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Comity in Context: Confrontation in Historical Perspective

ERIC M. USLANER*

Comity in Congress is adherence to the norms of courtesy and reciprocity within a 'regular order'. There has been a decline of comity in the United States Congress since the 1970s. Institutional causes, such as legislative reform, increased reliance on the media and an influx of new members, are discussed and discarded. Instead, a societal explanation appears to be more useful: the decline of comity in the Congress reflects the decline of comity in the country. A comparison of the late twentieth century with the pre-Civil War era supports this general argument. It also offers little hope for the return of civility.

'All of us, in both political parties, must resolve to bring this period of mindless cannibalism to an end,' said Speaker Jim Wright (D, Tex.) in resigning after the House Committee on the Standards of Official Conduct charged him with numerous violations of ethics rules.¹ Wright's downfall was engineered by members of the Conservative Opportunity Society (COS), a band of conservative Republicans committed to a strategy of guerrilla warfare against the Democratic majority and its leadership.

'Cannibalism' and guerrilla warfare are anathemas to the Congress, as are other violations of civility that have crossed party lines in both the House and the Senate since the 1970s. The tone of discourse on Capitol Hill is normally remarkably restrained. Heckling and applause are prohibited, in contrast to parliamentary systems such as that in Britain. Members must respect each other's integrity in debate. Until recently they could not even refer to one another by name.

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¹ Janet Hook, 'Passion, Defiance, Tears: Jim Wright Bows Out', *Congressional Quarterly Weekly Report* (3 June 1989), 1289.

There is little debate that there has been a decline in comity in Congress. More contentious are the causes of such uncivil behaviour and what the solutions, if any, might be. Are the conflicts in the Congress the result of changes *within* the institution such as structural reforms, increased turnover or televising House and Senate proceedings? Or might they reflect larger forces within the society? If the changes are attributable to internal factors, structural reforms should be able to resolve the problems. If the causes are external, there is less hope for optimism. The decline of civility should be mirrored in other American institutions – and, indeed, in the society at large. Indeed, the problem of comity is not uniquely American. Nor is it only a late twentieth-century phenomenon. The pre-Civil War Congress was marked by even sharper conflicts than the contemporary legislature. What lessons can we learn from the past? Looking across time and across cultural and institutional boundaries is more than an intellectual exercise. The antebellum society ultimately did resolve the comity problem – through a realignment and a Civil War. Might at least a realignment resolve our present difficulties if structural reform would not? Is one in the offing? Evidence of a cross-national decline of comity, on the other hand, suggests that there might be greater difficulties in restoring some sort of order since there may be few commonalities that are readily manipulable.

Why should we care? How does increased rancour effect the legislative process? Most obviously, the degeneration of civilized discourse makes compromise more difficult. On issues that are marked by cross-cutting cleavages, stalemate ensues. Compromise requires particularly delicate negotiations and a willingness to give competing claims their due. The energy battles of the 1970s and 1980s were marked by high tension, very little trust and no coherent outcomes. Attempts to reduce the budget deficit, particularly under divided partisan control of the legislative and executive branches, have similarly met with a lack of will and trust. Even the much vaunted pork barrel, supposedly the hallmark of an accommodationist politics, has been marked by legislators sniping at each other in unprecedented numbers.

Increased rancour leads to the implication that unwillingness to compromise leads to non-cooperative behaviour, which in turn results in stalemate. Yet the decline of comity does not necessarily lead to stalemate. It may also lead to *bad policy making*. Legislators, like colicky children, may cry loudly if they cannot get their way. When there are a wide variety of interests with different demands, as on energy or the budget, these shrill voices may cancel each other out. When there are few countervailing forces, as on agriculture or drug policy, colleagues (like parents) may simply bow to the shrieking baby for self-protection. Thus, farmers, always popular in the American mind, extracted \$133.5 billion in crop subsidies from Congress in the 1980s even as other programs were severely slashed. The stridency of the farm lobby angered members of Congress and the administration, but neither could figure out how to ‘just say no’. Rep. Robert Walker (R, Penn.), a leader in the COS, got his way on weakening clean air legislation and on workplace drug testing from a reluctant House in 1988 by tying up floor procedures and impugning the motives

of potential opponents of his amendments.² Bad policy making does not refer just to the content of policies, but also to the process of decision making, in this case policy formation by threats. This may yield what seems like a co-operative outcome – legislation does, after all, get enacted – but it does not generally correspond to majoritarian, consensual or comprehensive policy making.³

Contemporary accounts of contentiousness in the House and Senate begin, as they should (indeed must) with descriptions of how Matthews's famed norms of the 1950s have weakened, perhaps even disappeared.⁴ The norms of courtesy, reciprocity, apprenticeship, specialization, legislative work and institutional patriotism formed the basis of the relatively constricted system of congressional power prior to the 1970s. In the Senate these norms supported the Senate's tightly-run 'Inner Club' in the 1950s.⁵ In the House, they gave rise to Speaker Sam Rayburn's (D, Tex.) famous maxim: 'To get along, go along.' We don't know when these norms took hold. Firm adherence to them is certainly a twentieth-century phenomenon. The Congress of the nineteenth century, at least the legislature in the pre-Civil War era, was a rather different type of body. Conflict, much sharper than we find in the late twentieth century, abounded. Overall, politics was more raucous.

THE SLIPPERY SLOPE OF COMITY

The decline in comity is not readily measurable. To some degree, we can attribute this to the slipperiness of the concept of 'comity'. This is not the entire story, however. First, we must get some handle on what 'comity' means. It is more than simply being nice to one another. As good a place as any to start in seeking to understand a concept is the dictionary, which, after all,

² On energy, see Eric M. Uslaner, *Shale Barrel Politics* (Palo Alto, Calif.: Stanford University Press, 1989). On the budget, see Joseph White and Aaron Wildavsky, 'Public Authority and the Public Interest: What the 1980s Budget Battles Tell Us about the American State', *Journal of Theoretical Politics*, 1 (1989), 7–31. On the pork barrel, see, *inter alia*, Paul Blustein, 'US budget increasingly free of pork-barrel spending', *Washington Post*, 21 March 1988, A1, A7. On agriculture, see Keith Schneider, 'The farm economy is fine and can expect more aid', *New York Times*, 4 February 1990, p. E4. On Walker, see Janet Hook, 'End-of-Session Vote Spree Inflames Tempers', *Congressional Quarterly Weekly Report* (8 October 1988), 2787–8; and Phil Kuntz, 'Anti-Drug Plan: Surviving the Legislative Wringer', *Congressional Quarterly Weekly Report* (17 December 1988), 3516–21.

³ See Theodore J. Lowi, *The End of Liberalism*, revised edn (New York: W. W. Norton, 1979).

⁴ Donald R. Matthews *US Senators and Their World* (Chapel Hill: University of North Carolina Press, 1960); David W. Rohde, Norman J. Ornstein and Robert L. Peabody, 'Political Change and Legislative Norms in the US Senate,' in Glenn R. Parker, ed., *Studies of Congress* (Washington, DC: CQ Press, 1985), pp. 147–88; Steven S. Smith, *Call to Order* (Washington, DC: The Brookings Institution, 1989); Barbara Sinclair, *The Transformation of the US Senate* (Baltimore, Md.: Johns Hopkins University Press, 1989); and Eric M. Uslaner, 'What Sustains Congressional Norms?' (paper presented at the annual meeting of the American Political Science Association, San Francisco, 1990).

⁵ William S. White, *The Citadel* (New York: Harper and Row, 1956).

is a measure of usage in ordinary language. The premier dictionary is, of course, the *Oxford English Dictionary*, which gives the following definitions:⁶

- (1) Courtesy, civility, urbanity; kindly and considerate behaviour towards others.
- (2) *Comity of nations*: The courteous and friendly understanding, by which each nation respects the laws and usages of every other, so far as may be without prejudice to its own rights and interests.

The first definition straightforwardly refers to courtesy – indicating that comity requires a certain degree of manners.

Manners are conventions.⁷ This is where the second definition helps out. It explicitly refers to respect for ‘laws and usages’. This is, of course, the familiar norm of reciprocity, but it is more than that. Exchange implies no convention. One can imagine reciprocity in an anarchic world. Comity, instead, implies courtesy *and* reciprocity within conventions. In the context of the Congress, this conjunction corresponds to what is called ‘regular order’. Now members of the House of Representatives mean two different things when they demand ‘regular order’.⁸ This duality is essentially the same as that in the definition of comity.

Corresponding to ‘laws and usages’ is the procedure for the day, as determined by the calendars, the Rules Committee and the rules of the House itself. The *demand* for regular order, however, occurs ‘when the House procedure is contrary to the rules, or when it is boisterous or noisy in the Chamber’.⁹ This second component implies both civility and the rules of procedure. Thus, comity should be considered to be the adherence to rules and procedures within the context of civility and reciprocity. Courtesy is central, since violating this norm creates a public scene – and a public statement. The call for ‘regular order’ in the House normally occurs when there is a lack of decorum in the chamber. The importance of reciprocity follows directly: uncivil behaviour implies at least some disdain for give-and-take. Since all six of Matthews’s norms fall within formal or informal rules, norm adherence is a (but not the only) measure of comity. Courtesy and reciprocity stand above the other folkways. I shall focus on these two norms here. There must be some set of norms to which members widely adhere – or, perhaps more critically, a set of incentives

⁶ The reference is to *The Compact Edition of the Oxford English Dictionary* (Oxford: Oxford University Press, 1971), p. 606.

⁷ David K. Lewis, *Convention* (Cambridge, Mass.: Harvard University Press, 1969).

⁸ Floor politics in the Senate may be deemed relatively anarchic, with its almost non-existent rules and its heavy reliance on unanimous consent. See Keith Krehbiel, ‘Unanimous Consent Agreements: Going Along in the Senate’, *Journal of Politics*, 48 (1986), 541–64.

⁹ Wm. Holmes Brown, *Jefferson’s Manual and Rules of the House of Representatives of the United States* (Washington, DC: Government Printing Office, 1979), p. 167; and Floyd M. Riddick, *The United States Congress: Organization and Procedure* (Manassas, Va.: National Capitol Publishers, 1949), p. 306.

against or sanctions for violating such canons.¹⁰ Comity does not imply Matthews's other four folkways; it is consistent with a wide range of acceptable behaviour patterns.

The problem with measuring comity is twofold. First, there is no barometer of hostility by which one can compare the 1970s and 1980s with the 1940s, 1950s and 1960s on the key indicators of courtesy and reciprocity. These are subjective concepts and certainly admit of no ready scale of measurement, much less a natural zero point. Second, when we can measure departure from older folkways, this in itself hardly implies a decline of comity. Canons such as apprenticeship and specialization no longer characterize the Congress since the 1970s: more junior members now participate on the floor of the House and the Senate than in the 1950s and all members no longer respect committee jurisdictions when proposing amendments to legislation. However, the displacement of old maxims does not mean that new ones cannot arise.

