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The Effects of Legislative Institutions and Party Discipline on Policy Stability: A Comparative Analysis

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Introduction

The objective of this paper is to present a theory that analyzes the effect of legislative institutions and party discipline on policy stability.¹ Following Tsebelis (2002: 2), I view lawmaking institutions as rules that determine the identity of the agenda setter and veto players and the order according to which different players initiate offers and react to them. More specifically, I analytically define various legislative institutions, such as executive veto, veto override, filibuster, cloture, and executive agenda setting procedures, in terms of a constellation of an agenda setter and veto players. In this paper, I generalize Krehbiel's (1998) U.S. lawmaking model by reformulating it within the veto player framework. In my model, legislative games played by pivotal actors in Krehbiel's model are reinterpreted as games played by agenda setters and veto players.

The analytical transformation of political institutions into a set of an agenda setter and veto players was originally presented by Tsebelis (2002). In this paper, I simplify political institutions further by redefining institutional veto players into a smaller set of de facto veto players. I argue that specific lawmaking procedures could replace existing institutional veto players with other players. For example, the veto override procedure could nullify the presidential veto power, making the veto power ineffective. In other words, the override procedure has the effect of expropriating veto power from the president by conferring it instead on the legislator, whom Krehbiel (1998) called "veto pivot."² Based on this idea, I simplify the legislative processes into sequential games played only by an agenda setter and de facto veto players.

It is well documented that political institutions affect policy stability by changing the number of veto players (Tsebelis 2002). This paper shows that legislative institutions can also have an impact on policy stability by reshuffling veto players without altering the number of veto players. For example, a supermajoritarian veto override procedure does not increase the number of veto players since it only replaces the existing veto player with another player, but has the effect of decreasing policy stability. Party discipline also has an effect on policy stability by changing the identity of the agenda setter and veto players. For example, if the president can control his party members, the veto pivot cannot override his veto. Then, the president becomes the de facto veto player, replacing the veto pivot, and such a replacement increases the length of the gridlock interval (policy stability).

A major finding of this article is that legislative institutions have differential effects on policy stability depending on party discipline, and that party discipline also has differential effects depending on specific lawmaking procedures. For example, the filibuster procedure combined with the cloture procedure increases policy stability when the two parties are cohesive, but the stabilizing effect decreases when they are not cohesive. The effect of

party discipline is also differential, not only in its degree but also in its direction. With a veto override procedure, strong discipline of the majority governing party is helpful to resolve gridlock by preventing its members from supporting an override of the presidential veto. In contrast, with the filibuster and cloture procedures, strong discipline of the governing party increases the length of the gridlock interval by changing the agenda setter from the median legislator to the party. I also found that the effect of party discipline combined with a specific lawmaking procedure is differential across the type of governments. For example, if the governing party is cohesive, there is no gridlock interval under unified government, whereas the gridlock interval increases under divided government.

What makes the analysis in this article more complicated is the fact that the differential effects of legislative institutions and party discipline further depend on the simple or supermajority status of a party under the U.S. rules. In other words, the effects of legislative institutions and party discipline on policy stability differ a great deal between simple majoritarian and supermajoritarian seat shares. First, although the U.S. lawmaking procedures increase policy stability when a governing or opposition party is a simple majority, such a stabilizing effect decreases when the governing or opposition party enjoys a supermajority status. Second, while the autonomy of legislators *decreases* policy stability regardless of government types when a party has a simple majority, it *increases* policy stability when a majority party enjoys a supermajoritarian status.

The analysis in this article yields important results that are consistent with Mayhew's (1991) finding of non-differential lawmaking between unified and divided governments, but do not support the conventional wisdom that divided government works better with party indiscipline and unified government does better with party discipline. According to the results of this article, government types do not matter for policy stability in the U.S. Congress. In other words, party indiscipline decreases policy stability regardless of the types of government. This finding contradicts widely accepted beliefs about the effect of government types on policy stability in two respects. First, unlike Mayhew's (1991) interpretation of non-differential lawmaking across government types, the cause of non-differential lawmaking across government types is not party indiscipline but the U.S. legislative institutions. Second, contrary to Krehbiel's (1998) expectation, *gridlock can not only occur but also increase under unified government with a disciplined majority* in the U.S. Congress. To understand why this is so is to understand the essence of the U.S. lawmaking institution.

The analysis of this article shows that the reason for the non-differential lawmaking between unified and divided governments is institutional: symmetric veto powers given to both of the governing and opposition parties and almost equivalent conditions to revoke them.³ If the governing party wins a simple majority only, the opposition party can block the governing party's bills with a filibuster since the governing party cannot end the filibuster. If the opposition party wins a simple majority, the governing party can block the opposition party's bills with a presidential veto since the opposition party cannot override the veto. Even when either the governing party or the opposition party wins a supermajority, legislative productivity is not differential between unified and divided government. Both the governing and opposition parties with a supermajority can pass their bills without being blocked.

This result implies that not split party control of the Congress and the White House but supermajority status of either party enhances legislative productivity in Congress. In other words, the governing party under a "super-unified" government or the opposition party under a "super-divided" government can accomplish its agendas regardless of whether the president belongs to the majority party or not. As long as a governing party has difficulty winning

supermajority status, the U.S. legislative institution will make it difficult to achieve necessary reforms. In short, non-differential legislative productivity of the U.S. Congress could be understood as a realization of the idea of checks and balances by providing (almost) symmetric legislative powers to the government and opposition parties.

This paper is organized as follows. In section II, I review the literature regarding policy stability. In section III, I offer my theory that generalizes Krehbiel's theory of pivot players. In section IV, I analyze how differential the effects of legislative institutions and party discipline are according to government types (unified versus divided governments in presidential systems) and party seat share in the legislature (simple majority or supermajority status). In section V, I conclude and discuss the implications of the findings.

Literature Review

The study of legislative gridlock, or the inability of government to pass significant legislation, has flourished due to the frequent emergence of divided governments since the middle of the twentieth century in the United States. Many scholars attribute split party control of the Congress and the White House as a major cause of gridlock in the U.S. lawmaking process (Cutler 1988; Robinson 1985; Sundquist 1988). Mayhew (1991) challenges this conventional wisdom. Mayhew finds no difference in the rate of passage of significant laws from 1947 to 1990 between unified and divided governments; subsequent studies challenge Mayhew's findings (Binder 1999; Brady and Volden 1998; Coleman 1999; Edwards, Barrett, and Peake 1997; Kelly 1993). Whereas these studies focus on empirical analyses, Krehbiel (1998) offers a theoretical model that explains gridlock in the U.S. lawmaking process. Tsebelis (2002) also presents a veto player theory that analyzes the effects of the number and distance of veto players on policy stability in parliamentary settings.

While the research on the effect of political institutions on policy stability has been well documented (Tsebelis 2002, Tsebelis and Aleman 2005, Tsebelis and Rizova 2007), the effect of party discipline on policy stability is relatively understudied. Scholars tend to argue that indiscipline discourages governability under unified government but facilitates legislative efficiency under divided government. According to Mainwaring and Shugart, "indiscipline makes it more difficult to establish stable relationships between the government, the parties and the legislature" under unified government (1997: 419). Under divided governments, "extreme party discipline makes it difficult for the president to work out deals that cut across party lines" (Mainwaring and Shugart 1997: 42). Some scholars also argue that indiscipline contributes to resolving gridlock (Fiorina 1992, Mayhew 1991, Riggs 1988).

However, previous studies tend to overgeneralize the effects of party discipline on policy stability without rigorously analyzing them in relation to legislative institutions and party seat shares. The empirical studies of party discipline in the presidential system do not explain how the discipline of majority and minority parties operate differently under supermajoritarian procedures such as presidential veto override or filibuster cloture. In comparative politics, Linz (1994) and Sartori (1994) argue that parliamentary systems work better with disciplined parties. However, it is not clear why disciplined parties can resolve gridlock better than indisciplined parties under minority government.

Krehbiel's (1998) "pivotal politics" theory attempts to explain systematically the relationship between party discipline and gridlock in the U.S. Congress. Because of the importance of Krehbiel's theory in legislative research, his theory deserves a lengthy discussion. Krehbiel first notes that the traditional responsible party government thesis (Schattschneider 1942) and the conditional party government thesis (Aldrich and Rohde 1995,

1998) have difficulty in explaining important phenomena such as gridlock under unified government and oversized bipartisan coalitions. Krehbiel reasons that if these theses are correct, winning coalitions cannot be bipartisan and oversized. In addition, it is unlikely for gridlock to occur under unified government since members of the disciplined majority party will follow their party line.

However, Mayhew (1991) found that important pieces of legislation are not passed more frequently under unified government than under divided government. Moreover, Krehbiel (1998) found that the size of winning coalitions is mostly oversized (79% majority, on average) and bipartisan for the bills enacted between the 102nd and 103rd Congress. Facing the frequent occurrence of gridlock under unified government and oversized bipartisan coalition in the U.S. Congress, Krehbiel offers a model that explain these two phenomena.

Krehbiel notes that the U.S. lawmaking institution “is ‘tempered’ by two supermajoritarian procedures: the executive veto and the Senate’s filibuster procedures” (1998: 22). According to the executive veto procedure, a bill passed by Congress can be revoked by the president’s veto, which can also be overridden with a 2/3 majority of the Congress. The filibuster procedure allows a senator to extend the debate, which can be ended by a cloture vote requiring a 3/5 majority. To incorporate these two procedures, Krehbiel defined two concepts: the “veto pivot” and the “filibuster pivot.” If the president is more liberal than the median legislator, the veto pivot is “the legislator for whom his ideal point and all ideal points to his right make up exactly or just more than 2/3 of the legislature” (1998: 23-24). The filibuster pivot is “the legislator for whom his ideal point and all ideal points to his left make up exactly or just more than 3/5 of the legislature” (1998: 24).

Assuming that each individual has a single-peaked utility function and that autonomous legislators legislate in a one-dimensional policy space, Krehbiel (1998) identifies equilibrium policies as a function of the location of the status quo (sq). In his theory, the median legislator, the veto pivot, the filibuster pivot, and the president play a sequential game. The median legislator can take three actions: 1) he proposes a bill representing his ideal point, 2) he offers a bill that he prefers to the status quo but is less desirable than his ideal bill, or 3) he does not offer a bill. A filibusterer determines whether to mount a filibuster against the median legislator’s bill. If the filibusterer decides to mount a filibuster, the filibuster pivot decides whether to support cloture. If the filibuster pivot supports cloture, the bill goes to the president, who then decides to veto or sign the bill. If the president signs the bill, it becomes a law. If the president vetoes the bill, the veto pivot decides whether to override the veto. If the veto pivot overrides the veto, the bill becomes law.

