MAJORITARIANISM, MAJORITARIAN TENSION, AND THE REED REVOLUTION

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Abstract

What fundamental forces account for procedural change in majoritarian voting institutions? I address this question by defining majoritarianism as a variable with two attributes: a numeric component that sets a threshold of assent among decision-makers, and a contextual component that defines the objects and stages of choice to which a given majority or supermajority threshold applies. Conceptualized as such, majoritarianism may be studied as a manipulable phenomenon that, in large part, defines the degree of consensus that a voting organization demands of itself in making decisions about rules, amendments, and law. Majoritarianism is often a central concern in institutional reforms that reallocate individual procedural rights to members. Majoritarian tension inevitably arises among decision-makers due to their simultaneous and conflicting desires for consensus (widespread endorsement of a decision), timeliness (rapid action), and wisdom (prudent, informed decision-making). Two broad empirical expectations based on the majoritarian-tension framework are assessed by revisiting of the extensively studied, so-called Reed Revolution in the late 19th Century House of Representatives. I suggest that this ostensibly critical event was both less significant and more bipartisan than any extant account suggests, and that my alternative interpretation is consistent with the fundamental forces of majoritarian tension.

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The publication of David Mayhew’s *Congress: the Electoral Connection* in 1974 rocked the field of legislative studies. The tight and eminently readable compendium has not only enlightened generations of students as an introduction to Congress but also has earned even higher accolades as research. The scholarly impact of the book came in two surges, paralleling its two parts. The first part signified a methodological break from traditional congressionalists of the 1950s and 1960s. Using a rigorous (yet accessibly non-formal) axiomatic approach, Mayhew engaged in what he called a “mono-causal venture” when studying legislative behavior, organization, and outcomes. Of course, he did not believe that the single cause he isolated—the reelection motive—was the sole causal factor of the various dependent variables. Rather, he viewed it as a search for a pervasive force of politics of first-order significance for understanding what atomistic, self-interested legislators do and why they do it. The plausibility of his argument, the evidence adduced to support it, and its lasting impact attest to Mayhew’s success in his search for a single, fundamental force.

The second part of Mayhew’s monograph, which is the springboard for this paper, begins with a classic example of his uncanny ability to identify and frame new research agendas. The excerpt is well-known.

[The] organization of Congress meets remarkably well the electoral needs of its members. To put it another way, if a group of planners sat down and tried to design a pair of American national assemblies with the goal of serving members’ electoral incentives year in and year out, they would be hard-pressed to improve on what exists. (Mayhew 1974, 81-2)

With the benefit of hindsight, it is evident that Mayhew was two steps ahead of the field. Not only did he exhibit a firm grip on the importance of representative assemblies as
institutions that define their individual members’ strategic opportunities and constraints, but he also had the prescience to observe that many important institutional features are endogenous. Therefore, rules and procedures—much like policies—ought eventually to be studied as potential objects of choice in attempts to understand the dynamics of institutional development.

But do “group[s] of planners [sit] down and...design...national assemblies?” My objective is to develop, and to assess preliminarily, a new way of thinking about the development of voting political institutions that sheds light on Mayhew’s hypothetical institutional design scenario. As Mayhew sought to identify the fundamental force underlying the electoral connection, I am searching for fundamental forces of political institutional design. The primary distinguishing feature of my approach is its emphasis on majoritarianism as a variable whose value is determined by the sum total of an organization’s contextual institutional features and is, therefore, partially within the control of the organization’s members. The secondary distinguishing feature is a characterization of a legislative institution as a body of parliamentary or procedural rights and their distribution, with an emphasis on individuals rather than parties as recipients of rights.