Given the interdependency of courtesy and reciprocity, the measurement problems that arise are particularly difficult. Reciprocity is potentially quantifiable. It is, after all, one manifestation of exchange. It is not quite so readily observable. Much reciprocity is based upon expectations of future co-operation, not explicit bargains.¹¹ Such deference to colleagues may well be difficult for even the participants to quantify. Additionally, many vote trades or other favours take place behind closed doors, so that observability in principle is of little solace. There are some measurable components of reciprocity. Sinclair finds a sharp increase in the number of filibusters from the 1950s to the 1970s and 1980s: from 1955 to 1960 there were 0.67 filibusters per Congress, compared to 11.4 for the 1970s and 12.3 for 1981–86. An indicator of specialization – the range of committees and issues to which legislators are willing to offer amendments – also serves as a gauge of reciprocity. Legislators now challenge legislation from other committees with relative impunity.¹²

Procedural wrangling has long been a hallmark of congressional politics, but it has taken on an entire new dimension in the 1980s. Some Republican members charged that the *Congressional Record* does not accurately portray floor activities since members may edit their remarks or even include some comments not delivered on the floor. In 1985 they sued (without success) the Democratic leadership in an attempt to provide a more accurate account of floor proceedings. Since then, most Republicans (and a smattering of Democrats) daily challenge the previous day's *Journal* in a direct assault on reciprocity.

¹⁰ David M. Kreps, 'Corporate Culture and Economic Theory' (paper presented at the Second Mitsubishi Bank Foundation Conference on Technology and Business Strategy, Tokyo, 1984); and Michael Taylor, *The Possibility of Cooperation* (Cambridge: Cambridge University Press, 1987), pp. 29–30.

¹¹ Herbert B. Asher, 'The Learning of Legislative Norms', *American Political Science Review*, 67 (1973), 499–513. There is also the problem of preference revelation: one can never be sure that any exchange involves something of value to both sides.

¹² Sinclair, *The Transformation of the US Senate*, pp. 94, 111–29; and Smith, *Call to Order*, 139–44.

Civility, on the other hand, is a very public affair. Sessions of Congress are routinely open to the public and the press, as are committee hearings and mark-ups since the 1970s. More so now than in the 1960s, the opportunities for members to gain public attention are greater than ever. There is more news on the television, although it is far from clear that a much wider audience is being reached. While such courtesy is highly visible, it is much more difficult to count. We do not use a decibel meter to gauge the level of discourtesy in Congress – or outside it.

To argue that there has been a decline of comity, then, is to depend upon impressionistic evidence. Much of this evidence is very persuasive. The literature on Congress in the 1950s and 1960s stressed the importance of courtesy to the functioning of Congress. By the 1970s, 1980s and 1990s, members and former members of Congress complained, often in newspaper ‘Op-Ed’ articles, that civility had declined and that the national legislature was in danger of breaking down altogether. Former Republican House leader Joe Martin (Mass.) boasted in his autobiography how his friendship with Democratic leader Sam Rayburn brought patronage to his party when it was in the minority in the 1950s.¹³ While current Republican House leader Robert Michel (Ill.) played golf regularly with Democratic speaker Thomas P. O’Neill (Mass.) in the 1970s, the increasing hostility on Capitol Hill led to a more confrontational attitude towards Wright and, seemingly, some distance between Michel and the new Speaker, Thomas Foley (D, Wash.)

The 1970s and especially the 1980s and 1990s have witnessed a large number of incidents of verbal confrontation between and within the parties in both houses of Congress. Republican House members walked out *en masse* in protest in 1985 over a vote on a disputed electoral contest in Indiana. Minority members of the Energy and Commerce Committee staged a ‘strike’ to protest what they considered unfair party ratios on subcommittees. Senate Republican leader Bob Dole (Kan.) confronted then-Democratic leader Robert Byrd (W. Va.) on the procedures for debating legislation imposing sanctions on South Africa, Tom Harkin (D, Ia.) on farm legislation and Ernest Hollings (D, SC) over the sharply contested nomination of John Tower to be Secretary of Defense.¹⁴

After a sharp exchange over whose personal attacks were more bitter, Dole suggested what seemed to be an old-style playground brawl: ‘I say to my friend

¹³ Joe Martin, *My First Fifty Years in Politics*, as told to Robert Donovan (New York: McGraw-Hill, 1960), p. 9.

¹⁴ Andy Plattner, ‘Republicans Walk Out in Protest After House Seats McCloskey’, *Congressional Quarterly Weekly Report* (5 May 1985), 821–5; Joseph A. Davis, ‘Energy and Commerce Republicans Stay on “Strike”’, *Congressional Quarterly Weekly Report* (9 March 1985), p. 461; Helen Dewar, ‘Senate civility frays under workload’, *Washington Post*, 11 August 1986, pp. A1, A4; and Jonathan Fuerbringer, ‘Temper, temper, temper’, *New York Times*, 11 February 1986, p. A26. On Dole’s generally icy relationship with Byrd compared with the late Minority Leader Everett McKinley Dirksen’s affinity for former Majority Leader Mike Mansfield, see Burdett Loomis, ‘Minority Party Leadership in the US Senate: The Dirksen and Dole Eras’ (presented at the Conference on ‘Back to the Future: The United States Congress in the Twentieth Century’, Carl Albert Congressional Research Center, University of Oklahoma, April 1990).

from South Carolina, I will be glad to discuss this with him privately, or maybe he wants to go out and make that statement when not protected by speaking from the Senate floor.¹⁵ In 1985 such a fracas did take place in the House as COS member Robert K. Dornan (R, Calif.) grabbed Rep. Thomas Downey (D, NY) by his tie and accused him and other Democrats of being weak on national defence. It was in this context that just one year earlier a then kinder and gentler Michel worried that 'the process of civility and the nature of comity that have been the foundation of our legislative process will be eroded beyond repair' by partisan wrangling.¹⁶

It is neither sheer partisanship nor even ideology that has driven the current outbreak of confrontational politics: Republican Whip Alan Simpson (Wyo.), normally a citadel of courtesy, attacked his predecessor Ted Stevens (Ark.) over transition rules for the tax reform bill of 1986, while Republican liberal Lowell Weicker (Conn.) called his moderate colleague John Heinz (R, Pa.) 'devious' and 'an idiot'. Senator Jesse Helms (R, SC) has got into confrontation with virtually every other member of the Senate, while Michel and former Rep. Jack Kemp (R, NY), now Secretary of Housing and Urban Development, took to insulting each other over Contra aid. There have even been tussles across the Capitol. Whereas House rules prior to 1987 prohibited members from even mentioning the Senate (as opposed to 'the other body'), the new ethics permits Representatives, including major party and committee leaders, to criticize the 'upper chamber' in the most unflattering terms.¹⁷

The COS has gone farther than virtually any individual or bloc in the House or the Senate in attacking Congress as an institution. COS members do not accept the legitimacy of the traditional folkways and thus routinely violate them.¹⁸ At first, the behaviour of these 'young Turks' caused Michel considerable grief, but the Minority Leader had few resources at his disposal to impose sanctions upon them. In 1989 Newt Gingrich rose to the second-ranking leadership post for House Republicans. There were no penalties for violating the established canons of behaviour and there were clear rewards. Former Senator William Proxmire (D, Wis.) refused to be bound by many of the chamber's norms from his first election in 1958 and was said to have established an 'alternative role' as an outsider. Now his role is increasingly seen as a new anti-norm.

¹⁵ *Congressional Record*, Daily Edition, 101st Congress, First Session, 7 March 1989, p. S2241.

¹⁶ Margaret Shapiro, 'California congressman puts on a floor show', *Washington Post*, 20 June 1985, pp. A3; and Robert Michel, 'Politics in the age of television', *Washington Post*, 20 May 1984, p. B7.

¹⁷ *Congressional Record*, Daily Edition, 99th Congress, Second Session, 18 June 1986, S7839; Sinclair, *The Transformation of the US Senate*, p. 89; Robert S. Greenberger, 'Sen. Helms, no stranger to controversy, draws ire of unexpected critics', *Wall Street Journal*, 13 August 1986, p. 52; Rowland Evans and Robert Novak, 'The Kemp-Michel row', *Washington Post*, 1 April 1987, p. A23; Mary Beth Franklin and Linda Werfelman, 'Rosenkowski blames Senate for Hill's "do-nothing" notoriety', *Washington Post*, 14 February 1988, p. A21; Janet Hook, 'House-Senate Acrimony Bedevils Democrats', *Congressional Quarterly Weekly Report* (13 February 1988), 296-8.

¹⁸ John J. Pitney, Jr, 'The Conservative Opportunity Society' (paper presented at the annual meeting of the Western Political Science Association, San Francisco, 1988).

So concerned for the prospect of stalemate were Senators David Pryor (D, Ariz.) and John Danforth (R, Mo.) that they established, without noticeable effect, a 'Quality of Strife' caucus in 1985.¹⁹

It is not just civility and reciprocity that have waned. Rather, the entire system of folkways seems to have broken down with nothing to replace it. Senator Joseph Biden (D, Del.) stated:

The first few years [I was in the Senate], there was only one person who, when he gave me his word, I had to go back to the office to write it down. Now there's two dozen of them. As you break down the social amenities one by one, it starts spreading geometrically. Eventually you don't have any social control.²⁰

To say that norms have waned is *not* to imply that the contemporary Congress is anarchic. Many of the old folkways still hold. Seniority is still largely observed, committees still wield considerable power, and courtesy and reciprocity have hardly vanished. But these norms are no longer held virtually unanimously and there are few penalties for violating them. The late H. R. Gross (R, Ia.) was a consistent violator of reciprocity, using House rules to block or delay pork-barrel legislation during his service from 1949 to 1975. Yet he was known as the 'reigning curmudgeon' and his colleagues held him in high personal regard. When a Walker in the House or a Helms in the Senate holds up action on a major piece of legislative in the 1990s, he is more likely to prevail than to be considered a minor irritant. In the battle over a contested House seat in 1985, Rep. Sherwood Boehlert (R, NY) said that the mood had shifted to a 'feeling that people are out to cheat each other, to do one another in. I see it in both parties.'²¹

Many of the younger members in the 1970s gave short shrift to the traditional folkways. A survey of the 'Watergate babies', the very large freshman class of 1974, found that only half believed that 'ability to compromise' was important to their long-range success in Congress as of 1976. Sixty-three per cent gave a positive assessment to 'personal cordiality', but that figure dropped to 39 per cent in 1980 reinterviews. In contrast, Asher's survey of freshmen in 1969 found all agreeing that 'friendly relations are important', 72 per cent stating that they would be willing to trade votes (reciprocity), and 71 per cent who would not criticize a fellow House member. After five months of service, there were only modest changes in these norms – only 92 per cent believed that friendship was central, while 13 per cent more than before would not criticize

¹⁹ Ralph K. Huitt, 'The Outsider in the Senate: An Alternative Role', *American Political Science Review*, 55 (1961), 566–75; Alan Ehrenhalt, 'In the Senate of the '80s, Team Spirit Has Given Way to the Rule of Individuals,' *Congressional Quarterly Weekly Report* (4 September 1982), 2181; and Bill Peterson, 'Study says senators do less with more', *Washington Post*, 25 December 1985, p. A13.

²⁰ Quoted in Ehrenhalt, 'In the Senate of the '80s', p. 2176.

²¹ Bart Barnes, 'Former Iowa Rep. H. R. Gross dies at 88', *Washington Post*, 24 September 1987, p. D6; Marjorie Hunter, "'There is a dark cloud hanging over this chamber'", *New York Times*, 3 May 1985, p. B6.

a fellow member. In each case, the new members had become more like their senior counterparts.²² From the late 1960s to the mid-1970s, the norms central to comity had weakened considerably. What has brought about the current anti-regime? Is the contemporary Congress an anomaly? Are there commonalities between the present era and earlier years?