Figure 1 illustrates Krehbiel’s theory (1998) with a small modification.⁴ In the figure, x , f , m , v , and p represent the ideal points of the filibusterer, the filibuster pivot, the median legislator, the veto pivot, and the president, respectively. In the first stage, the median legislator proposes m , and the filibusterer decides whether to mount a filibuster. The filibusterer mounts a filibuster only if the status quo policy (sq) is closer to his ideal point than m . If sq is in Interval 1, both the filibusterer and the president prefer m to sq . Thus, the filibusterer does not mount a filibuster, and the president signs m . If sq is in Intervals 2, 3, and 4, the filibusterer has an incentive to mount a filibuster against m . If the filibusterer mounts a filibuster, there are three possible outcomes. First, if sq is in Interval 2, the filibuster pivot supports a cloture vote to stop the filibuster because he prefers m to sq . Knowing that a filibuster is useless, the filibusterer decides not to mount a filibuster. Thus, m passes. Second, if sq is in Intervals 3, the filibuster pivot does not support cloture because he prefers sq to m . Instead, the median legislator can offer a non-median position (m') that both he and the filibuster pivot prefer to sq . Then, the filibuster pivot supports cloture. Knowing that any filibuster would be revoked by the filibuster pivot, the filibusterer does not

mount a filibuster. The equilibrium policy m' partially converges to the median and attracts more than a simple majority of votes (at least a 3/5 majority). Third, if sq is located in Interval 4, the filibuster pivot does not end the filibuster against m because he prefers sq to m . Knowing that m does not have an opportunity to avoid a filibuster, the median legislator does not propose m . Thus, there is legislative gridlock.

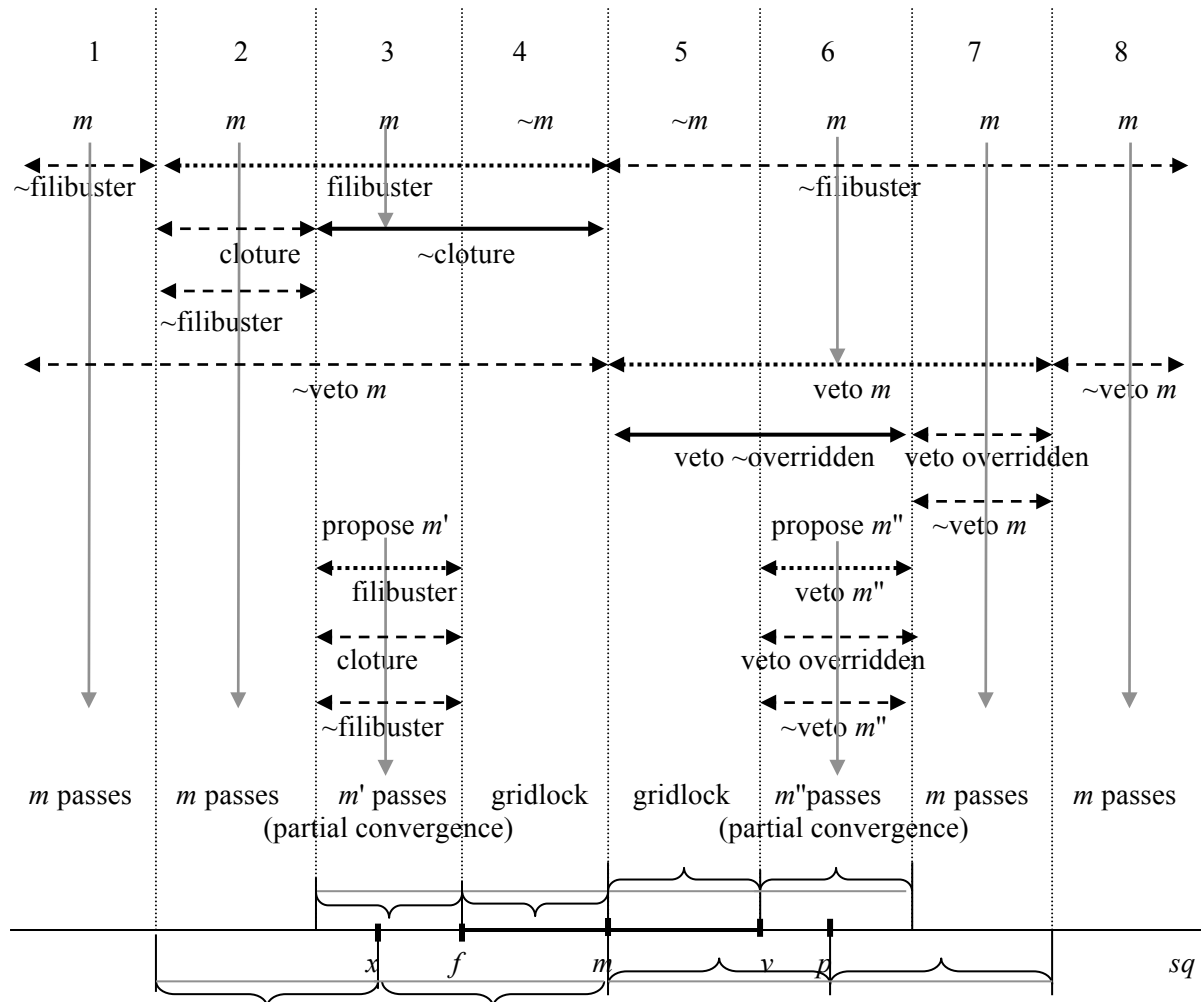


Figure 1. Krehbiel's (1992) predictions of lawmaking in the U.S.

If sq is in Intervals 5, 6, 7, and 8, the filibusterer does not have an incentive to mount a filibuster against m , and there are four possible outcomes. First, if sq is located in Interval 5, the president vetoes m , but the veto pivot does not override the veto. In this interval, the median legislator cannot find a policy that both he and the veto pivot prefer to sq . Thus, the median legislator does not propose a bill, resulting in legislative gridlock. Second, if sq is in Interval 6, the veto pivot does not override the presidential veto against m because he prefers sq to m . Knowing that it is impossible to override the veto against m , the median legislator will instead offer a non-median position (m'') that the veto pivot prefer to sq . Then, the president knows that his veto against m'' would be overridden, and thus he does not veto m'' . The equilibrium policy m'' partially converges to the median and attracts more than a simple majority (at least a 2/3rds majority). Third, if sq is in Intervals 7, the veto pivot overrides the presidential veto against m because he prefers m to sq .⁵ Expecting that his veto would be overridden, the president does not veto, and thus m passes. Fourth, if sq is in Interval 8, the president prefers m to sq , and thus he signs it. According to Figure 1,

gridlock occurs in Intervals 4 and 5, the interval between the filibuster pivot and the veto pivot. Krehbiel refers to this as the gridlock interval.

The main contributions of Krehbiel's theory are threefold. First, his theory provides a systematic explanation of the two important phenomena in the U.S. Congress that the previous studies have failed to explain: oversized bipartisan coalitions and legislative gridlock under a unified government. Second, the theory identifies the gridlock interval as a function of the distance between the filibuster pivot and the veto pivot. Third, his model yields non-convergent results that Black (1958) fails to predict.

Despite these contributions, Krehbiel's criticism that the responsible party government and the conditional party government theses cannot explain oversized bipartisan coalitions and legislative gridlock under a unified government is not warranted. First, oversized bipartisan coalitions are possible even when two cohesive parties have differentiated party platforms because there exists a set of sq that both parties prefer. For example, assume that the president representing a cohesive majority party proposes a policy. Then, there is a set of sq in Interval 1 to which all five players prefer the president's proposal.⁶ Second, in contrast to Krehbiel's critique of the responsible party government and the conditional party government theses, legislative gridlock can occur under a unified government with a cohesive majority, and party discipline can even increase the gridlock interval under the U.S. legislative institution. If party discipline can induce the members of the governing party to act as a unitary actor, the median legislator has to propose a government bill that would be blocked by a filibuster. Then, the gridlock interval increases from the distance between the veto pivot and the filibuster pivot to the distance between the governing party and the filibuster pivot.

If parties are cohesive, as the responsible party government thesis posits, the conception of the gridlock interval that Krehbiel offers sometimes fails to predict the occurrence of legislative gridlock in reality. To understand why, imagine an 11-member legislature in which the governing party has five members and the opposition party has six. In this case, both the filibuster pivot and the veto pivot belong to the governing party. Assume that members of each party most prefer the positions of their parties, respectively. Because the opposition party is the majority, it sets the agendas. If the opposition party offers its ideal point against any status quo policies located between the ideal points of the two parties, the president vetoes it, or the minority governing party mounts a filibuster. In the U.S. Congress, the presidential veto is a more powerful weapon than a filibuster that can block bills proposed by the majority opposition party because the opposition party needs more legislators to override a presidential veto than to end a filibuster of the minority governing party. In our example, the opposition party cannot override a veto or end a filibuster because the party has only six legislators, and thus there is a legislative gridlock. However, the distance between the two pivots is zero because the veto pivot and the filibuster pivot have the same ideal points. If the gridlock interval is zero, Krehbiel's theory predicts no legislative gridlock.

Moreover, Krehbiel's theory does not offer precise locations of equilibrium outcomes against status quo policies in Intervals 3 and 6 in Figure 1. It predicts that partially convergent results would occur in equilibrium in these intervals but does not predict the precise location of the partially convergent results. Given these difficulties associated with Krehbiel's theory, a more general theory that can explain policy stability with not only autonomous but also disciplined legislators is necessary. In the next section, I introduce my model and show that Krehbiel's model is a special case of a more general veto player model.

A Theory of Legislative Gridlock

In this article, I present a theory of lawmaking by generalizing Krehbiel's (1998) U.S. lawmaking model within the veto player framework. To build a theory, I define several concepts. I represent a player by his ideal point denoted by i . I assume that each player has a circular indifference curve going through the status quo denoted by sq . I denote the indifference curve of player i by I_i . Then, the player prefers any policies inside the circle to sq and is indifferent between sq and any policies on the circle. I define the winset of sq as a set of policies that can defeat sq . I denote the winset of sq by $W(sq)$. I also define the unanimity core, denoted by C , as the points that cannot be defeated by any other point by a unanimity rule. In other words, if $sq \in C$, $W(sq) = \emptyset$. The core that I refer to in this article is the unanimity core.

