Mayhew posits that Presidents may be more successful in passing innovative policy early in their terms. Second, following Schlesinger,²² Huntington,²³ and others, Mayhew argues that the “public mood” may influence the enactment of innovative legislation. In this view, public demand for government activism results in the generation of innovative public policy during “activist” public moods. During more activist periods such as the 1960s and early 1970s, more innovative policies will be enacted than during periods of relative public quiescence, such as the 1950s and the 1980s. Third, Mayhew posits that innovative policy will be easier to pass when the budgetary pie is larger because money is available to finance new programs.

Thus, Mayhew posits a four variable model. The first variable is *divided government*, and is coded 1 if control of government is divided and 0 if control is united. The second variable is an *early term* variable that is coded 1 during the first two years of a presidential term, and 0 in the last two years. The *public mood* variable is coded 1 for the years 1961 to 1976, and 0 in all other years. The fourth variable that Mayhew includes in his model is the *budget surplus/deficit* as a percentage of government outlays.

Table II represents analysis of the data using the model that Mayhew has advanced. Column one simply replicates Mayhew’s findings.²⁴ When *type 1* policy is considered using Mayhew’s model, divided government

20. A difference of means test resulted in a *t-value* of 1.82 which meets the standard level of statistical significance: $p < .05$ (one-tailed test).

21. Mayhew, *Divided We Govern*, pp. 175-77.

22. Arthur Schlesinger, Jr., *The Cycles of American History* (Boston, MA: Houghton-Mifflin, 1986).

23. Samuel P. Huntington, *American Politics: The Promise of Disharmony* (Cambridge, MA: Harvard University Press, 1981).

24. Mayhew, *Divided We Govern*, p. 177.

Table II. Effect of Divided Government on *Type 1* and *Type 2* Policy

	TYPE 1 POLICY 1946-1990		TYPE 2 POLICY 1946-1986	
	(1)	(2)	(3)	(4)
Divided Government (1 = Divided Gvt.)	.59 (.53)	.39 (.36)	-1.99 ^a (-1.80)	-2.09 ^a (-1.94)
Early Term (1 = first two years)	3.48 ^b (3.25)	3.39 ^b (3.18)	1.55 (1.42)	1.49 (1.40)
Activist Mood (1961 to 1976 = 1)	8.50 ^b (7.61)	8.48 ^b (7.60)	4.50 ^b (4.07)	4.45 ^b (4.09)
Budget Surplus/Deficit	.05 (.97)	—	.04 (.71)	—
C	7.32 ^b (6.32)	7.12 ^b (6.25)	6.10 ^b (5.37)	5.97 ^b (5.41)
\bar{R}^2	.76	.76	.52	.53
RMSE	2.19	2.26	2.09	2.12
Mean Absolute Error	1.88	1.96	1.71	1.85
Thiel's <i>U</i>	.17	.17	.26	.26
Durbin-Watson	1.88	1.98	2.13	2.09
N	22	22	20	20

Note: t-Statistics are in parentheses.
^a $p < .05$.
^b $p < .01$ (probabilities are one-tailed).

does not have the significant negative impact that proponents of the “conventional wisdom” expect. Mayhew points out that the signs of the coefficients are not negative, as might be expected. It is important to remember, however, that because the coefficients are not statistically significant their value is, effectively, zero; one may not attach any substantive significance to the signs of the coefficients.²⁵ Column two represents the coefficient estimates excluding the budget variable, since it has no effect.²⁶ The substantive implications of the model do not change;

25. If Mayhew’s database contained the entire universe of innovative policies one might be able to attach substantive meaning to this finding (although this is a point of contention). It is more likely, however, that Mayhew’s database represents a sample of innovative policies; tests of significance are therefore important for our substantive conclusions. Beyond this, tests of significance provide a useful baseline for hypothesis testing; otherwise all coefficients might be considered “significant.”

26. Technically, the inclusion of an irrelevant variable is a violation of one assumption of the Ordinary Least Squares model, and adds error to the equation; see Peter Kennedy,

divided government does not have a significant impact on innovative policy.

When Mayhew's model is applied to *type 2* policy, divided government has the significant negative impact that is expected. Other things being equal, under divided government two fewer innovative policies are passed in every Congress. In more substantive terms, over the twelve periods of divided government that are covered by these data, there were (probably) twenty-four innovative policies that were not passed, because of the existence of divided government.²⁷ To give Mayhew his due, however, the activist mood variable continues to have a significant impact on the generation of *type 2* policy, although it is now only slightly more than half the magnitude. During periods of public activism, the generation of innovative policy is boosted by public demand; over four additional innovative policies per Congress are passed during these periods. On the other hand, the early-term variable fades out of the equation, failing to meet traditional levels of statistical significance. The budget variable continues to have no effect on the emergence of innovative policy; the equation is reestimated excluding this variable, and the results are reported in column four. In sum, when Mayhew's data are looked at in a slightly different way, divided government *matters*.