THREE EXPLANATIONS IN SEARCH OF EVIDENCE

The three most prominent explanations for the contemporary decline of comity in Congress are: (1) the congressional reforms of the 1970s; (2) the impact of the media, especially television; and (3) the influx of new members. Each is posited to have weakened the traditional norms of the House and Senate. The commonality in these accounts is their focus on the internal structure of Congress. They focus on the internal dynamics of the legislative process. Presumably, if one could somehow change these forces through structural reforms (imposing greater centralization, returning to a simpler, less technologically-dependent age or providing a better socialization for new legislators), one could reverse the decline of comity. Certainly this has been high on some legislators' agendas. Proposals have ranged from the exhortation of the Senate 'Quality of Strife' caucus that members 'reason together' to giving party leaders greater control of the legislative process to block dilatory tactics and effectively isolate consistent norm violators. How convincing is each account, especially in the light of historical comparisons?

Congressional Reform

It is by now commonplace to refer to the contemporary Congress as 'post-reform'. Space prohibits a full listing of the wide-ranging structural changes of the early and mid-1970s.²³ The Legislative Reorganization Act (1970) permitted a committee majority to move legislation when the chair refused to do so, restricted the number of committees and subcommittees that members of both houses could serve on or chair, opened committee hearings to public attendance (and television), required members to vote openly in committees and changed House voting procedures so that teller votes would be recorded. The Subcommittee Bill of Rights (1973) effectively transferred power in the House from full committees to subcommittees by granting the latter

²² Burdett Loomis, *The New American Politician* (New York: Basic Books, 1988), p. 48. As might be expected, support for the norms of seniority and legislative apprenticeship were considerably lower, while institutional loyalty was virtually non-existent (Asher, 'The Learning of Legislative Norms', pp. 503, 508).

²³ For a discussion of these reforms, see Leroy N. Rieselbach, *Congressional Reform* (Washington, DC: CQ Press, 1986).

considerable autonomy over rules, staff and budgets. Both parties in the House (1971) adopted rules allowing committees to select committee leaders by criteria other than seniority. House Democrats (1971) and later Senate Democrats (1975) permitted a caucus vote on committee chairs; Democrats authorized the full caucus vote on chair nominees (House: 1973; Senate: 1975) and for House appropriations subcommittee chairs (1975). Both the House and the Senate permitted referral of bills to more than one committee.

How did such structural reforms lead to a decline in comity? They did so by opening up the decision-making process. Junior members had been waiting for years to take a more active role in the policy making. They were frustrated not only by the informal norms against activism, but also by rules of procedure that effectively gave control to committee leaders.²⁴ The assault on seniority was central to the decline in the apprenticeship norm. The subcommittee reforms seemed initially to foster specialization, but perversely may have led to the demise of that norm as more narrow responsibilities may have seemed constricting to legislators. Multiple referral of legislation clearly violated committee autonomy – and hence was a direct attack on both specialization and reciprocity.

The opening up of committee meetings brought sunshine to the government through greatly increased television coverage and attention by interest groups. Just as critically, the introduction of recorded teller votes made members of the House more accountable to their constituents. The focus of attention shifted to pleasing groups back home rather than to making deals with other legislators. Electronic voting was the great emancipator in terms of time: after it was introduced in 1973, amending activity sharply increased, not only from committee members but from outsiders as well (thus attacking reciprocity).

How convincing is this account of the decline of comity? As much as it is part of the conventional wisdom that increasing rancour occurred about the same time as the reform era, this explanation is at best incomplete and at worst misleading. Firstly, rancour has increased at least as much in the Senate as in the House, yet structural reform in the former chamber has not been very extensive at all. While power has devolved to subcommittees in the House, it remains very much in the hands of full committees in the Senate. Yet the specialization norm, among others, deteriorated in both chambers, often at a greater rate than in the House; much of the trend towards normlessness began well before the onset of the post-reform era.²⁵

There has also been a decline of comity in a wide variety of other settings, none of which has been 'reformed' in such a manner: the New York state legislature, the Canadian House of Commons, the California state legislature, the normally staid Japanese Diet, the unreconstructed Chicago City Council

²⁴ For a statement of this position, see Smith, *Call to Order*. See also Sinclair, *The Transformation of the US Senate*, pp. 64–8.

²⁵ Ehrenhalt, 'In the Senate of the '80s'; Steven S. Smith and Christopher J. Deering, *Committees in Congress* (Washington, DC: CQ Press, 1984); Smith, *Call to Order*, chap. 5.

and the supposedly judicious Supreme Court.²⁶ The Congress in the mid-nineteenth century could barely organize itself, much less restructure its jurisdictions, so fierce were the squabbles over slavery. The comparative evidence – across chambers, institutions, countries and time – does not suggest an institutional explanation.

A more convincing account would treat both the reforms and the decline of comity as stemming from the same set of larger societal forces, so that the direct relationship between these two variables would be spurious.²⁷ The surge in amending activity both within and across committees that began in 1973 can just as readily be attributed to the rise of contentious issues such as energy as to electronic voting.²⁸ Even if we could establish a *direct* linkage between the reforms of the 1970s and the waning of congressional norms, such an interpretation would necessarily be incomplete. Institutions are not exogenous, nor are reforms imposed by a *deus ex machina* or with no rhyme or reason.²⁹ To say that reforms change an institution only answers part of the question, why the reforms occurred at a particular point in time, and not the most interesting part.

²⁶ Isabel Wilkerson, 'A new breed of legislator: too modern to be clubby', *New York Times*, 25 February 1986, pp. B1, B4; Canadian Press, 'Grow up, MP tells colleagues', *Montreal Gazette*, 5 June 1986, p. 1; Dan Walters, 'A different atmosphere', *Sacramento Bee*, 10 September 1986; Clyde Haberman, 'Straight talk brings down Japanese House', *New York Times*, 14 February 1986, p. A6; and Bill Peterson, 'City Council rules insults out of order – sometimes', *Washington Post*, 11 November 1988, p. A3. On the Supreme Court, note the opinions of Justices Antonin Scalia and Harry Blackmun in the Missouri abortion case decided in July 1989. Scalia stated in his concurrence: 'Justice [Sandra Day] O'Connor's assertion that a "fundamental rule of judicial restraint" requires us to avoid reconsidering Roe cannot be taken seriously.' Blackmun's dissent was even sharper: 'Never in my memory has a plurality announced a judgment of this Court that so foments disregard for the law and for our outstanding decisions. Nor in my memory has a plurality gone about its business in such a deceptive fashion.' See *New York Times*, 'Excerpts from Court Decision on the Regulation of Abortion', 4 July 1989, pp. 12–13. In an earlier dissent over a civil rights case, Blackmun was only slightly less acerbic: 'I can find no justification for the bare majority's apparent eagerness to consider rewriting well-established law.' See Stuart Taylor, Jr, 'Court, 5–4, votes to restudy rights in minority suits', *New York Times*, 4 April 1988, pp. A1, A24. For another comparison, between 20 and 31 per cent of legislators in Belgium, Italy and Switzerland believe that it is at least 'acceptable' behaviour to criticize a colleague's sincerity publicly. See Gerhard Loewenberg and Thomas C. Mann, 'Individual and Structural Influences on the Perceptions of Legislative Norms in Three European Parliaments', *American Journal of Political Science*, 32 (1988), 155–77, especially p. 160. There are no over-time data to indicate whether collegiality has declined in these countries, but the data do point to an ominous tendency.

²⁷ We often presume that structural reforms 'cause' changes in outcomes when there are larger societal forces that are behind both. For a similar account in another context (party nomination reforms), see Howard L. Reiter, *Selecting the President* (Philadelphia: University of Pennsylvania Press, 1985).

²⁸ Smith does recognize the impact of external forces (see *Call to Order*, p. 92), but he nevertheless seems to give priority to structural factors.

²⁹ For an argument that institutions are indeed exogenous, see Gerald Gamm and Kenneth Shepsle, 'Emergence of Legislative Institutions: Standing Committees in the House and Senate, 1810–1825', *Legislative Studies Quarterly*, 14 (1989), 39–66.

The Media Factor

The second explanation focuses on the impact of the media, especially television. People now get most of their political information from television rather than the print media. The House has televised its proceedings since 1979, the Senate since 1986. These broadcasts have provided the forum for COS members to flay the Democratic leadership and gave Gingrich a platform from which he could launch his bid for Minority Whip. The new Democratic leaders – Speaker Foley, Senate Majority Leader George Mitchell (Me.), House Majority Leader Richard Gephardt (D, Mo.), and Majority Whip William Gray (D, Pa.) – are far more at home with the media environment than their predecessors were. The ‘Watergate babies’ of 1974 were perhaps the most conspicuously television-conscious legislators.

Many in Congress worried that the media – indeed, even the cameras covering the legislature itself – would draw substantial attention to legislators who played to the camera. Norms such as courtesy and reciprocity would clearly suffer. The media would focus on the loudest members, not the ‘workhorses’ toiling behind the scenes to forge compromises. The locus of legislating would shift to the floor from (sub)committees as publicity-seeking legislators used the media to shape public opinion. Members would seek media exposure to float policy proposals, to criticize the opposition and to enhance their own re-election prospects. As a result, they would communicate less with each other and the norms fostered by frequent contact would wither.³⁰

Not just the leadership, but all Washington is now the focus of much more media attention. In fewer than twenty-five years, the Washington press corps has nearly quadrupled.³¹ Network newscasts have expanded from fifteen minutes to half an hour, the Cable News Network operates two cable channels devoted almost exclusively to news, and local stations now send correspondents to the nation’s capital. As Polsby argued, ‘From the crime hearings of Estes Kefauver to the impeachment vote of the House Judiciary Committee, whenever television has covered Congress there has been lightning in the air waiting to strike, making an instant celebrity out of an everyday politician.’³²

The impact of the press has also been felt through advertising: congressional campaigns are now media events, marked increasingly by negative advertisements as the costs of House and Senate campaigns have spiralled. The new generation of legislators, compared to those elected prior to 1974, is dis-

³⁰ Michael Oreskes, ‘The television politicians rise in Congress, too’, *New York Times*, 18 June 1989, p. E4; Loomis, *The New American Politician*, pp. 87–8; Richard F. Fenno, Jr, ‘The Senate Through the Looking Glass: The Debate over Television’, *Legislative Studies Quarterly*, 14 (1989), 313–48; and Alan Ehrenhalt, ‘Media, Power Shifts Dominate O’Neill’s House’, *Congressional Quarterly Weekly Report*, 13 September 1986, 2131–8.

³¹ Norman J. Ornstein, ‘The Open Congress Meets the President’, in Anthony King, ed., *Both Ends of the Avenue* (Washington, DC: American Enterprise Institute, 1983), pp. 200–1.