Following Tsebelis, I define veto players as those whose consent is necessary to change the status quo (2002: 2). I denote a veto player and his indifference curve by v and I_v , respectively. Because a change in sq is impossible without the consent of the veto player, any policy x that defeats sq must be inside of the veto player's indifference curve. The necessary condition for a player to be a veto player can be formally written as follows: $i=v \Rightarrow [\forall x \in W(sq): x \in I_i]$. If there exist some policies that can defeat sq but are not included in a player's indifference curve, the player is not a veto player. Formally, $[\exists x \in W(sq): x \notin I_i] \Rightarrow i \neq v$. An agenda setter is defined as the one who presents a proposal to the other veto players, who are only able to "take it or leave it," not to modify it (Tsebelis 2002: 2). This implies that if an agenda setter proposes an alternative a , a feasible winset of sq is only a , not any other policies.

Using this framework, I specify legislative processes as sequential games played by agenda setters and veto players. For example, consider a baseline case in which a pure majoritarian legislature with autonomous legislators makes decisions in a one-dimensional policy space. In this case, the median legislator is an agenda setter because if he offers his ideal point m , the other legislators, unable to modify m , have to take it or leave it; that is, a feasible winset of sq is m . If any other legislator proposes a bill x , it is modified to m . Because a feasible winset of sq is not x , the legislator is not an agenda setter. The median legislator is also a veto player because there is no policy that is located outside of the indifference curve of the median legislator and able to defeat the status quo. The median legislator needs to obtain the consent of legislators in a winning coalition to change the status quo. However, these legislators do not have an incentive to reject m since they prefer m to sq . In other words, the median legislator acts "on behalf of" all legislators in the winning coalition (Krehbiel 1998: 24). In this sense, the median legislator can be treated as a single veto player representing those in the winning coalition. Thus, the median legislator is an agenda setter as well as a veto player in a pure majoritarian legislature with autonomous legislators.

This baseline case can be made more complicated, but it would only change the identity of agenda setters and/or veto players. For example, if we introduce the presidential veto procedure (without the possibility of overriding it) into the baseline case, the procedure has the effect of adding a veto player (the president) against the median legislator. In this case, only if the median legislator's ideal point (m) is located in the indifference curve of the president is m included in the winset. Otherwise, m is not adopted. Next, consider a filibuster without the possibility of cloture. Introducing a filibuster into the baseline case is analytically analogous to introducing the presidential veto power. Both these procedures add a veto player against the median legislator (agenda setter).

If we further allow a 2/3 majority to be able to override the presidential veto, the

procedure has the effect of changing the veto player from the president to the veto pivot. First, consider a case in which sq is in Interval 8 in Figure 1. In this case, the median legislator is an agenda setter as well as a de facto veto player because the presidential veto is not used. The president prefers m to sq and thus does not have an incentive to use his veto power. Thus, m is adopted. More interesting cases are when the president prefers sq to m . These are the cases in which sq is in Intervals 5, 6, and 7 in Figure 1.

First, consider the case in which sq is in Interval 7. In this case, the president has an incentive to veto m . However, the median legislator can bypass the presidential veto if the veto pivot overrides the veto. To determine whether the veto pivot has an incentive to override the veto, refer to Figure 2. In Figure 2, there exists $W(sq)$, which is the overlapped area (the shaded area) of the two indifference curves of the median legislator and the veto pivot (two thick indifference curves). Figure 2 shows that the ideal point of the median legislator (m) is always included in the veto pivot's indifference curve (I_v), that is, $m \in W(sq)$ and $m \in I_v$. Because the veto pivot prefers m to sq , he overrides the veto. Because there is no point of using his veto power, the president does not use it. Thus, m is adopted. Figure 2 shows that the equilibrium result m is not included in the president's indifference curve. In other words, $m \in W(sq)$ but $m \notin I_p$. Thus, the president is not a veto player when sq is in Interval 7.

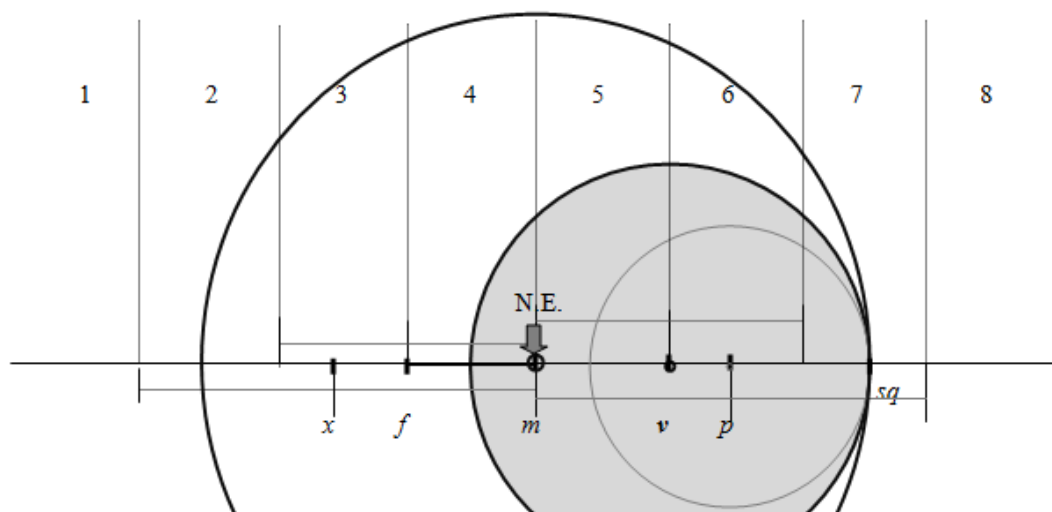


Figure 2. Nash equilibrium when SQ is in Interval 7

Second, if sq is in Interval 6, the veto pivot prefers sq to m . So, he does not have an incentive to override the presidential veto. Knowing this, the median legislator proposes a policy that can avoid the presidential veto by proposing a non-median policy that is closest to his ideal point and the veto pivot is indifferent to sq . The presidential veto against such a policy is useless because it would be overridden by the veto pivot. Thus, the president does not use his veto power because of the veto pivot's power to nullify it. Figure 3 illustrates these strategic choices. There exists a winset represented by the overlapped area of the indifference curves of the median legislator and the veto pivot. Because m is located outside of the indifference curve of the veto pivot, m is not feasible. Thus, the median legislator instead proposes a policy (m'') closest to his ideal point in the winset. Figure 3 shows that m'' is not included in the president's indifference curve (I_p). In other words, $m'' \in W(sq)$ but $m'' \notin I_p$. Therefore, the president is not a veto player when sq is in Interval 6. Figure 3 also shows the precise location of the “non-convergent result” obtained by Krehbiel.

It shows that the non-convergent result is the position that the agenda setter prefers most among the positions on the indifference curve of the veto player.

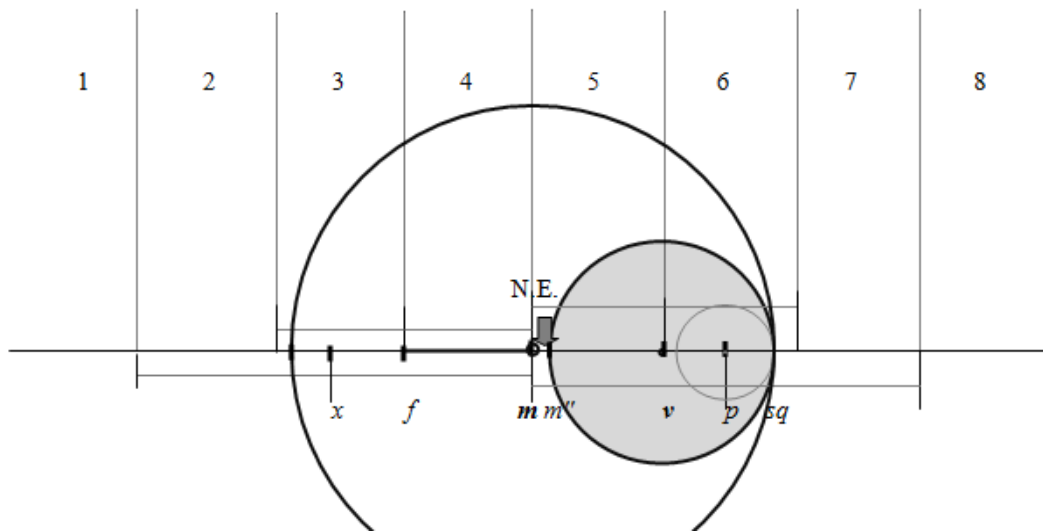


Figure 3. Nash equilibrium when SQ is in Interval 6

The implications of Figures 2 and 3 are as follows. Although the president prefers sq to the agenda setter's proposal, he cannot prevent the agenda setter from accomplishing his agenda if the veto pivot prefers the agenda setter's proposal to sq . In this sense, the president's veto power is conditional on the veto pivot's preference between the agenda setter's proposal and sq . The president has an incentive to veto only if the outcome resulting from the veto (that is, sq) does not conflict with the veto pivot's preference. This is the case in which the veto pivot prefers sq to any policies that the median legislator has an incentive to offer. If sq is in Interval 5, this condition is satisfied and there is no winset (see Figure 4). The median legislator knows that he cannot propose any policy that the veto pivot would prefer to sq and thus does not propose any policy. Thus, legislative gridlock occurs.