III. Conclusion

What do these results mean for Mayhew's conclusion that "it does not seem to make all that much difference whether party control of the American government happens to be unified or divided?"²⁸ Mayhew's results are less definitive than they seem. When *type 1* policy is examined, Mayhew is right: divided government does not have an impact. When a more stringent definition of what constitutes innovative policy is

Guide to Econometrics, 2d ed. (Cambridge, MA: MIT Press, 1985); and Robert Pindyck and Daniel Rubinfeld, *Econometric Models and Economic Forecasts*, 2d ed. (New York: McGraw-Hill, 1981). Therefore, in the second equation this variable is dropped.

27. Mayhew has suggested that perhaps the coefficient estimate for the divided government variable is inflated, since most of the laws passed since the early eighties have not had sufficient time to be assessed in the secondary literature. He recommended that the period from 1983 to 1990 be excluded from the analysis. When those years are excluded from the analysis, the coefficient estimate for the divided government variable is -1.85 , and is significant at the .10 level (one-tailed test). Despite the relatively small number of cases (18), and smaller number of degrees of freedom (14) the substantive conclusion derived from the model, that divided government has a significant negative impact on the passage of innovative legislation, remains intact.

28. Mayhew, *Divided We Govern*, p. 198.

employed, however, divided government *does* make a difference. There is less innovative policy enacted under divided government than united government, which is what the conventional wisdom suggests.²⁹

The results presented here suggest that research into the puzzle of divided government is in its infancy. As a discipline, we have a long way to go in unravelling this problem; a great deal of research is left to be done. This brief article does not address, for instance, the consequences of divided government for the relationship between Congress and the President. Does divided government increase the general level of conflict between the branches as the conventional wisdom suggests?³⁰ Further, this paper does not speak to the consequences of divided government for the legitimacy of the American political system.³¹ Does the current frustration with government—the anti-incumbent feeling in the electorate, and the support for anti-Washington-establishment candidates—have any relationship to the longest sustained period of divided government in the history of the nation? Will divided government impede the responsiveness of the American government as the nation faces some of the most pressing problems in the history of the Union: economic decline, environmental deterioration, and the transition to a multipolar international system? Divided government has also become the norm in many

29. Would it have been necessary to find that no innovative policy was passed under divided government to save the critics of divided government? I contend that it is not necessary to obtain that finding. Under divided government, opposition parties may find that it is to their advantage to support an occasional piece of innovative legislation either because their constituents favor the policy, or because they feel that they may be able to claim some credit for the policy. The relationship between the institutions need not be considered a zero-sum, one shot, game under divided government. Often the interests of the parties will overlap, resulting in cooperation where none might be expected; see Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984). It would be misleading to contend that the conventional wisdom in political science conceives of united government as necessary *and* sufficient for the enactment of innovative legislation; innovation is simply more likely under united government, which is the conclusion that I draw from these findings.

30. Some authors suggest that inter-branch conflict is not increased under divided government; see Petracca et al., "Proposals for Constitutional Reform"; Thurber, "Representation, Accountability, and Efficiency"; Fiorina, *Divided Government*. These findings are challenged by Kelly who demonstrates that divided government results in heightened conflict between the branches; see Sean Q Kelly, "Divided We Fall: Punctuated Change and the Era of Divided Government" (Ph.D. diss., University of Colorado, 1992).

31. See, for instance, Lawrence C. Dodd, "Congress, the Constitution, and the Crisis of Legitimation," in *Congress Reconsidered*, 2d ed., pp. 390-420; Lawrence C. Dodd, "Congress and the Politics of Renewal: Redressing the Crisis of Legitimation," in *Congress Reconsidered*, 5th ed., ed. Lawrence C. Dodd and Bruce I. Oppenheimer (Washington, DC: Congressional Quarterly Press, 1993), pp. 417-45.

states.³² State-level research is necessary to determine the consequences of divided government for inter-branch conflict and policymaking in the states. The centrality of the puzzle of divided government begs for the attention of those who specialize in the study of American politics.

32. Fiorina, *Divided Government*; Kelly, "Divided We Fall"; Sean Q Kelly, "Dimensions of Divided Government," *Legislative Studies Newsletter: Extension of Remarks* (June 1992): 6-8; Sean Q Kelly, "Punctuated Change and the Era of Divided Government," in *New Perspectives on American Politics*, ed. Lawrence C. Dodd and Calvin Jillson (Washington, DC: Congressional Quarterly Press, forthcoming, 1993).