³² Nelson W. Polsby, ‘The Washington Community’, in Thomas E. Mann and Norman J. Ornstein, eds, *The New Congress* (Washington, DC: American Enterprise Institute, 1981), p. 28.

tinguished by its comfort level with television cameras, leading to the reputed emergence of a class of 'blow-dried' politicians always seeking publicity. The more open congressional environment invites coverage by the press; this only adds to the incentives of television hounds to seek more publicity.³³

The new style of legislating and campaigning is traceable not only to television, but to technology more broadly understood, including WATS telephone lines that facilitate communications between legislators and their districts, air travel that permits members to make trips back home with greater frequency, and electric typewriters at first and then computers that have led to a 600 per cent increase in the volume of congressional mailings from the early 1960s to the mid-1980s. The upshot of this new technocratic era is that members spend less time specializing on issues and are more willing to go outside established channels of communication to take the issues to their local – and even national – constituencies.³⁴ Norms wither as the community in which they function expands virtually without bound. Ranney links the decline in political trust – with all of its implications for adherence to folkways – to the rising power of television.³⁵

As with the institutional reforms of the 1970s, television is an insufficient determinant of the decline of comity in Congress. Once more, there has been increasing rancour in institutions not so dramatically affected by either the new media or the new technology (the New York state legislature, the Chicago City Council, the Japanese Diet³⁶ and the Supreme Court). The nineteenth-century press was strongly partisan, perhaps fanning the flames of passion in the electorate but more likely adding little that was distinctive in its own right to the battle cries.³⁷ While one can establish a strong correlation between the rise of television in the late 1960s and the 1970s and the decline in trust, the relationship goes precisely the other way in the 1980s: a master of the media (Ronald Reagan) presided over a nation in which trust was increasing³⁸ and cable television was experiencing its strongest growth patterns.

It is also far from clear that television has had a dramatic effect upon the conduct of House and Senate business. Cook and Hess have demonstrated

³³ Alan Ehrenhalt, 'Technology, Strategy Bring New Campaign Era', *Congressional Quarterly Weekly Report* (13 September 1985), 2131–8; Norman J. Ornstein, Thomas E. Mann, Michael J. Malbin, Allen Schick and John F. Bibby, comps., *Vital Statistics on the Congress, 1984–85 Edition* (Washington, DC: American Enterprise Institute, 1984), pp. 58–9, 82–3; Stephen Hess, *The Ultimate Insiders* (Washington, DC: The Brookings Institution, 1986); and Sinclair, *The Transformation of the US Senate*, pp. 64–8.

³⁴ David S. Broder, 'The politics of change', *Washington Post Magazine*, 2 February 1986, pp. 67, 148–51.

³⁵ Austin Ranney, *Channels of Power* (New York: Basic Books, 1983), p. 144.

³⁶ Television advertising is prohibited in Japanese election campaigns.

³⁷ Richard L. McCormick, *The Party Period and Public Policy* (Oxford: Oxford University Press, 1986), p. 201.

³⁸ 'Confidence in US Supreme Court, Congress up sharply', *Gallup Report* (July 1985), pp. 2–9.

that both the press and television concentrate most of their attention on party and committee leaders in the House and the Senate, not on the 'media hounds' who simply seek air time. The focus on leadership has been *increasing* over time. House members prefer the less high-tech print media (especially local weeklies) to television exposure since they believe that they can influence the former more readily. Television coverage of the Senate has had extremely modest effects on the conduct of the chamber's business. Although media-oriented legislators tailor their investigatory hearings to the television cameras, such behaviour is hardly novel: in the Civil War era, members of Congress believed that these same activities could, through publicity gained through other media, transform their careers into those of national figures.³⁹

Media-type explanations presume that the content of the message is determined by technology rather than the other way around. This perspective cannot account for how tastes in media and politics change. The media reflect larger social trends. The press of the nineteenth century mirrored the issues of the time, as does contemporary television. A media-centred account does not tell us why some eras are marked by bitterness and others by a more forgiving spirit. Expectations of media impact may reflect the hopes and fears of the observer, as well. When television finally came to the British House of Commons in November 1989, most observers worried (or hoped) that such coverage would *reduce* boisterousness in that chamber. Indeed, one Member of Parliament mistakenly argued that televised sessions had been civilizing for the Congress. Early readings suggested a similar lack of effect in Great Britain.⁴⁰ There must be more to the story than the media.

Everything New Will Be Old Again

The final explanation focuses on the influx of new members to Congress. When there is high turnover, institutional memory is lost. If membership change is rapid, bonds of friendship will become more difficult to form and the new legislators will be less readily socialized into the existing regime of norms. In the 1970s the retirement rate was comparatively high and many incumbents

³⁹ Timothy Cook, *Making Laws and Making News* (Washington, DC: The Brookings Institution, 1989); and Hess, *The Ultimate Insiders*; Paul S. Rundquist and Ilona B. Nickels, *Senate Television: Its Impact on Senate Floor Proceedings* (Washington, DC: Congressional Research Service, Library of Congress, 1986); and Alan G. Bogue, *The Congressman's Civil War* (Cambridge: Cambridge University Press, 1989), pp. 108, 145–6.

⁴⁰ Barbara Toman, 'Will the telly turn Britain's feisty MPs into milquetoast?' *Wall Street Journal*, 21 November 1989; and Glenn Frankel, 'Cameras come to Commons,' *Washington Post*, 22 November 1989, p. D3. Alastair Hetherington, Kay Weaver and Michael Ryle believe that television may have led Members of Parliament to become somewhat more polite, but its principal effect has been to show the public why the Commons is often rowdy. See their *Cameras in the Commons* (London: Hansard Society for Parliamentary Government, 1990), p. 13.

lost their seats in the elections of 1974, 1980 and 1982: only seventy-six of the 274 Democrats serving in the 98th Congress (1983–84) had served prior to 1975.⁴¹

The new members have been at the forefront of the explosion of amending activities in both houses. They have benefited from the decline of the norm of apprenticeship and have taken up their new status as full participants with zeal. As noted above, they are less tied to the traditional folkways. Loomis, indeed, specifically traces the decline of comity in Congress to the election of a large number of new Representatives and Senators in 1974.⁴²

One of the more prominent features of the new membership is cultivation of constituents, in effect marking a shift of legislators' concerns away from Washington and towards members' electoral bases. This, in turn, weakens adherence to folkways as the reference group for legislators changes. Spending more time in the constituency rather than in Washington accelerates this trend. To what extent are new members distinctive in going home frequently? Parker finds that House members elected in the 1970s were more likely to go home than their more senior peers, but that the new class of Senators displayed no such cohort effects.⁴³ If anything, we might expect the opposite relationship to hold, since there has been more turnover in the Senate than in the House. Furthermore, the Senate has proven to be far more hospitable to challengers who have held no previous public office than the House.⁴⁴ Legislators who have held public office should adapt more readily to folkways that are not all that different from those in deliberative bodies at other levels.

It is not even clear when we should date the 'new member' phenomenon. The standard time frame for the House is the 1970s, especially 1974, but changes in Senate membership are usually traced to the Democratic landslide of 1958. Even then, Sinclair finds limited support for the 'new member' thesis in the Senate. By historical standards, turnover in the contemporary House is extremely low; the percentage of legislators without prior public office similarly fails to impress. In contrast, during the Civil War realignment, turnover was extremely high: over 95 per cent of House members seated in the 32nd Congress

⁴¹ Francis X. Clines, 'Congress now suffers from loss of memory', *New York Times*, 2 August 1981, p. E4; Joseph Cooper and William West, 'The Congressional Career in the 1970s', in Lawrence C. Dodd and Bruce I. Oppenheimer, eds, *Congress Reconsidered* (Washington, DC: CQ Press, 1981), pp. 83–106; and Diane Granat, 'Whatever Happened to the Watergate Babies?' *Congressional Quarterly Weekly Report* (3 March 1984), p. 498.

⁴² Loomis, *The New American Politician*, p. 28. To be fair, Loomis does argue in depth as to how these new members differed from the predecessors, citing (albeit briefly) such events as Watergate and the war in Vietnam.

⁴³ Glenn R. Parker, 'Sources of Change in Congressional District Attentiveness', *American Journal of Political Science*, 24 (1980), 115–24; and 'Stylistic Change in the US Senate,' *Journal of Politics*, 47 (1985), 1190–202.

⁴⁴ David T. Canon, 'Political Amateurism in the United States Congress', in Lawrence C. Dodd and Bruce I. Oppenheimer, eds, *Congress Reconsidered*, 4th edn (Washington, DC: CQ Press, 1989), pp. 65–87.

(1851–52) had not served more than two consecutive terms. By 1856, 82 per cent of the House seats were held by new members.⁴⁵

High turnover is characteristic of realignments such as the United States underwent in the 1850s and 1930s. In such eras new legislators are far more likely to be amateurs.⁴⁶ Such electoral periods are also characterized by high-volume politics, as parties seek to sort out issues on the political agenda in some coherent fashion. New members entering prior to a realignment come into an arena in which norms are in flux. First-term members entering at the peak of a realignment come to a chamber with no fixed norms but a clear sense of where the legislature is to go: it follows the President and the legislature operate according to well-established precedents of majoritarianism.

In the 1970s and the 1980s, none of these conditions was fulfilled. The new members account does not stand up in historical perspective. It is not altogether clear that other polities that have experienced a decline of comity have seen even the same degree of turnover that characterized turnover in American politics in the 1970s – or that upheavals are unusual in their politics. Finally, the 1980s have seen growing electoral security for members of Congress. With so little turnover in Congress since 1984 (excluding the Senate elections of 1986),⁴⁷ we might have expected some decline in rancour. Precisely the opposite has occurred. We need a different explanation.

A SOCIETAL-BASED EXPLANATION

Rather than looking inward to the institution of Congress, we need to look outward to the larger society. Simply stated, the decline of comity in Congress reflects the decline of comity in the country. Congress is first and foremost an institution of interest representation. There are significant commonalities in trends in the larger social systems of the 1840s and 1850s and the 1970s and 1980s, although we need to be careful in taking this analogy too far since the former era was marked by far sharper cleavages and led to a violent confrontation unmatched in American history. With this caveat in mind, we can begin to trace some of the forces that not only disrupted the norms in society in each period but also led to their displacement by an era of shattered norms.

There are two key lessons in this account. Firstly, many of the trends found in the United States – increasing rancour, the energy crisis, economic hard times, the emergence of new social movements, the weakening of partisanship, the decline in trust – affected much of the industrialized world in the 1970s

⁴⁵ Michael Foley, *The New Senate* (New Haven, Conn.: Yale University Press, 1980); Sinclair, *The Transformation of the US Senate*, chap. 3; Jerome M. Clubb, William H. Flanigan and Nancy H. Zingale, *Partisan Realignment* (Beverly Hills, Calif.: Sage Publications, 1980); Canon, 'Political Amateuism in the United States Congress', p. 69; and David W. Brady, *Critical Elections and Congressional Policy-Making* (Stanford, Calif.: Stanford University Press, 1988), p. 39.

⁴⁶ Canon, 'Political Amateuism in the United States Congress'.

⁴⁷ Even these contests were distinctive, since a large number of Republican Senators first elected in 1980 after holding no previous office were displaced by Democratic challengers who had substantially stronger credentials.

and 1980s. Similar trends occurred in a wide variety of institutional contexts for politics. Thus, an institutional account will at best be incomplete, at worst misleading. Secondly, if the problem is societal, then no quick fix is probable. Tinkering with structures will almost certainly fail to restore the old norms.