I begin by discussing the concept of majoritarianism, not exclusively as simple majority rule but rather as a more general, two-dimensional concept that is defined by a numerical property (a stipulated required level of assent) and by the context to which the assent threshold applies (e.g., to policy choice, to decisions to consider policies, or to procedural choice). Next, I consider the broadened conception of majoritarianism in the context of institutional development. This fusion of ideas leads to the creation of a simple analytic device—the cube of majoritarian tension—that provides structure for the rest of the essay. The domains of collective choice to which the framework can be applied are numerous, but this essay focuses on congressional reform. A critique of existing literature

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1 In this vein, the “New Institutionalism” agenda was soon to follow (Shepsle 1979) and to be advanced aggressively in several other seminal works, such as Shepsle and Weingast (1987).
2 This was the approximate launching pad for Weingast and Marshall (1988) and Krehbiel (1991).
3 I use the term institutional development instead of institutionalization because my emphases differ in nontrivial ways from those of Polsby (1968).
is offered, after which several of the explicated shortcomings are illustrated and addressed by a reconsideration of U.S. House of Representatives’ adoption of Reed’s rules in 1891. A concluding discussion offers some caveats and directions for continued studies based on the revised concept of majoritarianism and the new framework of majoritarian tension.

I. MAJORITARIANISM AS A VARIABLE

Like many other political organizations, legislatures make collective decisions by voting, usually with a well-defined counting rule or preference-aggregation function. When the counting criterion is met, a motion, candidate, or proposal passes; otherwise it fails. Typically, we think of collective decisions as choices about policies, for instance, passage of legislation or adoption of amendments to bills. The essence of institutional endogeneity, however, is that collective choice occurs at a higher level as well: legislatures also choose the rules of procedure by which they, in turn, choose policies. To obtain a deeper understanding of political institutional development, two preliminary needs must be addressed: a need to sharpen and extend the conception of majoritarianism by building in context-specificity, and a need to isolate a parsimonious set of pervasive trade-offs that must be confronted during consensus-building. The overarching question is: What desirable properties of institutional development besides majoritarian consensus are important in collective choice, and how do they interact?

TWO DIMENSIONS OF MAJORITARIANISM

Majoritarianism is a multi-faceted concept. I will restrict my attention to two of its dimensions which I call numerical and contextual. A consequence of this elaboration is that my usage of the term is more general than that of others.

Usually, when political scientists speak of or write about majoritarianism, they have foremost in mind simple majoritarianism: the idea that, for a candidate or a proposal to be deemed and accepted as the decision of a group of voters, the number of votes cast for that candidate or proposal exceeds one-half of the total number of votes cast. A straightforward way of characterizing simple majoritarianism—and, by extension, other forms of majoritarianism—is in terms of a numerical threshold of assent. The threshold of
assent for simple majority voting expressed in terms of number of votes is \( \frac{N}{2} + 1 \) (or \( \frac{N+1}{2} \)), where \( N \) is the total even (or odd) number of voters. More conveniently expressed in terms of fractions between 0 and 1, simple-majoritarianism is therefore said to have a critical value of \( \frac{1}{2} \). Above the critical value, a motion, proposition, resolution, etc. passes; below the critical value, it fails.\(^4\) The numerical characterization of simple majoritarianism generalizes easily to other recognizable forms of majoritarianism. Unanimity is a voting rule with a critical value of 1; supermajoritarianism has a critical value between \( \frac{1}{2} \) and 1 (often \( \frac{2}{3} \)); and submajoritarianism (which borders on oxymoronic but is not unheard of) has a critical value of less than \( \frac{1}{2} \). I emphasize that I am using majoritarianism as a general term that subsumes the prefixed forms: sub-, simple-, and super-majoritarianism, and also includes unanimity.

In the context of institutional development—the core feature of which is that rules, such as those that govern voting, may be endogenous in the long-run—the assent-threshold definition of majoritarianism fails to capture other important aspects of the choice process. To accommodate some of these, I introduce, define, and use a set of setting-specific types of majoritarianism which I summarize as the second, contextual dimension of majoritarianism. Four majoritarian contexts vary in terms of their place, purpose, and consequences for the surrounding choice processes. Table 1 summarizes four context-based types of majoritarianism and integrates them with numerical majoritarianism via simple parameters.

Immediate majoritarianism, which is parameterized by a fractional assent value, \( \alpha \), refers to the yes-vote threshold for policies, amendments, and other directly policy-outcome-consequential collective choices. It is the nominal, de jure voting rule that, in contemporary legislatures, is usually codified in standing rules or precedents, and applied to the motion or proposal directly before the body at a specified time. Several examples are given that illustrate variation of immediate majoritarianism both across institutions and within a given institution.