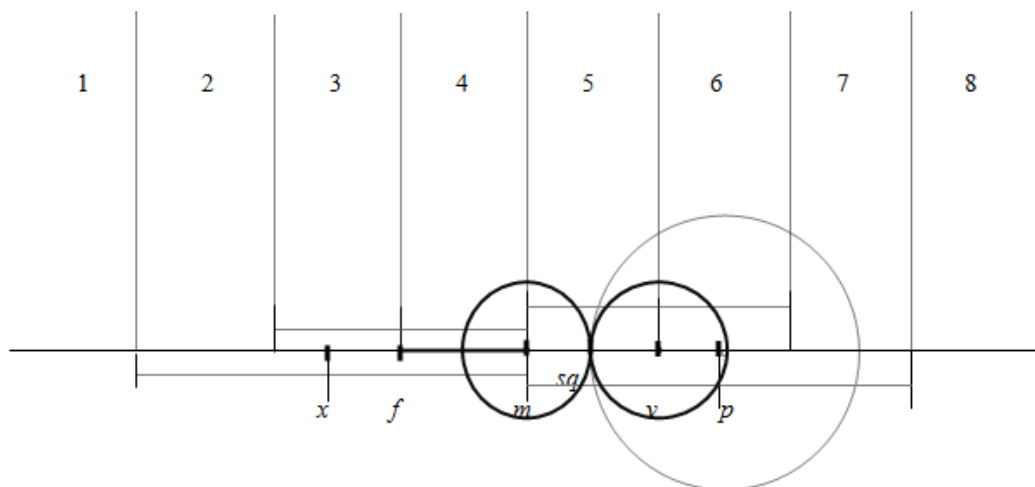


Figure 4. Nash equilibrium when sq is in Interval

The U.S. Congress introduced the cloture procedure requiring a 3/5 majority to end the filibuster. The introduction of the cloture procedure is analytically analogous to the introduction of veto override. As the veto override procedure confers on the veto pivot a veto power against the president, the cloture procedure gives the filibuster pivot a veto power against the filibusterer. In a similar way that we identify the equilibrium policies in Intervals 1, 2, 3, and 4, we can also find them in Intervals 5, 6, 7, and 8. First, consider the case in which sq is in Interval 8. In this interval, the filibusterer prefers m to sq . Then, the filibusterer does not mount a filibuster and thus m is adopted. Second, if sq is in Interval 6 or 7, the filibusterer prefers sq to m or m' (a non-median policy the filibuster pivot is indifferent to sq) and has an incentive to mount a filibuster.

However, the filibusterer has no reason to mount it because the filibuster pivot, preferring m or m'' to sq , would support cloture. Thus, the filibuster does not use his power to filibuster. Just like the presidential veto power, the filibusterer's veto power is conditional on the filibuster pivot's preference between the agenda setter's proposal and sq . The filibusterer has an incentive to mount a filibuster only if the outcome (sq) of the filibuster can satisfy the filibuster pivot's preference. If sq is in Interval 5, the filibuster pivot prefers sq to any policy that the median legislator has an incentive to propose. The median legislator knows that he cannot propose any policy that the filibuster pivot prefers to sq . Thus, he does not propose any policy, resulting in legislative gridlock.

According to Krehbiel's theory, the gridlock interval is the policy difference between the veto pivot and the filibuster pivot. In fact, this interval is identical to the one-dimensional core in veto player theory. According to veto player theory, the one-dimensional core is the line between the ideal points of veto players at the extremes. The veto players between them (e.g., the median legislator between the veto pivot and the filibuster pivot) are absorbed and have no effect on policy stability⁷ (Tsebelis 2002). As the length of the gridlock interval determines policy stability in the theory of pivotal politics, the size of the core determines policy stability in veto player theory. Veto player theory is more general in that it identifies policy stability in multi-dimensional space. In this sense, the theory of pivotal politics can be regarded as a local theory of veto player theory.

In the previous analysis, I have argued that the president is not a de facto veto player under the U.S. lawmaking procedure modeled by Krehbiel. The argument that the president is not a veto player in the pure presidential system may sound odd. To clarify the argument, consider a game tree that summarizes the lawmaking process discussed earlier. The thick branches in Figure 5 represent the possible choices of the players. Equilibria occur when the thick branches are connected. Figure 5 shows that the president has no opportunity to use his veto power in equilibrium. The reason is either that a veto is not needed or that it is useless because the agenda setter can propose policies (m or m') that give the veto pivot an incentive to override the presidential veto. Figure 5 also shows that, for the same reasons, the filibusterer has no opportunity to use his power to filibuster in equilibrium. The reason is similar to the case for the presidential veto.

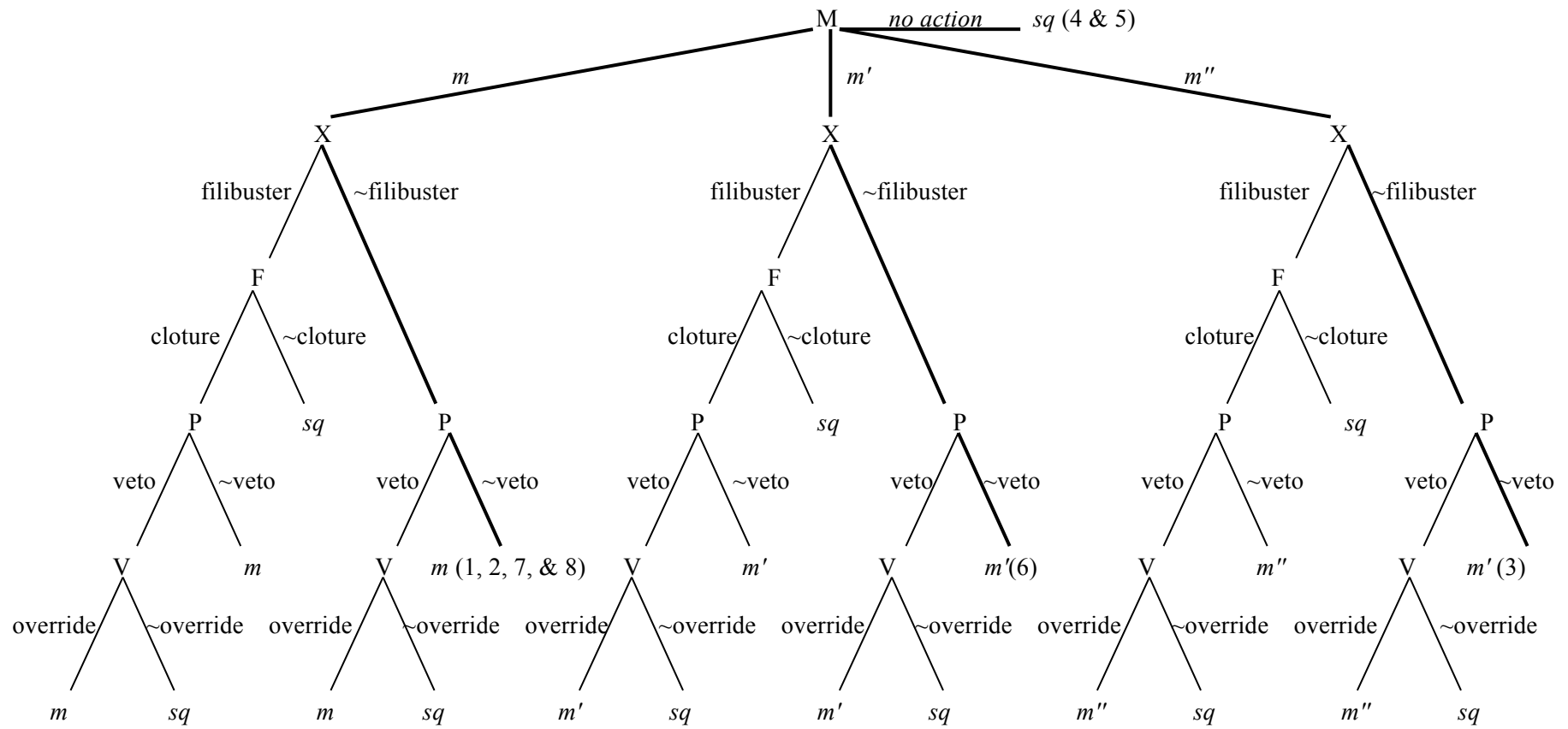


Figure 5. U.S. lawmaking game in the legislature with autonomous legislators

Two caveats warrant careful consideration for this argument. First, the argument that the president is not a veto player does not mean that the presidential veto does not have any effect on policy stability. As the baseline case of a pure majoritarian legislature indicates, the agenda setter (the median legislator) can accomplish the most preferred agenda (m) without a presidential veto. If a presidential veto is allowed without the possibility of a veto override, the president becomes an effective veto player. Then, the gridlock interval increases to a line between m and p . If the veto override procedure is added to the presidential veto, the president ceases to be a veto player because the agenda setter is able to use his agenda setting power adroitly by offering the second best option (m') to avoid the presidential veto. Nevertheless, the president still has an effect on policy stability because the agenda setter has to satisfy the veto pivot to avoid a presidential veto. Thus, the argument that the president is not a veto player under the veto override procedure does not imply that the presidential veto has no effect on the gridlock interval.

The second caveat is that there is an important assumption that underpins the argument: U.S. legislators are autonomous. The validity of this assumption depends on party institutions curbing the incentive of individual members (Cox and McCubbins 1993). If it is assumed that the parties and the president can control their members and the president represents his party, there are three possible outcomes. First, if the governing party enjoys a majority status, the president is a single veto player because the median legislator has to follow his party. Second, if the opposition party is a simple majority and the veto pivot belongs to the cohesive governing party, the veto pivot cannot override a presidential veto. Thus, the president is a veto player. Third, if the opposition party is a supermajority, the veto pivot belonging to the opposition party overrides the presidential veto.

The theory that I presented in this section is simpler and more general than Krehbiel's theory of pivotal politics. My theory is simpler in that the players who effectively determine policy stability are reduced to two types of players: an agenda setter and de facto veto players. The theory is more general since it can be applied not only to the U.S. lawmaking process with autonomous legislators but also to any existing or hypothetical lawmaking institutions with disciplined legislators. In the next section, by identifying an agenda setter and de facto veto players in various institutional settings and party discipline, I analyze their effects on policy stability.

Analyses and Results

Krehbiel identifies the gridlock interval in terms of the policy difference between the veto pivot and the filibuster pivot. This interval is in fact identical to a one-dimensional core in veto player theory. According to the veto player theory, the one-dimensional core is a line between the ideal points of veto players at the extremes. Veto players between them (the median legislator between the veto pivot and the filibuster pivot, for example) are absorbed and have no effect in policy stability⁸ (Tsebelis 2002). As the length of the gridlock interval determines policy stability in the theory of pivotal politics, the size of the core determines policy stability in veto player theory. The veto player theory is more general since it identifies policy stability in multi-dimensional space. In this sense, the theory of pivotal politics could be regarded as a local theory of a more general veto player theory.