My argument for the contemporary Congress is necessarily brief. Most simply put, the decline of comity in Congress reflects the decline of comity in society. As with courtesy in Congress, civility in the country is difficult to measure. But there are repeated claims that the quality of service has declined and that Americans are increasingly litigious. Political campaigns are marked by negative advertising. Even television commercials no longer compare products to 'Brand X' but now directly take on the competition in rather unflattering terms (Coke versus Pepsi, among others).⁴⁸

Similarly, the social bases of reciprocity have been shaken. Trust is fundamental to co-operation, which in turn depends upon reciprocity. Without trust, the establishment of a norm of reciprocity would be impossible.⁴⁹ As noted above, trust in institutions declined in the 1970s, but rebounded (albeit not to levels of the 1960s) in the Reagan era. Confidence in institutions, however, is not the same as trust in other people; indeed, trends in each are not even strongly correlated.⁵⁰ Has there been a decline in interpersonal reciprocity?

Fortunately, we can get some handle on the reciprocity norm over time. The Survey Research Center, the General Social Survey of the National Opinion Research Center and Gallup have asked since 1964 whether respondents believed that most people could be trusted or whether they had to be very careful. The time series is not complete. The question was asked in 1964, 1966, 1968, 1971 through 1976, 1978, 1980, 1981, 1983, 1984 and 1986 through 1988. In mid-to-late 1960s, between 50 and 54 per cent (eliminating non-respondents) gave the trusting reply. By the mid-to-late 1980s, trusting respondents fell to about 40 per cent of the sample. A generalized least-squares regression of aggregate trust over time produces the following equation (with *t*-values in parentheses):

$$\text{Trust} = 52.43 - 0.508 \times \text{Time} \quad R^2 = 0.57 \quad \text{rho} = -0.26 \\ (39.06) \quad (-5.55)$$

The coefficient on time indicates a drop of 12.7 per cent in trusting responses over the 25 years, tracking the data quite closely. There has been a decline of social trust over time. The time series begins in 1964 and trust, after a slight spurt upward later in the decade, takes a lower trend thereafter. How

⁴⁸ Alison Lurie, 'Does politeness lead to virtue?' (review of Judith Martin, *Common Courtesy*), *New York Times Book Review*, 10 November 1985, p. 13; James Barron, '40 legislatures act to readjust liability rules', *New York Times*, 14 July 1986, pp. A1, A15; and Kenneth P. Noble, 'Labor Dept. data show a revival of major strikes', *New York Times*, 21 September 1986, p. A31.

⁴⁹ Russell Hardin, 'Trusting Persons, Trusting Institutions' (University of Chicago, mimeo, 1990).

⁵⁰ Seymour Martin Lipset and William Schneider, *The Confidence Gap* (Baltimore, Md.: Johns Hopkins University Press, 1981).

long have we been on this slide? An analysis based upon very sparse data from 1948 to 1983 suggests that the turning point in trust occurred in 1963.⁵¹

Simply noting that there has been a decline of comity, however, does not explain anything. Why have societal norms waned and does the time frame make any difference? I suggest, however briefly here, that these indicators make perfect sense. The 1960s marked a high point in recent Western, and particularly American, society. Inflation and unemployment were low and the economic system was so robust that it was feasible to initiate massive new government spending (the Great Society programs of the 1960s) and to envisage such lofty goals as the eradication of poverty. Not only was the economic situation favourable, but trust in institutions and people reached a new plateau. Resources seemed unlimited, so that the pie could continually expand. New groups, especially blacks, would be brought into the economic mainstream – and, just as critically, into the political mainstream. Expectations on all sides were very high, as was comity. In the United States, the Democratic party cemented its political hegemony by being all things to all people, practising what Mayhew called ‘the politics of inclusive compromise’.⁵²

The trust of the mid-1960s quickly dissipated as great expectations met resistance. The civil rights movement found that sharing an expanded pie was acceptable to Americans who would not lose anything, but political power could not so readily be swelled. In the 1950s many of the civil rights battles were necessarily confrontational. By the late 1960s confrontation had become more common – and acceptable. From the civil rights struggle it spread to protests over the war in Vietnam. The war itself played a key role in shattering public trust in government – and no doubt in interpersonal relations.

The economic boom of the 1960s had brought forth a wide range of other actors on to the political scene, fighting for a clean environment, women’s rights, abortion rights and the like. On the opposite side of the political spectrum, pro-life activists and the religious right countermobilized. The boom brought more people into the middle class, giving them more time to get involved in political activities and making economic concerns less pressing. This had two immediate effects on comity. The expanded scope of political conflict made coalition formation more complicated. Many of these groups also employed the model of the civil rights movement and the anti-war protestors to employ confrontational tactics. It was Environmental Action, not the Christian Right, that first employed (in 1970) legislative scorecards as instruments of negative campaigning against the ‘Dirty Dozen’.

⁵¹ The question is simply, ‘Do you think most people can be trusted?’ Differences in question wording make longitudinal analysis with other wording tricky. This question was asked in 1948, 1952, 1953, twice in 1954, 1957, 1963, 1966 and 1983. A polynomial GLS estimation yielded: $\text{Time} = 64.48 + 1.12 \times \text{Time} - 0.037 \times \text{Time}^2$, $R^2 = 0.57$, $\rho = 0.335$. The respective t -values are 13.20, 1.535 and -2.029 . The turning point was found by taking the derivative of trust with respect to time, setting it equal to zero and solving.

⁵² David R. Mayhew, *Party Loyalty Among Congressmen* (Cambridge, Mass.: Harvard University Press, 1966).

The conflicts over race, the war in Vietnam, abortion and other social issues wrought havoc with the party system. These issues all cut across traditional cleavages within the Democratic and Republican parties. Individual members of Congress paid less and less attention to party ties, running as individuals against the institution of Congress and cementing ties to constituents by providing visible benefits, often as direct transfer payments from the federal government to individuals. Party ties were further fragmented in the mid-1970s by a series of largely exogenous shocks to the economy, especially in the energy crisis. The energy conflicts of that decade cut across party lines, as did battles on such other issues as the environment, water, agriculture, mining and trade. Voter ties to parties also atrophied.⁵³

This era of resource scarcity stood in sharp contrast to the roaring 1960s. The government seemed to lurch from crisis to crisis – from Vietnam to Watergate to energy (twice) to the Iran hostages to agricultural interests. While distrustful of government, Americans increasingly looked to it as the ‘permanent receiver’ of societal problems. Banks, farmers and ordinary citizens could expect government bail-outs or handouts. Legislators provided benefits with little concern for setting national priorities. Groups stressed the centrality of their own claims and denied the legitimacy of others’ claims. In periods of hard times, claims for exceptionalism were accorded a special status beyond all others, ultimately becoming non-negotiable demands.⁵⁴

Even as groups claimed special status for their own demands, most often they did not mobilize to oppose the interests of others. Legislators thus protected themselves through coalitions that provided support for a wide variety of non-negotiable demands. When countermobilization did occur – on some highly contentious issues such as energy and (to a lesser extent) trade – not only did policy stalemate ensue, but loud voices precluded anything resembling either a rational or a coherent debate. Political campaigns took on this same level of emotion. Many of the new social issues, especially those dealing with civil rights for blacks, women or homosexuals and those with a religious base, were almost inherently conflictual. No middle ground was apparent and few sought to find one in any case. High-pitched politics turned out to be contagious. Every issue ultimately became one of rights and/or morality.

Civility was hard to come by in an era of emotionalism. Reciprocity is even more difficult to achieve when demands are non-negotiable. And the disruption of the traditional agenda by the emergence of both new issues and many new participants in politics meant that there was no regular order. Even on issues that had apparently widespread popular support, such as the environment and equal rights for women, advocates adopted strategies of attack, questioning

⁵³ On energy, see Uslander, *Shale Barrel Politics*; on other issues in Congress, see Barbara Sinclair, *Congressional Realignment* (Austin: University of Texas Press, 1982). On voters’ ties to parties, see Martin P. Wattenberg, *The Decline of American Political Parties, 1952–1984* (Cambridge, Mass.: Harvard University Press, 1986).

⁵⁴ See Lowi, *The End of Liberalism*; and Lowi, ‘The Welfare State: Ethical Foundations and Constitutional Remedies,’ *Political Science Quarterly*, 101 (1986), 197–220, especially at p. 216.

the motives of opponents and raising the decibel level of debate in ways that may have ultimately hurt their causes.⁵⁵

The economic dislocations of the 1970s and 1980s led to some ominous indicators of incivility. The depressed oil patch and farm belt witnessed increased arson, crime rates and suicides. The victories of two right-wing extremist candidates backed by Lyndon LaRouche in an Illinois primary was attributed to farm foreclosures.⁵⁶ The costs of the Vietnam war had disrupted economic growth by the late 1960s. The energy shocks were followed by a bust in that and other sectors, notably agriculture, steel, banks and savings and loans, and raw materials such as lumber, lead, aluminium, zinc and even orange juice.⁵⁷ In 1982 unemployment reached a post-depression high. Five years later, after reaching new highs, world stock markets crashed.

The story of the 1980s was not simply a downward economic trajectory. That decade was also marked by economic growth not seen for two decades. The post-Vietnam economy was thus marked by increasing income inequality among groups and regions – as well as by boom-and-bust cycles.⁵⁸ Economic uncertainty was the norm. In turn it bred political uncertainty and the demand that government step in to regulate the cycles. In an era of high budget deficits, there were limits as to what government could do, so arguments from exceptionalism served (or so it seemed to claimants) to distinguish one case from the next. Uncertainty made the need for governmental action more pressing, but also more precarious. Demands might attract opposition both from those on the upside of the economic cycle and from others in need. It also fractionalized coalition-building.

Politics in the United States had come apart. In a period of non-negotiable demands, the ‘politics of inclusive compromise’ was an elusive goal. The 1980 elections marked an attempt to restore some order to American politics. Ronald Reagan explicitly sought not only the presidency, but a realignment in partisan allegiances that would restore some sort of ideological order to the party system. To a considerable extent he succeeded. The Reagan agenda of the next eight years led to an increase in party voting in Congress to heights not seen in

⁵⁵ On the American environmental movement, see David Vogel, *National Styles of Regulation* (Ithaca, NY: Cornell University Press, 1986); on the women’s movement, see Jane Mansbridge, *Why We Lost the ERA* (Chicago: University of Chicago Press, 1986).

⁵⁶ Robert Reinhold, ‘Amarillo, up 36%, tops Texas cities in crime rate’, *New York Times*, 25 August 1986, p. A11; Reinhold, ‘Oil’s collapse leads to rise in arson’, *New York Times*, 4 August 1986, p. A8; William Robbins, ‘Farm belt suicides reflect greater hardship and deepening despondency’, *New York Times*, 14 February 1986, p. A11; and Andrew Malcolm, ‘LaRouche Illinois drive focused on rural areas’, *New York Times*, 31 March 1986, p. A12.

⁵⁷ Michael Siconfoli, ‘Many US producers of raw materials find low prices disastrous’, *Wall Street Journal*, 16 August 1986, pp. 1, 15. For a more extended discussion, see Eric M. Uslander, ‘The Decline of Comity in Congress’ (paper presented at the 1987 annual meetings of the American Politics Group of the Political Studies Association, London, and the Midwest Political Science Association, Chicago).

⁵⁸ Frank Levy, *Dollars and Dreams: The Changing American Income Distribution* (New York: Russell Sage Foundation, 1987).

