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Challenges Ahead for Legislative Studies

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The *Legislative Studies Quarterly's* (*LSQ*) 40th anniversary encourages us to reflect on our subfield's accomplishments and to take stock of the challenges that lie ahead for students of legislative politics—at home and abroad. I see three core challenges for the community of legislative scholars who consider *LSQ* a home. Two of these are typical for a mature subfield with decades of scholarship under its belt: First, what direction should future theoretical advances pursue, and, second, what role should methodology play as the subfield continues to develop? The third challenge speaks to our responsibilities as students of popularly elected legislatures, particularly as students of the U.S. Congress. What responsibilities, if any, might we have to diagnose and perhaps repair the ills of seemingly dysfunctional legislatures?

Theory

In the “Editor’s Introduction” to the first issue of *LSQ*, Malcolm Jewell urged fellow legislative scholars to “pay more attention to the development of theory” (1976, 1). Remarking on the rising number of empirical studies of disparate legislatures, Jewell asked, “why are we suffering from theoretical deficiencies, and how can we overcome them?” *LSQ* was intended from the start to be a venue for theoretical advances in the study of legislatures: “However narrow the scope of the article and its data base, it should shed some light on questions of general interest to scholars studying other legislatures” (6), Jewell advised in inaugurating the journal. Since that time, legislative scholars, prompted by Jewell, Heinz Eulau, and others, have continued to develop an exten-

sive theoretical basis to orient research on legislatures. It is worthwhile to take stock of the theoretical routes traveled and where future paths might lead.

Legislative scholars, like other specialists in the study of politics, have clearly become experts at borrowing theoretical approaches from other disciplines. When *LSQ* was founded, they had already borrowed liberally from the discipline of sociology—including Richard Fenno’s landmark *Power of the Purse* and Donald Matthews’ *U.S. Senators and Their World*. Such works encouraged us to think about the U.S. Congress as a complex social system and to consider how lawmakers’ behaviors were shaped by norms and “folkways” embedded within that system. Institutions in this sociology-oriented theory were “exogenous”: Scholars took them as given and then explored how they shaped lawmakers’ choices and policy outcomes.

Coterminous with the birth of *LSQ*, legislative scholars began to borrow more ardently from economics for theoretical foundations. Congress and other legislatures, many argued, were best conceptualized as populated by ambitious politicians with exogenously given preferences, pursuing their goals within a set of endogenous institutional constraints. Several lines of theoretical modeling of legislative politics took root. These included studies generated by Baron and Ferejohn’s (1989) seminal work on legislative bargaining and distributive politics, as well as Shepsle and Weingast’s (1981) article on “structure-induced-equilibrium,” which paved the way for scholarship on the impact of institutional structures on policy choices within majority rule legislatures. Subsequently, theoretical debates about the impact of legislative organization—both committee- and party-based—have consumed the pages of *LSQ* in many guises, including the “committee outlier” disputes and the “party vs. preferences” debate. No graduate student today can escape the triad of informational, partisan, and distributive models of legislative organization.

Collectively, the infusion of rational choice into the study of legislatures surely met Jewell’s call for more explicitly theoretical approaches to the study of legislative politics. Many of the seminal pieces in this genre first appeared in discipline-wide journals such as the *American Political Science Review* and *American Journal of Political Science* before related work appeared in the pages of *LSQ*. This was a sign of the quality and significance of the original studies, but *LSQ* provided the venue for the further development and advancement of this theoretically oriented legislative scholarship.

Still, more theoretical work lies ahead. These challenges include the following:

- Where do preferences come from? How do they emerge before and during the legislative process?
- How do legislators, with diverse and conflict interests and preferences, “get to yes” (Binder and Lee 2013)? Under what conditions do leaders decide to negotiate, and how do we explain the nature of the policy compromises that emerge?
- Where do institutions come from? And, as Riker (1980) asked long ago, if preferences over institutions are prone to cycling (just as are preferences over policy), why do institutions seem so sticky? The theoretical line between economists’ endogenous institutions and sociologists’ exogenous ones might not be so neatly drawn.

My hunch is that rational choice approaches to understanding legislative politics will continue to orient our approaches to answering such questions. But there is room in our theoretical ambitions to go back to the sociologists, particularly when we turn our focus to institutions. Rather than thinking about institutions solely as the creations of ambitious politicians, we might draw some insights from a worldview more akin to March and Olsen (1989). In *Rediscovering Institutions*, they conceptualized organizational structures as exogenous: History and norms become embedded into institutions and then come to shape lawmakers’ preferences and priorities. Is there more to be gleaned from the sociological tradition that might be incorporated in some way into our more purposive theories about the design of legislative rules? More broadly, how might both perspectives help us to explain how legislatures design and reform both executive and judicial institutions? These questions are, of course, ripe for study at both the national and state levels in the United States, as well as in comparative perspective across Europe and beyond.

I suspect that there is also more to be learned from psychological approaches to the study of politics and decision making. Even economists have moved away from their strict rational choice perspective in offering us behavioral economics—a field of study that relaxes the *homo economicus* orientation and instead explores how psychological, cognitive, emotional, and social forces shape individuals’ economic decisions. Should we expect elite political behavior to be immune from psychological and other forces? Granted, laboratory experiments have been fundamental in the testing of behavioral economic conjectures, and getting lawmakers to enter the lab might be a tad problematic. Still, it is worth considering ways of incorporating insights from psychology into our legislative bailiwick. Are lawmakers strictly rational or perhaps risk averse in casting votes, drawing district lines, and negotiating agreements? What, in short, would a behavioral legislative politics look like?