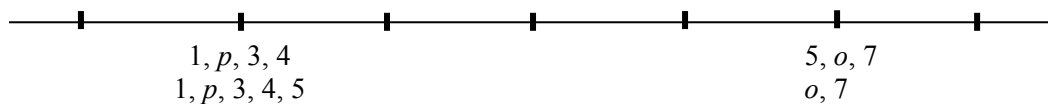
In this section, I analyze the effects of legislative institutions and party discipline on the length of a core on one-dimensional space. To simplify the analysis, I suppose a legislature consisting of seven legislators. I assume that a party (or a coalition) on the left is in charge of the executive (governs) and a party on the right is in opposition. I posit that the position

of the 2nd legislator is the same as the position of his party denoted by p . I assume that the position of the executive (the president or the prime minister) is identical to p .⁹ I also assume that the position of the 6th legislator is the same as the position of the opposition party denoted by o . Since there are seven legislators, the 4th legislator is the median legislator denoted by m .

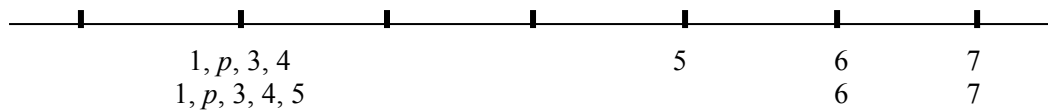
I first divide lawmaking cases according to government types: lawmaking under a unified and a divided government. I then divide each case into four types based on the cohesiveness of each party: the cohesive governing and cohesive opposition parties; the cohesive governing and incohesive opposition parties; the incohesive governing and cohesive opposition parties; and the incohesive governing and incohesive opposition parties. This provides four types of cases each for the unified government and the divided government. Finally, I divide each type according to the party seat share: the majoritarian and supermajoritarian cases. The categorization of the possible legislative settings in this way yields 16 cases. Figure 6 shows 16 cases yielded by a combination of party discipline of the two parties, government types (unified versus divided government), and the party seat share.

1. Unified (Majority) Government

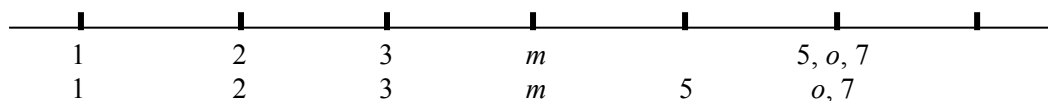
A. cohesive governing party versus cohesive opposition party



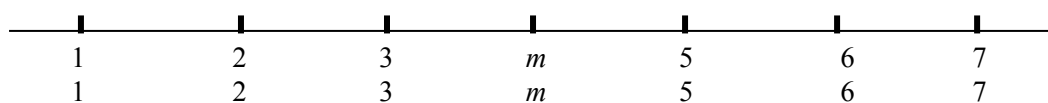
B. cohesive governing party versus incohesive opposition party



C. incohesive governing party versus cohesive opposition party

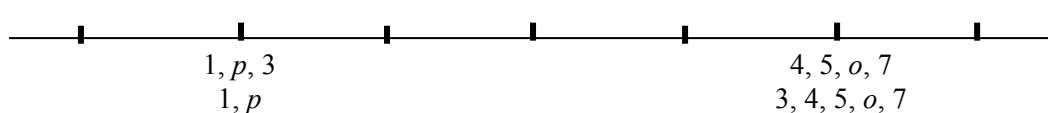


D. incohesive governing party versus incohesive opposition party

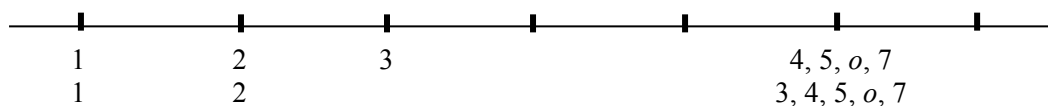


2. Divided (Minority) Government

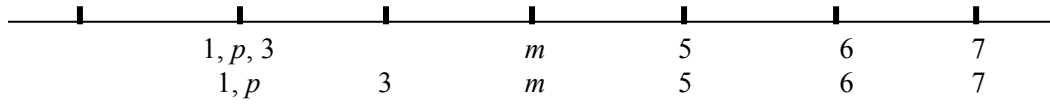
A. cohesive opposition party versus cohesive governing party



B. cohesive opposition party versus incohesive governing party versus



C. incohesive opposition party versus cohesive governing party



D. incohesive governing party versus incohesive opposition party

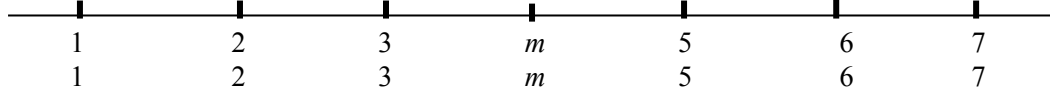


Figure 6. Distribution of legislators in different types of governments and party seat share

Next, I consider various legislative institutions. To analyze the independent effect of a specific legislative procedure on policy stability in presidential regimes, I first consider a hypothetical baseline case in which the majority of the legislature sets agendas and makes decisions without an executive veto procedure. Then, I consider various lawmaking procedures such as filibusters, cloture, the executive veto, the veto override, and the executive agenda-setting procedure (parliamentary case). Thus, I consider 16 cases in each of the six lawmaking procedures (a total of 96 cases) and compare the effects of legislative institutions and party discipline on policy stability.

Party discipline, party seat share, and legislative institutions form a constellation of an agenda setter and veto players. Table 1 shows the constellations of these players on one-dimensional space in different legislative settings. The first and second columns represent party discipline of the majority and minority party, respectively. The third and fourth columns show the identity of an agenda setter and veto players under a unified (majority) government. The 11th and 12th columns show the identity of an agenda setter and veto players under divided (minority) government. Table 1 displays the positions of five players who have the potential to be pivotal players among seven legislators. In Krehbiel's model (1998), the president, the median legislator, the veto pivot, and the filibuster pivot are defined as pivot players. In Table 1, I denote each of the four pivot players by a letter (p , v , m , and f) instead of a number.

Unlike Krehbiel's model that assumes autonomous legislators, my model deals with disciplined legislators as well. In order to present the assumption that disciplined legislators behave as a unitary actor, I put disciplined legislators together in the same cell in Table 1. I denote legislators who play the role of pivot players by letters and others by numbers. For example, the party of the 4th legislator is cohesive; he has to follow his party and loses his median voter status. So, I denote the 4th legislator in a cohesive by 4. If his party is incohesive, I denote him by m . What is also notable in Table 1 is a set of pivot players are not always the same as a set of an agenda setter and veto players. As I explained in the previous section, the U.S. president loses his de facto veto power if his party is undisciplined. So, the president is not defined as a veto player when the governing party is not cohesive.

Table 1. The cores of governments under different types of governments and party seat share