Congress in more than three decades. Among the electorate, no presidential candidate since surveys began polarized the electorate as much as Reagan.⁵⁹ The confrontation spread to such presidential nominations as Robert Bork to the Supreme Court and (under George Bush) John Tower as Secretary of Defense, in addition to the disputed 1984 House race that created such partisan rancour. While partisanship replaced the crazy-quilt coalitions on the floor of the House and Senate – especially on the traditional economic issues that historically divided the parties – the resources constraint issues of the past had not been resolved but merely lay dormant amidst a budget crisis that members of neither party had the courage to resolve.⁶⁰

The Reagan administration set out to dismantle much of the welfare state that had been established over an almost fifty-year period by the Democratic party, which had had almost continual control of the legislative branch. Reagan briefly succeeded in establishing a quasi-parliamentary regime in 1981 as his tax and spending cuts were enacted over a seemingly helpless Democratic opposition. The assault on big government, together with the huge budget deficits accumulated during the administration, made policy making on distributive politics increasingly difficult. The bond of ‘all for one, one for all’ that universalistic politics made possible came apart in the 1980s. If there was little to sustain the folkways of the *ancien régime* of the 1950s and 1960s in the Reagan years, the lack of resources to distribute to constituents would fray tempers even more and destroy what little comity was left.

These party conflicts did establish some sense of regular order, that of majoritarianism. However, this only led to further incitement by the most neglected minority in the Congress, conservative Republicans in the House. Without any power base of their own, they were largely ignored by the White House and treated as little more than a nuisance by the Democratic leadership that they flayed. COS members were particularly frustrated by the Republican failure to score significant victories below the office of the president. The GOP gains of 1980 were largely reversed in 1982 in the House, and the Democrats took back control of the Senate in 1986. The electorate simply refused to commit itself to the Republican party. Reagan’s realignment was stalled. Conservatives in the House stepped up their attacks, becoming more virulent and spreading their message to attract more moderate Republicans to their cause, that of becoming the majority party in Congress. To do so, they took their case to the public. Courtesy and reciprocity suffered. Given the centrality of these factors to comity, it is no wonder that no new set of folkways emerged. Both the Reagan administration and Democrats in Congress (through more

⁵⁹ David Rohde, ‘Something’s Happening Here, What It Is Ain’t Exactly Clear’, in Morris P. Fiorina and David W. Rohde, eds, *Home Style and Washington Work* (Ann Arbor: University of Michigan Press, 1989) pp. 137–63; and Martin P. Wattenberg, ‘The Reagan Polarization Phenomenon and the Continuing Downward Slide in Presidential Candidate Popularity,’ *American Politics Quarterly*, 14 (1986), 219–45.

⁶⁰ Some contentious issues with coalitions crossing party lines, such as natural gas deregulation, did not lie dormant in the Reagan era. See Uslander, *Shale Barrel Politics*, chap. 5.

restrictive rules on legislation),⁶¹ attempted to impose majoritarian norms similar to those in parliamentary systems. However, individualism was so powerful that majoritarian tactics remained strategies rather than becoming emergent folkways.

To argue that the decline of comity in Congress reflects the decline in comity in the nation still does not resolve the problem of historical exceptionalism. Is the late twentieth century distinctive? The raucous, occasionally violent Congress of the antebellum years is the most prominent comparison. What lessons can it offer?

THE BAD OLD DAYS

From its very inception, the Congress has been marked by breaches of comity large and small. Even the first Senate found one Senator complaining about the conduct of his colleagues. William Maclay (D, Pa.) wrote in his *Journal*:

With the Senate I am certainly disgusted. I came here expecting every man to act the part of a god; that the most delicate honor, the most exalted wisdom, the most refined generosity, was to govern every act and be seen in every deed. What must my feelings be in finding rough and rude manners, glaring folly, and the basest selfishness apparent in almost every public transaction.⁶²

Brawls and duels were common. In 1789 Rep. Matthew Lyon (Vt.) spat tobacco juice in the face of Rep. Roger Griswold (Federalist, Conn.), who had called him a coward. Two weeks later Griswold approached Lyon from the rear and began beating him with a cane. Lyon struck back with fire tongs. Four years later Rep. John Stanley (NC) challenged former Rep. Richard Spaight (D, NC) to a duel and killed him.⁶³

Violence and duelling were, if not commonplace, at least not extraordinary in the early years of the Congress, involving such luminaries as Secretary of State Henry Clay in 1826. In 1838 Rep. William Graves (Whig, Ky.) killed Rep. Jonathan Cilley (D, Me.) in a duel. The House refused to expel Graves or even punish him at all. Members of the Supreme Court refused to attend Cilley's funeral and the embarrassed House enacted legislation prohibiting duelling in the District of Columbia, which nevertheless failed to deter Reps. Samuel Inge (D, Ala.) and Edward Stanly (Whig, NC) from so battling in 1851.⁶⁴

The average member of Congress did not take his life into his hands when

⁶¹ Smith, *Call to Order*, p. 147.

⁶² Quoted in George H. Haynes, *The Senate of the United States*, Vol. 2 (New York: Russell and Russell, 1960), p. 1068. Originally published in 1938.

⁶³ Incidents not otherwise cited were gathered from compilations by the Historians of the House of Representatives (Raymond Smock) and of the Senate (Richard Baker). These compilations also form the basis for Table 1. See US House of Representatives Office for the Bicentennial, *Aggressive and Violent Acts* (Washington: n. d.) and Senate Historical Office, *Breaches of Comity in the Senate Chamber* (29 July 1988).

⁶⁴ Haynes, *The Senate of the United States*, pp. 948, 949.

entering the legislative chamber. Much of the outward veneer gave an impression very much like that found at the heyday of the Senate's 'Inner Club' – or even during the course of much debate in the contemporary Congress. Henry Adams commented positively on the antebellum Senate at time when tempers flared regularly:

The type of Senator in 1850 was rather charming at its best, and the Senate, when in good temper, was an agreeable body, numbering only some sixty members, and affecting the airs of courtesy. Its vice was not so much a vice of manners or temper as of attitude.⁶⁵

Nevertheless, there were seventeen incidents of breaches of comity, including violence, between members of Congress between 1831 and 1860, accounting for 40 per cent of all recorded incidents between 1790 and 1956. There were also eight episodes involving legislators and outsiders, or 62 per cent of such incidents over time (see Table 1). The instruments of battle were varied, including one instance in which a Representative grabbed a 'colleague' by the throat during an argument over slavery in 1858, ultimately involving the entire chamber.⁶⁶

The most famous breach of comity occurred in the Senate in May 1856, when pro- and anti-slavery feelings were raging across the land.⁶⁷ Charles Sumner (R, Mass.), the Senate leader and a very strong abolitionist, delivered a speech entitled 'The Crime Against Kansas', in which he attacked several colleagues as well as the administration and the entire South. The speech occurred as a pro-slavery militia was attacking anti-slavery forces in Lawrence, Kansas. Sumner attacked Senator Stephen Douglas (D, Ill.):

no person with the upright form of man can be allowed, without violation of all decency, to switch out from his tongue the perpetual stench of offensive personality . . . The noisome, squat, and nameless animal, to which I now refer, is not the proper model for an American Senator.

⁶⁵ Henry Adams, *The Education of Henry Adams* (Boston, Mass.: Houghton Mifflin, 1918), p. 45.

⁶⁶ The instruments of war were more varied in the highly partisan era of the late 1890s and the first decade of the twentieth century including an inkwell and a volume of the US Statutes, as well as the famed pitchfork of 'Pitchfork Ben' Tillman aimed at his own colleague from South Carolina, John McLaurin. See William S. Cohen, *Roll Call* (New York: Simon and Schuster, 1981), pp. 103–4. Such events are infrequent in more recent times, with exceptions such as the wrestling match between Senators Strom Thurmond (SC), then still a Democrat, and Ralph Yarborough (D, Tex.) and an incident in which Rep. Henry Gonzalez (D, Tex.) at age 70 punched a man in a restaurant in San Antonio for allegedly calling him a communist. See UPI, 'Rep. Gonzalez punches man in restaurant,' *Washington Post*, 6 December 1986, p. A12.

⁶⁷ This account draws upon William E. Gienapp, *The Origins of the Republican Party* (New York: Oxford University Press, 1987); David Donald, *Charles Sumner and the Coming of the Civil War* (New York: Alfred A. Knopf, 1967); and David M. Potter, *The Impending Crisis*, completed and edited by Donald E. Fehrenbacher (New York: Harper and Row, 1976). The quotations from the Sumner speech below are taken from Donald, *Charles Sumner and the Coming of the Civil War*, pp. 286 and 287, and from Potter, *The Impending Crisis*, p. 209.

TABLE 1 *Breaches of Comity in the House and Senate*

Years	Incidents	
	Between members	Between members and outsiders
1790–1800	2	0
1801–1810	5	0
1811–1830	1	1
1831–1840	6	2
1841–1850	4	1
1851–1860	7	5
1861–1880	2	1
1890–1911	8	0
1917–1927	5	0
1930–1940	2	1
1945–1956	2	1
Totals	44	12

Sources: Computed from US House of Representatives Office for the Bicentennial, *Aggressive and Violent Acts* (n.d.); Senate Historical Office, *Breaches of Comity in the Senate Chamber* (29 July 1988).

However, he reserved his most vicious attack for Senator Andrew P. Butler (D, SC), then absent from the Senate:

There was no possible extravagance ... which he did not repeat; nor was there any possible deviation from the truth which he did not make ... But the Senator touches nothing which he does not disfigure – with error, sometimes of principle, sometimes of fact ... [He is a] Don Quixote who had chosen a mistress to whom he has made his vows and who ... though polluted in the sight of the world is chaste in his sight – I mean the harlot, slavery.

Sumner also attacked the state of South Carolina. While the attack violated no Senate rules at that time, it was nevertheless highly unusual. The Senate did not adopt a rule prohibiting personal attacks on other Senators until 1902, after two Senators were suspended for six days for brawling on the floor.⁶⁸

The conflagration in Kansas no doubt inflamed passions, but it hardly seemed necessary to provoke a response by Rep. Preston Brooks (D, SC), a distant cousin of Butler. On 22 May, after the Senate had adjourned, Brooks entered the chamber and began beating Sumner over the head with a cane. He was stopped in less than a minute by a Republican Representative, but Sumner had already sunk to the floor, bleeding profusely and unconscious. He did not return to the Senate for four years. A Senate committee established to investigate the affair decided it had no jurisdiction. A House committee recommended expulsion of Brooks, but the full chamber could only muster a 56 per cent (121–95) majority in favour of so doing, far short of the two-thirds

⁶⁸ Potter, *The Impending Crisis*, p. 221; and Senate Historical Office, *Breaches of Comity in the Senate Chamber* (29 June 1988). The incident involved Tillman and McLaurin (see fn. 65 above).

required. Brooks resigned following this vote and was handily re-elected, thus escaping unpunished except for a \$300 fine for assault in a District of Columbia court.

The attack on Sumner was extreme, but it was hardly unprecedented. Only six years earlier Senator Henry S. Foote (Unionist, Miss.) drew a pistol on Senator Thomas Hart Benton (D, Mo.). The decade of the 1850s was marked by a large number of such breaches of comity, as Table 1 indicates, including attacks on other members as well as outsiders. The Congress of that era 'was beginning to lose its character as a meeting place for working out problems and to become a cockpit in which rival groups could match their best fighters against each other.'⁶⁹ It was, of course, the slavery issue that hardened attitudes.