\(^4\) The case of strict equality of the voting ratio with the critical value requires situation-specific tie-breaking rules, but this will not cause confusion.
<table>
<thead>
<tr>
<th>Types of Majoritarianism (objects of choice)</th>
<th>Assent Threshold</th>
<th>Description</th>
<th>Examples and their Critical Values (Assent Minima)</th>
</tr>
</thead>
</table>
| **Immediate or de jure (policies)**         | α                | The fraction of affirmative votes required to pass amendments, enact legislation, adopt policies, etc. | • US Congress final passage of bills: $\alpha = 1/2$
• US Senate ratify a treaty, 2/3
• US Senate may deviate from most rules via unanimous consent, 1.
• US criminal jury conviction, case and state-varying but usually 1.
• 13th Century Bologna selection of magistrates, 13/20. |
| **Background or de facto (consideration of policies)** | β                | The fraction of affirmative votes required to close debate or preclude delay | • House deviation from normal order via special rules $\beta = 1/2$
• Senate invokes cloture under its standing Rule 22, 3/5.
• Supreme Court certiorari, 4/9. |
| **Remote (general procedures)**             | γ                | The fraction of votes required to change a rule, or to set or affirm a precedent | • US House and Senate, $\gamma = 1/2$ under general parliamentary law (*Jefferson’s Manual*).  
• US Senate Rule 22 stipulates that invoking cloture on an attempt to change Rule 22 requires a 2/3 vote.  
| **Cultural**                                | δ                | Beliefs and pressures exogenous to a self-governing body within a political system that influence its $\alpha, \beta, \gamma$ parameters mostly indirectly, gradually, and tacitly. | • Greeks culture valued participation and tacitly supported simple majoritarianism.  
• The Catholic Church through the middle ages was pseudo-unanimous (election by “acclamation”).  
• US culture was initially unanimity-tending but soon became simple-majoritarian especially in legislatures  
• Public corporations’ shareholders are fond of share-weighted simple majoritarianism. |
Background majoritarianism ($\beta$) is the *de facto* assent threshold required to bring a measure before the voting body. It is often manifested earlier in the process than, and as a prelude to, foreground or immediate majoritarianism. While in some respects it resembles immediate majoritarianism, it also differs in a significant way. The impact of background majoritarianism depends upon not only upon established procedural requirements but also upon behavior within a larger procedural context. So, for example, by erecting a higher threshold for considering a proposal than for passing it ($\beta > \alpha$), an opportunity is created for forward-looking legislators to adopt strategies that make the background-majoritarian threshold the *de facto* voting assent level required for subsequent amendments or for final passage. The politics of filibusters as played out in the Senate in recent years when anonymous holds are epidemic is an example of background (*de facto*) supermajoritarianism in the presence of immediate (*de jure*) simple majoritarianism, where the background rather than foreground is the constraint that binds. Similarly, background supermajoritarianism can also be due to assent requirements that may be invoked later than the legislature’s passage of a bill. A common example in U.S. politics is an executive veto with a legislative supermajority override. When a veto threat is credible, the *de facto* / background assent threshold (2/3) is again greater than the *de jure* / immediate assent threshold (1/2), and so the true degree of consensus required is—like the filibuster example—supermajoritarian.

Remote majoritarianism ($\gamma$) is another step removed from immediate and background majoritarianism. It refers to the level of assent required to change standing rules or to set and affirm precedents that, jointly and in total, determine the more proximal parameters, $\alpha$ and $\beta$. As such, remote majoritarianism covers classes of situations rather than bill-specific cases. Like background majoritarianism, remote majoritarianism always *may* have a bearing on immediate decision-making, but its effect is indirect, because it rests

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5 I introduced the term *remote majoritarianism* in *Information and Legislative Organization* (Krehbiel 1991) where its definition is more general than it is here. Specifically, I did not single out and define what I now call *background majoritarianism*, whose distinguishing feature from remote majoritarianism is that the former has greater bill- or proposal-specificity. Both types are background forces relative to immediate majoritarianism, but remote majoritarianism resides more deeply in the background than what I’m now calling background majoritarianism. Their respective objects of choice also differ. Background majoritarianism is specific to consideration of designated policies or motions; remote majoritarianism pertains to changes in more general standing rules or precedents.
on an implicit threat. The higher level of majoritarianism ($\gamma$) will be invoked only to the extent that the lower level(s) ($\alpha$ or $\beta$) are perceived to be failing regularly in major ways. Roughly speaking, the greater is the assent threshold for changing rules, the more stable such rules will be in the day-to-day, year-to-year, or century-to-century operation of the institution. In many political institutions, the remote majoritarianism threshold is not quantified or codified, in which case the operable value of $\gamma$ is subject to uncertainty. In the U.S. political system, for instance, remote majoritarianism is relatively explicit but not without ambiguity. The ambiguity stems from the concept of general parliamentary law, which is considered the fallback set of rules when the existing rules do not specify a consensus majoritarian criterion or when standing rules have not yet been adopted (e.g., at the beginning of a new Congress when the House has yet to adopt standing rules).