party cohesiveness		Government Types (simple majority party versus simple minority party)													
		Unified (Majority) Government							Divided (Minority Government)						
maj.	min.	A.S.	V.P.	pivot players (in letters)					A.S.	V.P.	pivot players (in letters)				
Baseline Case: simple majoritarian seat share (supermajoritarian seat share has the same cores)															
Y	Y	<i>p</i>	<i>p</i>	<i>p,3,m</i>				5,6	<i>o</i>	<i>o</i>	2,3			4,5,o	
Y	N	<i>p</i>	<i>p</i>	<i>p,3,m</i>			5	6	<i>o</i>	<i>o</i>	2	3		4,5,o	
N	Y	<i>m</i>	<i>m</i>	2	3	<i>m</i>		5,6	<i>m</i>	<i>m</i>	2,3	3	<i>m</i>	5 <i>o</i>	
N	N	<i>m</i>	<i>m</i>	2	3	<i>m</i>	5	6	<i>m</i>	<i>m</i>	2	3	<i>m</i>	5 <i>o</i>	
Case 1. + presidential veto: simple majoritarian seat share (supermajoritarian seat share has the same cores)															
Y	Y	<i>p</i>	<i>p</i>	<i>p,3,4</i>				5,6	<i>o</i>	<i>p, o</i>	<i>p,3</i>			4,5,o	
Y	N	<i>p</i>	<i>p</i>	<i>p,3,4</i>			5	6	<i>o</i>	<i>p, o</i>	<i>p</i>	3		4,5,o	
N	Y	<i>m</i>	<i>p, m</i>	<i>p</i>	3	<i>m</i>		5,6	<i>m</i>	<i>p, m</i>	<i>p,3</i>		<i>m</i>	5 6	
N	N	<i>m</i>	<i>p, m</i>	<i>p</i>	3	<i>m</i>	5	6	<i>m</i>	<i>p, m</i>	<i>p</i>	3	<i>m</i>	5 6	
Case 2-1. + presidential veto + veto override: simple majoritarian seat share															
Y	Y	<i>p</i>	<i>p</i>	<i>p,3,4</i>				5,6	<i>o</i>	<i>p, o</i>	<i>p, 3</i>			4,5,o	
Y	N	<i>p</i>	<i>p</i>	<i>p,3,4</i>			5	6	<i>o</i>	<i>v, o</i>	<i>p</i>	<i>v</i>		4,5,o	
N	Y	<i>m</i>	<i>v, m</i>	2	<i>v</i>	<i>m</i>		5,6	<i>m</i>	<i>p, m</i>	<i>p, 3</i>		<i>m</i>	5 6	
N	N	<i>m</i>	<i>v, m</i>	2	<i>v</i>	<i>m</i>	5	6	<i>m</i>	<i>v, m</i>	<i>p</i>	<i>v</i>	<i>m</i>	5 6	
Case 2-2. + presidential veto + veto override: supermajoritarian seat share															
Y	Y	<i>p</i>	<i>p</i>	<i>p,3,4,5</i>				6	<i>o</i>	<i>o</i>	<i>p</i>			3,4,5,o	
Y	N	<i>p</i>	<i>p</i>	<i>p,3,4,5</i>				6	<i>o</i>	<i>o</i>	<i>p</i>			3,4,5,o	
N	Y	<i>m</i>	<i>v, m</i>	<i>p</i>	<i>v</i>	<i>m</i>	5	6	<i>m</i>	<i>v, m</i>	<i>p</i>	<i>v</i>	<i>m</i>	5 6	
N	N	<i>m</i>	<i>v, m</i>	<i>p</i>	<i>v</i>	<i>m</i>	5	6	<i>m</i>	<i>v, m</i>	<i>p</i>	<i>v</i>	<i>m</i>	5 6	
Case 3. + filibuster: simple majoritarian seat share (supermajoritarian seat share has the same cores)															
Y	Y	<i>p</i>	<i>p, o</i>	<i>p,3,4</i>				5,o	<i>o</i>	<i>p, o</i>	<i>p,3</i>			4,5,o	
Y	N	<i>p</i>	<i>p, o</i>	<i>p,3,4</i>			5	o	<i>o</i>	<i>p, o</i>	<i>p</i>	3		4,5,o	
N	Y	<i>m</i>	<i>m, o</i>	<i>p</i>	3	<i>m</i>		5,o	<i>m</i>	<i>p, m</i>	<i>p,3</i>		<i>m</i>	5 6	
N	N	<i>m</i>	<i>m, o</i>	<i>p</i>	3	<i>m</i>	5	o	<i>m</i>	<i>p, m</i>	<i>p</i>	3	<i>m</i>	5 6	
Case 4-1. + filibuster + cloture: simple majoritarian seat share															
Y	Y	<i>p</i>	<i>p, o</i>	<i>p,3,4</i>				5,o	<i>o</i>	<i>p, o</i>	<i>p, 3</i>			4,5,o	
Y	N	<i>p</i>	<i>p, f</i>	<i>p,3,4</i>			<i>f</i>	6	<i>o</i>	<i>f, o</i>	<i>p</i>	<i>f</i>		4,5,o	
N	Y	<i>m</i>	<i>m, o</i>	<i>p</i>	3	<i>m</i>		5,o	<i>m</i>	<i>p, m</i>	<i>p, 3</i>		<i>m</i>	5 6	
N	N	<i>m</i>	<i>m, f</i>	<i>p</i>	3	<i>m</i>	<i>f</i>	6	<i>m</i>	<i>f, m</i>	<i>p</i>	<i>f</i>	<i>m</i>	5 6	
Case 4-2. + filibuster + cloture: supermajoritarian seat share															
Y	Y	<i>p</i>	<i>p</i>	<i>p,3,4,5</i>				6	<i>o</i>	<i>o</i>	<i>p</i>			3,4,5,o	
Y	N	<i>p</i>	<i>p</i>	<i>p,3,4,5</i>				6	<i>o</i>	<i>o</i>	<i>p</i>			3,4,5,o	
N	Y	<i>m</i>	<i>m, f</i>	<i>p</i>	3	<i>m</i>	<i>f</i>	6	<i>m</i>	<i>f, m</i>	<i>p</i>	<i>f</i>	<i>m</i>	5 6	
N	N	<i>m</i>	<i>m, f</i>	<i>p</i>	3	<i>m</i>	<i>f</i>	6	<i>m</i>	<i>f, m</i>	<i>p</i>	<i>f</i>	<i>m</i>	5 6	
Case 5-1. + presidential veto + veto override + filibuster + cloture (U.S.): simple majoritarian seat share															
Y	Y	<i>p</i>	<i>p, o</i>	<i>p,3,4</i>				5,o	<i>o</i>	<i>p, o</i>	<i>p, 3</i>			4,5,o	
Y	N	<i>p</i>	<i>p, f</i>	<i>p,3,4</i>			<i>f</i>	6	<i>o</i>	<i>v, o</i>	<i>p</i>	<i>v</i>		4,5,o	
N	Y	<i>m</i>	<i>v, o</i>	<i>p</i>	<i>v</i>	<i>m</i>		5,o	<i>m</i>	<i>p, f</i>	<i>p, 3</i>		<i>m</i>	5 6	
N	N	<i>m</i>	<i>v, f</i>	<i>p</i>	<i>v</i>	<i>m</i>	<i>f</i>	6	<i>m</i>	<i>v, f</i>	<i>p</i>	<i>v</i>	<i>m</i>	5 6	
Case 5-2. + presidential veto + veto override + filibuster + cloture (U.S.): supermajoritarian seat share															
Y	Y	<i>p</i>	<i>p</i>	<i>p,3,4,5</i>				6	<i>o</i>	<i>o</i>	<i>p</i>			3,4,5,o	
Y	N	<i>p</i>	<i>p</i>	<i>p,3,4,5</i>				6	<i>o</i>	<i>o</i>	<i>p</i>			3,4,5,o	
N	Y	<i>m</i>	<i>v, f</i>	<i>p</i>	<i>v</i>	<i>m</i>	<i>f</i>	6	<i>m</i>	<i>v, f</i>	<i>p</i>	<i>v</i>	<i>m</i>	5 6	
N	N	<i>m</i>	<i>v, f</i>	<i>p</i>	<i>v</i>	<i>m</i>	<i>f</i>	6	<i>m</i>	<i>v, f</i>	<i>p</i>	<i>v</i>	<i>m</i>	5 6	
Case 6. + executive agenda setting: parliamentary regime (supermajoritarian seat share has the same cores)															
Y	Y	<i>p</i>	<i>p</i>	<i>p,3,4</i>				5,6	<i>p</i>	<i>o</i>	<i>p, 3</i>			4,5,o	
Y	N	<i>p</i>	<i>p</i>	<i>p,3,4</i>			5	6	<i>p</i>	<i>o</i>	<i>p</i>	3		4,5,o	
N	Y	<i>p</i>	<i>p, m</i>	<i>p</i>	3	<i>m</i>		5,6	<i>p</i>	<i>m</i>	<i>p, 3</i>		<i>m</i>	5 6	
N	N	<i>p</i>	<i>p, m</i>	<i>p</i>	3	<i>m</i>	5	6	<i>p</i>	<i>m</i>	<i>p</i>	3	<i>m</i>	5 6	

Note for abbreviations: maj.: majority party, min.: minority party, A.S.: agenda setter, V.P.: veto players

In Table 1, I indicate a core (gridlock interval) by cells containing two veto players at the extremes and players between them (the shaded area). Table 1 shows the distribution of cores under different legislative procedures. Consider the baseline case in which a legislature makes laws under a simple majority rule without being checked by the executive. If a party is cohesive and enjoys a simple (or super-) majority status, the party is both an agenda setter and a veto player. If the party is not cohesive, the median legislator is both an agenda setter and a single veto player. In either case, the core is empty. So, there is no shaded area in the baseline case.

Case 1 represents a case in which the executive veto is introduced to the baseline case. In this case, there are three possibilities regardless of seat share of a majority party. First, if the governing party is a cohesive majority, p is an agenda setter and a single veto player. So, the core is empty, and there is no shaded cell. Second, if a majority party is incohesive, the median legislator sets agendas. If the status quo is located in the core (indicated by three shaded cells each containing p , 3 , and m), the president vetoes bills proposed by the median legislator. Third, if the opposition party is a cohesive majority, it sets agendas. If the status quo is located between p and o , the president vetoes bills proposed by the opposition party.

If all legislators are autonomous like those in Krehbiel's model, an addition of the veto override procedure to Case 1 has the effect of changing the veto player from the president to the veto pivot. However, if the party of the veto pivot (the 3rd legislator) is cohesive, the party becomes a veto pivot since the 3rd legislator has to follow his party line when he decides to override the presidential veto. Case 2-1 represents a case in which a majority party wins a simple majority only. In this case, the 3rd legislator belongs to the governing party. If his party is incohesive, he is both a veto pivot and veto player. If his party is cohesive, the governing party takes over the roles of the 3rd legislator.

Consider unified government in Case 2-1. If the governing party is a cohesive majority, it is an agenda setter and a single veto player. If it is not a cohesive majority, the median legislator is an agenda setter and the veto pivot (3rd legislator) is a single veto player. Next, consider divided government in Case 2-1. First, if an opposing majority and a governing minority are both cohesive, the opposition party is an agenda setter and the president is a single veto player. Second, if the opposition party is cohesive but the governing party is not cohesive, the opposition party is an agenda setter and the veto pivot is a veto player. Third, if the opposition party is incohesive but the governing party is cohesive, the median legislator is an agenda setter and the president is a veto player. Fourth, if the opposing majority and governing minority are both incohesive, the median legislator is an agenda setter and the veto pivot is a veto player. We can identify cores of Cases 2-1 in the same way we did for Case 1: connect the ideal points of an agenda setter and a veto player.

Case 2-2 represents a case in which a majority party wins a supermajority. In this case, the 3rd legislator belongs to the governing party under unified government, but he is in the opposition party under divided government. Such a change in seat share does not change the constellation of an agenda setter and veto player under unified government but does change it under divided government. Under divided government, the agenda setter is either a cohesive opposition party or the median legislator depending on cohesiveness of the opposition party. Even when the governing party is cohesive, the president loses his veto player since the 3rd legislator now belongs to the opposition party. If the opposition party is not cohesive, the 3rd legislator is the veto pivot. If the opposition party is cohesive, the party takes over the role of the veto pivot.

The introduction of the filibuster procedure to a pure majoritarian legislature yields a veto player: the filibusterer. Since the legislator mounts a filibuster against an agenda

setter's proposal, the filibusterer belongs to the minority party. I assume that the filibusterer's position is the same as the position of the minority party.¹⁰ With this assumption, the filibusterer's position becomes o if the opposition party is a minority. If the governing party is a minority, the filibusterer's position is p . In Cases 3-1 and 3-2, we can easily identify cores by identifying the distance between the veto player (filibusterer) and an agenda setter (the position of the majority party or the median legislator depending on the discipline of the majority party).

Adding the cloture procedure to Cases 3-1 and 3-2 changes the identity of a veto player from the filibusterer to the filibuster pivot if all legislators are autonomous. However, if the party of the filibuster pivot is cohesive, the party becomes the filibuster pivot since he has to follow his party. While there is one potential veto pivot (the 3rd legislator) in Cases 2-1 and 2-2, there are two potential filibuster pivots in Cases 4-1 and 4-2. If the governing party is a majority, the 5th legislator is a potential filibuster pivot. If the opposition party is a majority, the 3rd legislator is. If the party of these legislators is incohesive, the legislators are filibuster pivots; otherwise, their parties are. So, we can identify cores by identifying the distance between the agenda setter and the filibusterer pivot in Cases 4-1 and 4-2.

The U.S. legislative institution includes presidential veto, veto override, filibuster, and cloture procedures (Case 5-1 and 5-2). This complication requires one caveat to be noted. If the governing party is a minority, it has two veto powers to exercise: presidential veto and filibuster. However, these double veto powers given to the governing party do not complicate the analysis. As I pointed out above, the presidential veto is the more powerful weapon to block the bill since the opposition party has to build a bigger coalition to override the presidential veto than to end a filibuster of the governing party. So, the governing party under divided government will use the presidential veto. Based on this reasoning,¹¹ I treat the 3rd legislator as the veto pivot. An identification of the pivot player of the governing party with a minority in this way enables us to find cores in the U.S. legislative institution by using the rules discussed above. First, the cohesive majority party or the median legislator of the incohesive majority party is an agenda setter. Second, if the party of a pivot player is cohesive, the party is a veto player. Otherwise, the pivot player is a veto player. Third, the core is the distance between the agenda setter and the veto player.