There was a set of prescriptions similar to those of the 1950s in the antebellum Congress. Specialization, courtesy, institutional patriotism, apprenticeship and a proscription against the personalization of issues kept the Senate (and likely the House) from constant chaos. A content analysis of debate from the *Congressional Globe* in 1850 and 1860 showed that roughly 30 per cent of all references to such 'norms' constituted violations in both years. As with the Senate of the 1980s, the large number of transgressors hampered enforcement.⁷⁰ There were thus few prohibitions, be they formal or informal, against personal attacks. Even though the caning of Sumner violated norms of decency, Brooks was not at all punished. Breaches of comity were, by historical standards, extraordinarily common. The literature on the Congress of that era tends to focus on voting alignments leading up to the realignment of the 1850s and 1860 or on specific conflicts. However, it is clear that civility and reciprocity were at a low ebb. The courtesy of which Adams spoke was little more than a veneer. As such, these prescriptions were more 'standards' than 'norms', which are commonly understood to be more widely accepted.

The conflicts within the Congress can be readily seen in four contests for the Speakership that lasted between two weeks and three months. Pro- and anti-slavery forces jockeyed for position in 1839, 1849, 1855 and 1859. In 1839, five of the six New Jersey seats had contested outcomes and the Clerk of the House, who presided in the absence of a Speaker, refused to seat any of the contestants or to make any other ruling until a quorum was formed. Not only did the 26th Congress have no regular order. For two weeks it had no order whatsoever. The rise in third-party strength over the issue of slavery meant that neither the Democrats nor the Whigs could command a majority in the House at times, and splits within the two major parties frustrated the usual coalition-building process on other occasions. In the 1859–60 conflict, the

⁶⁹ Potter, *The Impending Crisis*, p. 67.

⁷⁰ Dean L. Yarwood, 'Norm Observance and Legislative Integration: The US Senate in 1850 and 1860', *Social Science Quarterly*, 51 (1970), 57–69. The relative size of groups of co-operators and defectors is the determining element in the norm enforcement models of Axelrod and Frank. See Robert Axelrod, 'An Evolutionary Approach to Norms', *American Political Science Review*, 80 (1986), 1095–111; and Robert H. Frank, *Passions Within Reason* (New York: W. W. Norton, 1988).

ultimate resolution was to select a first-term member as Speaker. Partisan and ideological wrangling became so severe that 'regular order' was effectively suspended. The decades of the 1849–58 and especially 1859–68 set new records for the number of contested House seats, further suggesting the lack of well-established procedures.⁷¹

THE ANTEBELLUM CONGRESS

There are substantial correspondences between the contemporary era and that of the antebellum period: weak parties, the prominence of the pork barrel, the rise of contentious social and religious issues, economic cycles and a public that distrusted politicians. The larger society was still very much a frontier nation, rough and ready. Male brawls, free-for-alls and cockfighting were all very much part of the social scene, as were carousing and public drunkenness. Political campaigns were so passionate that 'only bloodletting', occasional or wholesale, could relieve the tension'.⁷²

The antebellum years were marked by boom and bust economic cycles. There was a depression from 1837 to 1843, but by 1850 'a warm glow of hope and satisfaction over the American scene' predominated, as the Industrial Revolution, the railroad system and the expansion into the West bred a belief in a secure and prosperous future. Gaudy advertisements and even children's literature emphasized the emergence of a consumer culture.⁷³

As in the 1970s and 1980s, there was no clear mechanism by which conflict could be socialized.⁷⁴ The nation was deeply divided over slavery, but not just over slavery. The entrance of new states into the Union expanded the scope of conflict, as new localistic issues crowded the congressional agenda. Public drunkenness spurred demands for prohibition and against Sabbath desecration. The messianic zeal associated with moral issues spilled over to anti-Catholicism and calls for the restriction of immigration, especially by the Irish. A new party, the American (Know-Nothing) party, arose to capitalize on the moral issues, including slavery.⁷⁵

The conflict was ultimately a debate over cultural hegemony, a simple fight between good (messianic Protestantism) and evil (liquor, the Pope, desecration

⁷¹ George B. Galloway, *History of the House of Representatives* (New York: Thomas Y. Crowell, 1962), p. 46; and Nelson W. Polsby, 'The Institutionalization of the US House of Representatives', *American Political Science Review*, 62 (1988), 144–68, especially at p. 164.

⁷² Roy Franklin Nichols, *The Disruption of American Democracy* (New York: Collier, 1962 (1st edn. 1948)), p. 20. See also Robert H. Wiebe, *The Opening of American Society* (New York: Alfred A. Knopf, 1984), pp. 328–9.

⁷³ Samuel Eliot Morison, *The Oxford History of the American People* (New York: Oxford University Press, 1965), p. 574; and Wiebe, *The Opening of American Society*, p. 323.

⁷⁴ E. E. Schattschneider, *The Semisovereign People* (New York: Holt, Rinehart and Winston, 1960).

⁷⁵ Nichols, *The Disruption of American Democracy*, p. 21; Potter, *The Impending Crisis*, p. 329; and Paul Kleppner, *The Third Electoral System* (Chapel Hill: University of North Carolina Press, 1979), p. 66.

of the Sabbath and slavery). The American public was 'intensely politicized, highly organized for political warfare' and was enmeshed in a 'potent, persistent, ethnoreligious tribalism' in which the conflicts in Europe that drove these diverse groups to the New World were being re-enacted.⁷⁶ Both Democrats and Whigs were split over these social issues, much as contemporary Democrats and Republicans are on the moral concerns of today.

Prosperity made concern for non-economic issues possible, both in the antebellum and contemporary periods. However, in each economic growth did not extend to all segments of American society. The majority of Americans in the 1850s were still poor. The messianic movements appealed to them, even as economic issues were largely displaced in electoral politics. There was considerable distrust of politicians, which set the stage for protest movements including minor parties.⁷⁷

Even beyond these new issues, the party system in the antebellum period was weak. Elections were strongly contested with very high turnout and an apparent high degree of party loyalty over time by voters. Yet the party system itself was fragmented. There was no strong national party system and little co-ordination among state parties. National parties did seek then, as today, to raise money for presidential campaigns, but each state committee maintained autonomy about how to spend the funds. State organizations readily adopted platforms that differed from the national parties and even local parties felt free to repudiate the programs. State parties themselves were wracked by internal dissension and these conflicts even extended to the newly-formed American party.⁷⁸

So stymied, the national parties themselves evaded contentious issues and sought national candidates with high visibility, such as distinguished military service, but no clear policy proposals. A division arose between the issues that legislators confronted in the electorate and in the Congress, further splintering the party system: the legislature dealt primarily with economic issues, while elections more and more revolved around the social issues of slavery and religion. In different states there were dissimilar coalitions in the legislature over

⁷⁶ Joel H. Silbey, *The Partisan Imperative: The Dynamics of American Politics Before the Civil War* (New York: Oxford University Press, 1985), pp. 71, 78, cf. Silbey, 'The Surge of Republican Power: Partisan Antipathy, American Social Conflict, and the Coming of Civil War', in Stephen E. Maizlish and John J. Kushma, eds, *Essays on American Antebellum Politics, 1840-1860* (College Station: Texas A&M University Press, 1982), pp. 199-229.

⁷⁷ Wiebe, *The Opening of American Society*, p. 324; and McCormick, *The Party Period and Public Policy*, p. 216.

⁷⁸ McCormick, *The Party Period and Public Policy*, p. 164; Gienapp, 'Politics Seem to Enter into Everything: Political Culture in the North, 1840-1860', in Maizlish and Kushma, eds, *Essays on American Antebellum Politics, 1840-1860*, pp. 15-69, esp. p. 48; and Nichols, *The Disruption of American Democracy*, pp. 20, 253. This is the majority viewpoint among historians. For a very different perspective, arguing that parties were vibrant, very cohesive, strongly ideological and marked by a cohesive social network that extended across every level of government (down to volunteer fire departments), see Silbey, *The Partisan Imperative*. Silbey presents a strong party system at every level, including legislative voting in Congress, party programs and consistent voting across elections by citizens.

economic issues: some conflicts were partisan, others regional. This lack of a common focal point to economic concerns pushed them out of national electoral politics.⁷⁹

In this world of fractionalized and weak parties, the main business of Congress, and indeed of the government, was the distribution of divisible goods, the pork barrel.⁸⁰ The major function of the federal government was the distribution of benefits such as franchises for banking, transportation and manufacturing as well as tax exemptions, the right of eminent domain, the licence to charge tolls on roads and bridges or to dam waterways. The tariff also produced distributive benefits, as did subsidization of highways, canals, railroads, bridges and harbours. Furthermore, these benefits were supported by bipartisan coalitions, and grants were made not just to those who supported particular parties or candidates, but to everyone who met the requirements of the program – what we know today as universalism. Without clear partisan divisions on the major issues, the pork barrel served as the glue that held the parties together. In the 1850s local party organizations, not the individual members of Congress, distributed the booty. As McCormick stated, ‘The key to party management of distribution usually lay not in its ideological potential, but in its infinite variety and divisibility’.⁸¹

From what we know about universalism,⁸² we should have expected such distributive politics to enhance a set of norms that would promote comity. It did not. There was debate as to where the proper boundary between the public and private spheres lay, since there was no clear demarcation either in the public mind or particularly in governmental practice. More critically, the pork barrel did not resolve larger issues in the society, nor was the universalistic formula for distribution widely accepted. Each claimant ‘wanted the same thing: his own share (or more) at the least possible cost’ and, because there were never enough benefits to satisfy all demands, ‘inevitably those who lost called into question the legitimacy of bestowing special privileges on some and depriving others’.⁸³

The antebellum Congress thus lacked the civility and reciprocity essential for comity. Even the pork barrel did not provide the foundation for the establishment of a set of norms that would promote regular order. Additionally, the contests over the Speakership and the jockeying for control of key committees by pro- and anti-slavery forces seemed to preclude the development of a canon of acceptable behaviour. There was also little stability in party

⁷⁹ Potter, *The Impending Crisis*, p. 77; Donald, *Lincoln Reconsidered*, 2nd edn (New York: Vintage, 1956), p. 228; and Wiebe, *The Opening of American Society*, p. 349–51.

⁸⁰ This section draws heavily, both with and without citations, upon McCormick, *The Party Period and Public Policy*, pp. 201–16.

⁸¹ McCormick, *The Party Period and Public Policy*, p. 210.

⁸² See Barry Weingast, ‘A Rational Choice Approach to Congressional Norms’, *American Journal of Political Science*, 23 (1979), 245–62.

⁸³ McCormick, *The Party System and Public Policy*, pp. 209, 211, 207.

control of the Congress during this era: the high rates of turnover signified shifting party balances in the Congress, not simply changes in personnel.⁸⁴

CIVILITY AND CONGRESS

Clearly there are many similarities between the antebellum and contemporary eras: weak parties that shunned ideology and stressed distributive benefits, but could not satisfy all claimants. In addition, those who demanded benefits from the government did not trust it, were concerned about the proper distinction between what was public and what was private, and (most critically) did not recognize the legitimacy of other claimants. Traditional economic issues that divided the parties were displaced by a new range of issues and actors – and the nature of conflict on these issues engendered a passionate politics that made compromise virtually impossible – especially when one’s adversary was presumed to be making illegitimate demands. The emergence of many of these new issues was made possible by economic good times. Yet prosperity raises expectations to a level beyond which the system can cope. Especially in a polity in which the parties are so fractionalized that they cannot patch together viable coalitions, frustration levels (and distrust in politicians) will rise further, leading to an endless cycle that ultimately is likely to collapse on itself.