Methodology

Despite decades of methodological innovations in the study of legislative behavior and institutions, the challenge remains for legislative scholars to determine the appropriate role for methodology (and methodological disputes in particular) as the subfield continues to mature. Malcolm Jewell (1976) wrote in his introductory piece that *LSQ* was not intended to be “primarily a journal of legislative methodology or quantitative techniques. Our primary goal is not to discover a dozen more techniques for roll-call analysis, all of them more sophisticated than anything now in use” (6). Were he alive today, Jewell might be a bit taken aback to witness the breadth and depth of methodological sophistication that today defines the field of legislative studies. Monte Carlo simulations, methods of causal inference, ideal point estimation, automated text analysis—these and other methodological developments in many ways have been revolutionary for the subfield. Our empirical tests are more refined and (hopefully) more accurate. New metrics for measuring preferences on common scales have allowed scholars to extend comparative analyses of voting behavior across countries, the U.S. states, and over congressional history. And methods for causal inference now enable us to craft research designs that permit more careful tests of causal effects in legislative settings.

A downside of methodological innovation is that legislative scholars might be tempted too often down methodological rabbit holes. Innumerable studies of party versus individual legislator preferences, for example, raise the question of whether our methodological advances might be better applied to new questions rather than to measurement challenges posed by old questions. Methodological challenges do abound in measuring preferences independent of party. It can be difficult to test for the indirect, as opposed to direct, effect of party leaders on legislative behavior (Smith 2007). Moreover, measuring the impact of party on policy choices—without using voting coalitions to determine the location of legislative outcomes in the policy space—limits our ability to test for the impact of party on legislative outcomes. These and other limitations point to the costs of narrowly tunneling down some methodological routes.

Scholarly progress is often (and appropriately) path dependent: we make research choices based on where extant research in the field is headed. Still, I sometimes worry that there may be decreasing returns from extended methodological debates. That said, my experience as a co-editor of *LSQ* has taught me that *LSQ* referees generally have a strong sense of the appropriate balance of theory, methods, and empirics, so that

LSQ has not taken on the mission of *Political Analysis* or other methods-intensive journals. In other words, Malcolm Jewell might not recognize the methods in the pages of *LSQ*, but he would certainly recognize the journal!

Normative Relevance

In reflecting in 2011 on the state of the study of Congress, Morris Fiorina raised a critical question for students of legislative politics. After noting that contemporary legislative research has implications for “representation, responsiveness, accountability, governance, and efficiency” and more generally for “improving the way society is governed,” Fiorina asked “are we not professionally obligated to communicate it?” (2011, 871). Answering the question in the affirmative, Fiorina suggested that disinterested scholars with specialized expertise can fill a “critical need for honest brokers” (872). That at least, Fiorina suggests, should be our goal.

Such a focus on professional (in contrast to ideological or partisan) criticism and the generation of useable knowledge was integral to the beginnings of *LSQ*. Our origins as a journal—as judged by its first issue—included the question of institutional reform, both its causes and consequences. Roger Davidson and Walter Oleszek tackled the question of organizational innovation, probing why and when such efforts take root. Why was institutional reform a compelling topic to these seasoned observers of Congress? Their article was not explicitly a normative treatment; they sought to develop theory about the politics of institutional innovation. Still, they noted at the outset that the “Textbook Congress” had been diagnosed as an ailing institution, observing its “disorderliness, dispersion of responsibility, and inertia” (1976, 37). Right from the start, *LSQ* saw itself as a venue for critical thinking about the limitations of existing institutions and the politics of their reform. Developing theory about the political dynamics of reform was and continues to be integral to Fiorina’s call for a more normatively engaged subfield.

Political scientists might face a higher hurdle than economists in engaging in the public sphere, in particular with lawmakers themselves. Most often, legislators see themselves as the experts, often questioning the value of political science treatments of legislative process and politics, at least at the national level in the United States. Witness, for example, Congress’s successful effort to limit National Science Foundation funding for political science projects. Lawmakers generally have confidence in their own diagnoses of the causes of institutional problems. Even gold standard research on the limited impact of redistricting in

generating safe partisan seats fails to crack lawmakers' homemade views of their electoral worlds. In *Esquire's* (Warren 2014) recent probing of congressional dysfunction, for example, lawmakers repeatedly blamed redistricting for generating safe red and blue seats—leading them to conclude that redistricting is a prime cause of the institution's malaise. Scholarly evidence for such diagnosis is limited.

Lawmakers' insularity raises the challenge for scholars seeking to engage normatively and critically on legislative problems and solutions. Granted, in some instances, lawmakers have been willing to consult widely with legislative scholars: Senate Democrats' interest a few years ago in reforming the chamber's filibuster rule is a case in point (U.S. Senate 2010). My sense though is that Congress's interest in engaging with legislative scholars is episodic and variable. Perhaps comparative scholars (studying state legislatures or parliaments abroad) have been more successful in crossing over into the public sphere.

Regardless, for four decades, the *Legislative Studies Quarterly* has offered an unparalleled venue for matching theoretical insights with methodological rigor and empirical evidence on normatively important legislative questions. I have no doubt that *LSQ* will continue to be a prominent home for legislative scholars interested in addressing theoretical puzzles, methodological challenges, and tangible problems in legislative arenas around the world.

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