Lastly, Case 6 represents a legislative institution of parliamentary regimes. In parliamentary regimes, the executive (p) sets agendas and the legislature decides whether it accepts them or not. There are three possibilities regarding the identity of a veto player. First, if the governing party (coalition) is a cohesive majority, it is a veto player.¹² Second, if the opposition party (coalition) is a cohesive majority, it is a veto player. Third, if the majority party is not cohesive, the government still sets agendas and the median legislator has de facto veto power. Like the cases in the presidential system, we can identify cores with information about the identities of an agenda setter and veto players.

Having identified cores across different legislative institutions, party discipline, and party seat share, we can compare the results with regard to the length of cores. Table 2 shows how different lawmaking procedures affect policy stability (the length of core) under different types of government and party seat share. The plus and minus signs respectively represent an increase and a decrease in policy stability. The number of each sign in each cell indicates the size of institutional impact. For example, one plus sign (from the distance between v and m to the distance between p and m , for instance) indicates an increase in policy stability by one interval measured in terms of a cell. Table 2 shows that the impacts of lawmaking procedures are differential depending on party discipline of the majority and opposition parties, types of government, and party seat share.

Table 2. The effects of legislative institutions on the size of cores

The effects of legislative institutions on the size of cores					
Cohesiveness		Majoritarian seat share		Supermajoritarian seat share	
maj.	min.	Unified government Majority government	Divided government minority government	Unified government Majority government	Divided government minority government
Case A. legislature + presidential veto					
Y	Y	.	++++	.	++++
Y	N	.	++++	.	++++
N	Y	++	++	++	++
N	N	++	++	++	++
Case B. (legislature + presidential veto) + veto override:					
Y	Y	.	.	.	----
Y	N	.	-	.	----
N	Y	-	.	-	-
N	N	-	-	-	-
Case C. legislature + (presidential veto + veto override)					
Y	Y	.	++++	.	.
Y	N	.	+++	.	.
N	Y	+	++	+	+
N	N	+	+	+	+
Case D. legislature + filibuster					
Y	Y	++++	++++	++++	++++
Y	N	++++	++++	++++	++++
N	Y	++	++	++	++
N	N	++	++	++	++
Case E. (legislature + filibuster) + cloture					
Y	Y	.	.	----	----
Y	N	-	-	----	----
N	Y	.	.	-	-
N	N	-	-	-	-
Case F. legislature + (filibuster + cloture)					
Y	Y	++++	++++	.	.
Y	N	+++	+++	.	.
N	Y	++	++	+	+
N	N	+	+	+	+
Case G. legislature + (presidential veto + veto override) + (filibuster + cloture)					
Y	Y	++++	++++	.	.
Y	N	+++	+++	.	.
N	Y	+++	+++	++	++
N	N	++	++	++	++
Case H. legislature + (executive agenda setting power)					
Y	Y	.	++++	.	++++
Y	N	.	++++	.	++++
N	Y	++	++	++	++
N	N	++	++	++	++

In Table 2, Case A represents a case in which presidential veto (without veto override) is added to the baseline legislature. Under unified government, the president with a cohesive majority does not use his veto power since his party is an agenda setter. So, the presidential veto does not increase policy stability if the president's party is cohesive. If the president's party is not cohesive, the median legislator sets agendas. The president vetoes any bill proposed against the status quo between p and m . Without the presidential veto, the median position would have been adopted. So, a presidential veto increases policy stability of unified government if his party is indisciplined. Under divided government, the opposition party set agendas. The presidential veto increases policy stability maximally if the

opposition party is cohesive, since the president will veto any bill proposed against the status quo between p and o (four intervals). When the opposition party is incohesive, the median legislator sets agendas. The president will veto any bill proposed against the status quo between p and m . So the presidential veto increases policy stability under divided government.

Case B shows changes in policy stability when veto override is introduced to Case A. As Table 2 shows, veto override has some effect in resolving gridlock, but not much (one interval increase), unless the cohesive opposition party wins more than a 2/3 majority *and* is cohesive. Without veto override, the opposition party sets the agenda and the president vetoes it. So, the core is maximized to the distance between p and o . With veto override, the cohesive opposition party with a supermajority overrides the veto. Thus, gridlock disappears. If the opposition party with a supermajority is incohesive, the median sets agendas and the president vetoes them without veto override. So, the core is an interval between p and m (two intervals). With veto override, the veto pivot becomes a veto player against the median legislator. So, the core reduces to the distance between v and m (one interval). This result shows that the veto override procedure is not effective in resolving gridlock in the U.S. Congress unless the opposition party is a cohesive supermajority.

Case C shows an overall change in policy stability resulting from the presidential veto and veto override combined. The number of plus signs in each row of Case C is the sum of plus and minus signs in the corresponding rows of Cases A and B. Table 2 shows that these two procedures cause gridlock maximally (four intervals) under divided government with cohesive governing and opposition parties. When neither of the parties is cohesive, the two procedures increase policy stability by only one interval, whether the government is unified or divided or whether the party seat share is majoritarian or supermajoritarian. Table 2 also shows that if a supermajority party is cohesive, there is no change in policy stability between the baseline legislature and Case C.

Case D represents a case in which a filibuster (without cloture) is added to the baseline case. The stabilizing effect of the filibuster is impressive. When the simple majority party is cohesive, the minority party can cause gridlock maximally if it is cohesive. In this case, the majority party sets agendas and the minority party evokes a filibuster against them. When the simple majority party is incohesive, the median voter sets the agenda and the minority party mounts a filibuster against it. The strong stabilizing effect of the filibuster is maintained with a supermajoritarian seat share. The reason why the filibuster has a stronger stabilizing effect than the presidential veto is that the former always produces at least two veto players while the latter does not. The filibuster procedure confers on any legislator in the minority party a veto power against the majority party (or the median) whether the majority is governing or in opposition. So, there always exists a veto player against an agenda setter. In contrast, when the majority is governing, the president does not veto if his position is the same as his party's position or he controls his party (which is assumed in this paper). With the presidential veto, an agenda setter could be identical to the veto player.

Adding a cloture procedure to Case D significantly resolves gridlock only if the majority party is more than a 3/5 majority *and* is cohesive. Without cloture, the cohesive majority party with a supermajority sets agendas, and the minority party mounts a filibuster. So, the core is the distance between the ideal points of the two parties (four intervals). With cloture, the cohesive supermajority party is able to end the filibuster. So, cores disappear. However, when the majority party with a supermajority is not cohesive, the median legislator sets agendas and the minority party mounts filibuster if there is no cloture procedure. So, the core is the distance between the position of the minority party and m (two intervals). With cloture, the filibuster pivot can end the filibuster against the median legislator. Thus,

the core is the distance between m and f (one interval). Even when the majority party enjoys a supermajority status, cloture does not effectively decrease the length of the core unless it is cohesive.

Case F shows that a filibuster combined with cloture still increases policy stability of the baseline case significantly when a cohesive majority fails to win a supermajority. The number of plus signs in each row of Case F is the sum of plus and minus signs in the corresponding rows of Cases D and E. Table 1 shows that the stabilizing effect of the filibuster and cloture procedures decreases if the majority party is incohesive. When neither of the parties is cohesive, the stabilizing effect of the two procedures significantly diminishes, regardless of the types of government and party seat shares. If a supermajority is cohesive, the two procedures do not change policy stability of the baseline legislature at all. In contrast, if a majority is incohesive, the two procedures increase the core by one interval even when the majority party enjoys a supermajority status.

Case G shows how the U.S. legislative institution increases policy stability of the baseline case. The number of plus signs in each row of Case G is the sum of plus signs in the corresponding rows of Cases C and F. Table 2 shows that when a majority party fails to win a supermajority, the effect of the U.S. lawmaking procedures on policy stability is impressive regardless of the types of government. When the majority party is a simple majority only, it is very difficult to change status quo policies. The length of the core is maximized when the two parties are cohesive. As one of the two parties becomes incohesive, policy stability decreases by one interval. If the majority party obtains a supermajority status, policy stability diminishes significantly. In particular, when a supermajority is cohesive, the U.S. legislative institution becomes identical to the baseline case in its ability to change the status quo. When one of the two parties is a supermajority, indiscipline of the supermajority *increases* policy stability. This result disproves the conventional wisdom that party indiscipline is conducive to legislative efficiency in the U.S. Congress. It depends. When a party is a simple majority, party indiscipline helps the majority party pass laws. In contrast, when a party is a supermajority, it hinders the majority party from passing laws.

The result that party indiscipline decreases policy stability is consistent with Mayhew's (1991) finding of non-differential policy productivity between unified and divided governments. However, gridlock conditions are exactly symmetric between unified and divided government. Unless a party wins a supermajority, indiscipline decreases policy stability *not across* the different types of governments. More specifically, if the majority or minority party becomes less cohesive, cores get smaller under unified and divided governments alike. In other words, party indiscipline is not particularly more favorable for generating less gridlock under divided government than under unified government. This implies that legislative productivities that are equivalent between unified and divided governments do not result from indiscipline. Legislative productivity under divided government is identical to that under unified government regardless of party indiscipline. Table 2 also shows that if a party wins a supermajority, indiscipline of the supermajority party *increases* policy stability. Legislative productivities under super-divided and super-unified governments are the same regardless of party indiscipline.

Lastly, Case H presents a parliamentary case in which the governing party sets agendas. In this system, indiscipline of the majority governing party (coalition) increases gridlock whereas discipline of the majority opposition party (coalition) increases it. In a parliamentary system, policy stability does not change when a governing minority or an opposing minority is incohesive. What matters is whether the cohesive majority party governs or opposes. If it governs, no gridlock occurs. If it opposes, policy stability is

maximized. This result does not change if the majority party wins a supermajority. The reason is that there is no supermajoritarian procedure in parliamentary regimes.

Table 3 shows the effect of divided (minority) government on policy stability. What is notable in Table 3 is that split party control of the executive and the legislature under presidential regimes has an effect only with the presidential veto procedure combined with majoritarian seat share (Case 2-1). As I explained above, the reason is that the president does not veto when a majority governs whereas he can exert his veto power when a simple majority opposes. However, if the majority party is a supermajority, he does not use his veto power either because he does not need to use the veto against his party or because his veto against the opposition party will be overridden. So, there is no difference in policy stability when a majority party wins a supermajority.