In the Civil War era, the system did disintegrate, but not before the parties were realigned into a more coherent system of policy representation. Party platforms increasingly diverged on slavery in the decade of the 1850s. Parties in the House sharply divided over slavery towards the end of the decade. The situation in the 1850s was far more severe than in the late twentieth century, not just in the Congress but in the larger society. Yet there was some underlying partisan order in the antebellum years. The first half of the nineteenth century was a strong party era, whether parties were programmatic or not. The pork barrel may have been doled out on universalistic criteria in Congress, but the divisible benefits were managed by strong local party organizations that in turn tightly controlled nominations for public office. Additionally, the attachments of voters to their parties was exceptionally strong.⁸⁵

⁸⁴ Brady, *Critical Elections and Congressional Policy-Making*, p. 39.

⁸⁵ Benjamin Ginsberg, ‘Critical Elections and the Substance of Party Conflict’, *American Journal of Political Science*, 16 (1972), 603–25; Brady, *Critical Elections and Congressional Policy-Making*, p. 45; and Bogue, *The Congressman’s Civil War*, p. 16. See the results of an unpublished study by Thomas B. Alexander, ‘The Dimensions of Voter Partisan Consistency in Presidential Elections from 1840 to 1860’ (presented as part of the Walter Prescott Webb Lecture Series, University of Texas – Arlington, 1981; cited in Silbey, *The Partisan Imperative*, p. 93). The Study concludes that about 90 per cent of voters stayed with the same party from one presidential election to the next from 1836 to 1860. More generally, Polsby (‘The Institutionalization of the US House of Representatives’, p. 168) finds little in common between the mid-nineteenth and mid-twentieth centuries. The latter is norm-driven, the former was not. To be sure, the nastiness that occurred after Polsby wrote is of a different order of magnitude than one finds in the contemporary Congress, but norm disruption hardly requires what he called an ‘era of guns and dogs, canings and fisticuffs’.

What distinguishes the present system, and makes it less likely to explode, is that there is no central issue that threatens to destroy the political system. Even as the political parties in Congress become more polarized, the electorate seems to be drifting in the opposite direction. The political system of the late twentieth century seems to be stuck in the mould of the pre-realignment nineteenth century, with a sharp distinction between legislative and electoral politics. The convergence that occurred in the mid-nineteenth century is nowhere in sight. Certainly party organizations are not nearly as all-encompassing as they were in the antebellum era.⁸⁶ The fever pitch of the contemporary system is not quite so loud.

The similarities between the two eras are instructive, but they do not necessarily predict what will become of the contemporary Congress. The partisan basis for a realignment, especially strong party organizations and an electorate that was highly consistent in its voting behaviour over time, was present in the 1850s. It is noticeably absent now. In both eras, the level of party voting in Congress was extremely high and marked by decreasing sectional cleavages.⁸⁷ However, in the nineteenth century such cohesion had been pronounced for several decades and ultimately came to be rooted in realigning issues. In the contemporary Congress, the rise in partisanship on the floor is a recent development, up from the historically low levels of the 1970s. This diminished party voting was traceable to the emergence of new or reshaped issue agendas that now have receded into the background but have hardly been 'resolved' even in the sense we associate with other realignments. New, clear-cut cleavages have not displaced the old crazy-quilt ones.

The issue of racial justice was central to both eras. Ultimately it enveloped the antebellum United States. In the contemporary era the civil rights movement signalled the initiation of the decline of comity in the nation.⁸⁸ Yet, by the time nastiness had become widespread (the late 1970s and afterwards), civil rights concerns as we traditionally understood them no longer were central to American politics. There was no partisan realignment – at least in the traditional sense – over racial justice.⁸⁹ Instead, many groups demanded some form of redress and insisted that their claims were exceptional. This alone did not distinguish the two eras. However, in the 1970s and 1980s there was little in common among these ultimatums to induce some sort of order in the party system. So numerous and diverse were these claimants and so shrill were their

⁸⁶ Silbey, *The Partisan Imperative*, pp. 99–100.

⁸⁷ Cf. Silbey, *The Partisan Imperative*, pp. 39–40 with Rohde 'Something's Happening Here'.

⁸⁸ Alternatively, one could argue that the current woes began with the McCarthy era of the late 1940s and early 1950s. However passionate the arguments were over communism, they did not constitute a mass movement as did the civil rights crusade.

⁸⁹ Edward G. Carmines and James A. Stimson do argue that there has been a major shift in American politics based upon race, but they deny that this has been a realignment as we have traditionally discussed it. See their *Issue Evolution* (Princeton, NJ: Princeton University Press, 1989). If they are correct, the transformation would be unique simply because it has not dominated public discourse. It is far from clear, however, that anything like a realignment has occurred.

demands that politicians sought to accommodate virtually all of them, regardless of ideological consistency or even the merits of each case.

Much of the commonality between the two eras is typical of pre-realigning eras, particularly the weak parties, the emphasis on distributive politics, the debate over what is public and what is private, the boom-and-bust cycles, the rise of new issues and groups, the belief that others' claims are illegitimate and especially the development of a passionate (even messianic) politics. Not every realignment has been marked by a decline of comity of the proportions reached in these two eras.⁹⁰ The contemporary system is distinctive: incoherent electoral coalitions have resisted all attempts of realignment for more than two decades. Indeed in 1988, with a strong Republican victory for the White House and Democratic gains at virtually every other level of government, the crisis seems to be getting worse. There is no realigning issue on the horizon. We cannot, as Jim Wright exhorted, stop the cannibalism because it feeds on itself. Nasty politics works, especially in the absence of any clear-cut vision on the part of our parties as to where each shall stand on major issues.

The antebellum and contemporary Congresses share one thing in common that neither does with other realigning eras that may help us to understand why comity is lost sometimes but not at other periods. In each case, norms disintegrated over a long period of time, in contrast to the much quicker resolutions of the political crises of the 1890s and 1930s. A fast solution to a problem allows a new regime of norms to develop. The festering of disembowelled coalitions leads to anarchy and normlessness. It is the difference between passion within a socialized system of conflict and fervour without a common language. The dealignment of the 1970s and 1980s is perhaps best viewed as an unfulfilled realignment. It has the elements of a restructuring of our politics, as the comparisons with the antebellum Congress indicate, but seems to have no way of getting there.

The convergence of these two systems cautions against explanations of the current decline of comity that rely upon institutional or technological causes. Explanations based upon legislative reforms, new members or television do not take us very far in accounting for the waning of norms in the contemporary Congress. The antebellum Congresses did not undergo major reforms. They were, as noted above, media conscious in their own way. Turnover was very high in the mid-nineteenth century, but this period was marked by a realignment

⁹⁰ The era preceding the 1896 realignment is marked (see Table 1) by a slight blip in the number of breaches of comity. More critically, it was a period of large-scale obstructionism within Congress. See Randall Strahan, 'Reed and Rostenkowski: Congressional Leadership in Institutional Time' (paper presented at the Conference on 'Back to the Future: The United States Congress in the Twenty-First Century', Carl Albert Congressional Research Center, University of Oklahoma, 1990). The decade preceding this realignment had an all-time high number of contested elections; see Polsby, 'The Institutionalization of the US House of Representatives', p. 164. I have not yet investigated this era in any depth. On the other hand, the period leading up to the 1930s realignment does not appear to be quite so contentious, most likely because the political transformation was so massive and so swift (see the text below). There were relatively few contested elections in the decade preceding this realignment.

that was not matched more than a century later. Any effects of such factors must themselves be explained; they are not 'unmoved movers'. Why did the Congress reform itself at a particular time? Does an influx of new members lead to a change in the operative norms of a decision-making body? What sorts of programming does television feature and why?

The answers are not likely to be found within institutional structures. The decline of comity is hardly restricted to Congress or even to other American institutions. As noted above, there is increasing rancour in legislative bodies in diverse parts of the world across a wide variety of institutional structures. In some other English-speaking democracies, notably Great Britain and Canada, the rise of a norm-busting new right (in contrast to the more traditional 'Wets' or 'Red Tories', who married conservatism with a belief in the strong state) parallels the Reagan revolution in the United States. Even in parliamentary regimes that accept heckling and name-calling, there are well-established limits on what is acceptable. In Great Britain, these norms are being violated much more often since the late 1970s.⁹¹ The decline of comity is an even wider phenomenon, encompassing more typically majoritarian systems such as France⁹² and consensual ones such as Japan.

What is the common denominator? It is certainly not institutions, and even cultural accounts are of limited utility. They can tell us much about the different ways that nastiness manifests itself in each country, but not why it has become so widespread. For that we must look first, if hardly exclusively, to larger trends in the world economy, political values and social movements.⁹³ The story will hardly be the same in each country, and here culture-specific and institutional accounts will be of great help.⁹⁴ There is another message, perhaps more disturbing: if declines of comity can be found in so many institutional

⁹¹ For an explicit comparison, albeit a not very balanced one, see Joel Krieger, *Reagan, Thatcher and the Politics of Decline* (New York: Oxford University Press, 1986). A better treatment of Thatcher's norm-busting is Peter Hall, *Governing the Economy* (New York: Oxford University Press, 1986), pp. 126–32. On norms in the British system, see Donald Searing, 'Rules of the Game in Britain: Can Politicians Be Trusted?' *American Political Science Review*, 76 (1982), 239–58. In the House of Commons, standing orders to punish members for violations of order were employed nineteen times between 1945 and 1979, but fourteen times between 1979 and 1983 and eight times between June 1983 and February 1985. See David Judge, 'Disorder in the House of Commons', *Public Law* (1985), 368–76 (especially p. 370), for an analysis of Britain that parallels mine for the United States.

⁹² Paul Lewis, 'As Protest Turns Ugly, Cherchez le Provocateur', *New York Times*, 12 December 1986, p. A4.

⁹³ See Ronald Inglehart, *The Silent Revolution* (Princeton, NJ: Princeton University Press, 1971); and Herbert P. Kitschelt, 'Structures and Sequences of Nuclear Energy Policy-Making', in Gosta Epping-Andersen and Roger Friedlander, eds, *Political Power and Social Theory* (New York: JAI Press, 1982), pp. 271–308.

⁹⁴ For the utility of a cultural thesis, see Uslaner, *Shale Barrel Politics*, especially chap. 7. While I do not think that institutional accounts will take us very far, I do not dismiss any role for institutions. After all, in the contemporary American context, the extent (higher) and direction (less partisan) of rancour in the Senate differs from that in the House. Overall, however, this is a matter of degree rather than of kind.

and cultural settings, there is little hope for structural resolutions to the problem. Such puttering is the traditional quick fix. Simply exhorting people to behave better, as Miss Manners does, ignores the collective action problem inherent in a weak system of norms. Perhaps only a world-wide economic crisis, such as the Great Depression, will lead to more coherent cleavages within party systems.