Table 3. The effects of governments being divided (minority) on the size of cores

The effects of governments being divided (minority) on the size of cores			
Cohesiveness of the two parties		Majoritarian seat share	Supermajoritarian seat share
+ presidential veto		Case 1	
Cohesive governing party	Cohesive opposition party	+ + + +	
Cohesive governing party	Incohesive opposition party	+ +	
Incohesive governing party	Cohesive opposition party	+ +	
Incohesive governing party	Incohesive opposition party	.	
+ presidential veto + veto override		Case 2-1	Case 2-2
Cohesive governing party	Cohesive opposition party	+ + + +	.
Cohesive governing party	Incohesive opposition party	+ + +	.
Incohesive governing party	Cohesive opposition party	+	.
Incohesive governing party	Incohesive opposition party	.	.
+ filibuster		Case 3	
Cohesive governing party	Cohesive opposition party	.	
Cohesive governing party	Incohesive opposition party	.	
Incohesive governing party	Cohesive opposition party	.	
Incohesive governing party	Incohesive opposition party	.	
+ filibuster + cloture		Case 4-1	Case 4-2
Cohesive governing party	Cohesive opposition party	.	.
Cohesive governing party	Incohesive opposition party	.	.
Incohesive governing party	Cohesive opposition party	.	.
Incohesive governing party	Incohesive opposition party	.	.
+ presidential veto + veto override + filibuster + cloture		Case 5-1	Case 5-2
Cohesive governing party	Cohesive opposition party	.	.
Cohesive governing party	Incohesive opposition party	.	.
Incohesive governing party	Cohesive opposition party	.	.
Incohesive governing party	Incohesive opposition party	.	.
+ executive agenda setting power		Case 6	
Cohesive governing party	Cohesive opposition party	+ + + +	
Cohesive governing party	Incohesive opposition party	+ + + +	
Incohesive governing party	Cohesive opposition party	.	
Incohesive governing party	Incohesive opposition party	.	

With the filibuster (combined with cloture) procedure, policy stability is not affected by government being divided. The reason is that a filibusterer can always mount a filibuster against any agenda setter regardless of the types of government. Adding the cloture procedure does not change the symmetric effect of the filibuster on policy stability between unified and divided governments, since the procedure only changes a veto player from a filibusterer to the filibuster pivot. Recall that Case G is a combination of Case C and Case F.

If the majority governing party fails to win a supermajority, this institutional combination has the effect of eliminating the possibility of revolving gridlock. In Case C, only if the governing party is a cohesive majority, gridlock does not occur. If the filibuster and cloture procedures are added, the procedures generate a veto player (a filibusterer or the filibuster pivot) who makes it impossible for the simple majority governing party to change the status quo without the veto player consenting. In this sense, adding the filibuster and cloture procedures to the presidential veto and veto override procedures has the effect of eliminating an asymmetry in policy stability between unified and divided government.

Table 4 presents the effects of party discipline on policy stability under different governments. Table 4 shows that the effects are differential across types of government and a majority or supermajority status of the governing or opposition party. Discipline of the majority party always affects policy stability, but discipline of the opposition party only affects policy stability with a filibuster combined with a cloture procedure when the majority party wins a simple majority only. The reason is that the discipline of the minority party changes the veto player from the filibuster pivot to the minority party when the majority party wins a simple majority only. When the majority party wins a cohesive supermajority, the majority party is a single veto player regardless of party discipline of the minority party. When the majority party wins an incohesive supermajority, the filibuster pivot is a single veto player regardless of party discipline of the minority party.

Table 4. The effect of party discipline on the size of cores

The effect of party discipline on the size of cores			
Majoritarian seat share			
Unified		Divided	
Case 1. + presidential veto: simple (super) majoritarian seat share			
majority governing party	- -	majority opposition party	+ +
minority opposition party	.	minority governing party	.
Case 2-1. + presidential veto + veto override: simple majoritarian seat share			
majority governing party	-	majority opposition party	+ +
minority opposition party	.	minority governing party	+
Case 2-2. + presidential veto + veto override: super-majoritarian seat share			
majority governing party	-	majority opposition party	-
minority opposition party	.	minority governing party	.
Case 3. + filibuster: simple (super) majoritarian seat share			
majority governing party	+ +	majority opposition party	+ +
minority opposition party	.	minority governing party	.
Case 4-1. + filibuster + cloture: simple majoritarian seat share			
majority governing party	+ +	majority opposition party	+ +
minority opposition party	+	minority governing party	+
Case 4-2. + filibuster + cloture: super-majoritarian seat share			
majority governing party	-	majority opposition party	-
minority opposition party	.	minority governing party	.
Case 5-1. + presidential veto + veto override + filibuster + cloture: simple majoritarian seat share			
majority governing party	+	majority opposition party	+
minority opposition party	+	minority governing party	+
Case 5-2. + presidential veto + veto override + filibuster + cloture (U.S.): super majoritarian seat share			
majority governing party	- -	majority opposition party	- -
minority opposition party	.	minority governing party	.
Case 6. + executive agenda setting power: simple (super) majoritarian seat share			
majority governing party	- -	majority opposition party	+ +
minority opposition party	.	minority governing party	.

Table 4 shows that the discipline of both of the parties increases policy stability regardless of the types of government under U.S. legislative institutions. The indiscipline of the parties is not particularly conducive to divided government. According to Table 4, when the majority party wins a supermajority, the discipline of the majority party *decreases* policy stability whereas the discipline of the minority party does not affect it. Table 4 also shows that the discipline of the majority party affects policy stability symmetrically across the types of government under the U.S. presidential system, whereas it does asymmetrically under parliamentary regimes. Under the U.S. lawmaking procedures, the discipline of the simple majority party increases policy stability, whereas the discipline of the supermajority decreases it regardless of the types of governments. In contrast, the discipline of the majority party decreases policy stability under majority government while it increases policy stability under minority government.

Conclusion

This paper finds that policy stability under the U.S. legislative institution is non-differential between unified and divided government whether party discipline is strong or not. This finding implies that the way of raising questions about U.S. lawmaking should be redirected. The conventional question has been: Why is legislative productivity under divided government as high as that under unified government? With this question, scholars have attempted to find problems attributable to divided government. However, we can raise the opposite question for the same phenomena: Why is legislative productivity under unified government as low as that under divided government? According to the result of this paper, the filibuster combined with the supermajoritarian cloture procedure is the primary institutional factor for non-differential productivity between the two types of government. With the filibuster, the majority party cannot pass laws, whether it is the governing party under unified government or the opposition party under divided government, unless one of the parties wins a supermajority. If either party wins a supermajority, it is able to pass laws regardless of its governing status.

However, if the U.S. legislative institutions had allowed the presidential veto and veto override procedure only, government types could have made a difference in legislative productivity. With the presidential veto, the governing party with a simple majority could accomplish its agendas. In contrast, the opposition party with a simple majority could not since it could not override the veto. So, the types of government do make a difference in legislative productivity if there is no party with a supermajority. However, if any party wins a supermajority of over $2/3^{\text{rds}}$, it can also accomplish its agendas. So, the types of government do not make a difference with a supermajority party.

This explanation reveals a significant institutional implication regarding the U.S. legislative institution. The U.S. institution confers a very powerful legislative weapon on the opposition party. The opposition party has a veto power analogous to the presidential veto. Just as the opposition party with a simple majority cannot do anything to accomplish its agendas under divided government (due to the presidential veto combined with a supermajoritarian override condition), the governing party with a simple majority cannot do anything to accomplish its agendas even under unified government. This institutional symmetry that provides an almost equivalent veto power to the opposition party explains why legislative productivity under unified government is as low as that under divided government. The positive side of such an institution is to realize the idea of checks and balances between governing and opposing forces. The negative side is that the U.S. system makes necessary

reforms difficult to implement.

Lastly, the results of this paper shed light on a question regarding the variation in party discipline across regimes. This paper shows that party indiscipline enhances legislative efficiency (regardless of government types) in the U.S. presidential regime, whereas it hinders that in parliamentary regimes. This result implies that the autonomy of legislators in the United States endogenously results from the U.S. legislative structure. In the U.S. Congress, it is difficult to change the status quo if the parties are disciplined. In contrast, legislatures in parliamentary regimes operate with a simple majority rule without complicated institutional checks. Due to the simple and efficient nature of the parliamentary structure, party indiscipline is detrimental for a majority party to accomplish its agendas: this is why parliamentary regimes work better with disciplined parties.

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Endnotes

¹ Paper prepared for delivery at the 2012 Annual Meeting of the Southwestern Political Science Association, San Diego, California, April 4–7, 2012.

² See page 8 for the definition of the veto pivot.

³ Since override condition (a 2/3 majority) is more restrictive than cloture condition (a 3/5 majority), the U.S. legislative institutions provide the governing party with a legislative advantage. The size of the advantage depends on the relative ease of winning a 3/5 majority over a 2/3 majority.

⁴ In his explanation of lawmaking procedures in the United States, Krehbiel treats a filibusterer as the filibuster pivot: “the filibuster pivot . . . chooses whether to mount filibuster” (1998: 25). However, he defines the filibuster pivot as a legislator pivotal in revoking a filibuster and uses this definition in his analysis of equilibrium outcomes. In this research, I distinguish a filibusterer from the filibuster pivot.

⁵ Krehbiel treats status quo policies in Intervals 7 and 8 (Interval V in his study) as the ones that the median legislator and the president both “regard as undesirable relative to the legislative median” (1998: 36). However, Krehbiel’s treatment of the two intervals in the same way seems misguided.

⁶ Most of the bills are supported by a majority of the legislators in South Korea, where the parties tend to be cohesive.

⁷ Tsebelis (2002: 28) refers to this finding as the “absorption rule.”

⁸ Tsebelis (2002: 28) refers to this finding as the “absorption rule.”

⁹ We can alternatively imagine a seven member legislature with a president whose ideal point is different from his party position. This makes the analysis a little more complicated, but does not alter qualitative results of this paper.

¹⁰ Alternatively, we can assume that the filibusterer is the most extreme legislator, but this assumption does not change the results of analyses.

¹¹ In fact, the 3rd legislator is both a veto pivot and a filibuster pivot in our seven member example.

¹² If the government consists of coalition parties, the parties in the government are veto players (Tsebelis 2002).