Moreover, general parliamentary law is widely regarded as an embodiment of simple majoritarianism. The ambiguity stems from the concept of general parliamentary law, which is considered the fallback set of rules when the existing rules do not specify a consensus majoritarian criterion or when standing rules have not yet been adopted (e.g., at the beginning of a new Congress when the House has yet to adopt standing rules).

Cultural majoritarianism ($\delta$) completes the list and precludes an infinite regress in causes of causes of levels of variable majoritarianism. It refers to the degree to which members of a polity—external to, but potentially influential on, the focal organization—have a demand for, or aversion to, consensus-demanding procedures. In the U.S., two contemporary examples of cultural majoritarianism that simmer and sometimes boil are citizens’ disillusionment with the electoral college (which *ex post* can be sub-majoritarian with $\alpha < \frac{1}{2}$ of the national electorate) and grumbling about the Senate’s filibuster.

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6 During his vice presidency (and when presiding over the Senate) Thomas Jefferson wrote a manual of basic parliamentary procedure which came to be known and published as *Jefferson’s Manual*. In section 41 of the manual, Jefferson writes, “the voice of the majority decides; for the *lex majoris partis* is the law of all councils, elections, &c., where not otherwise expressly provided.” *Lex majoris partis*—the law of the majority—is sometimes given a more elaborate translation as “majority rule in a society that governs itself by the consent of the governed.” Somewhat curiously, Jefferson never uses the term “general parliamentary law,” even though the term appears regularly, with his name, in House and Senate precedents. Upon further exploration I found less than complete consensus regarding the origin, meaning, and definitive source on general parliamentary law, sometimes also called “common parliamentary law.” Other allegedly “definitive sources” that crop up occasionally include *Roberts Rules of Order* (which is written more for private meetings than for public lawmaking) and *Cushing’s Manual* (which, likewise, sought a broader audience; its author, Luther Cushing, was clerk of the Massachusetts House of Representatives). See, for example, Jennings (n.d.) for superficial but typical views of general parliamentary law, and Malamut (2008) for a more serious assessment that grapples with the subtlety and ambiguity in general parliamentary law.
propensities ($\beta = \frac{3}{5}$ of the Senate). Implicit in these joint positions is an affinity in the American public for consistent simple majoritarianism, i.e., the public believes that it ought to be the case that $\alpha = \beta = \gamma = \frac{1}{2}$. I am not willing to bet that public opinion polling would corroborate this, however.\footnote{Indeed, it is difficult to envision the appropriate survey item that could elicit this information.} Suffice it to say that cultural majoritarianism is a latent, deep-background factor and probably only rarely and indirectly affects institutional development.\footnote{A recent, possible example in which cultural majoritarianism may have had some impact on intra-legislative majoritarianism parameter values is the Senate’s decision—via simple majority—to set a precedent for proceeding to the consideration of a select narrow subset of presidential appointees\textit{ without} the historically required 3/5 vote in the presence of a hold or implicit threat of a filibuster and its correspondingly requisite cloture vote (see \textit{Congressional Record}, November 11, 2013, pp. S8413-S8418). In terms of Table 1, a simple majority of Democrats—possibly emboldened by anti-supermajoritarian public sentiment ($\delta \approx \frac{1}{2}$)—acted forcefully to lower background majoritarianism ($\beta$) from 3/5 to 1/2 for consideration of NLRB appointments. The subtle but important feature is that, at the level of remote majoritarianism ($\gamma$), the key action—voting to table the appeal of the decision of the chair—was simple-majoritarian ($\gamma = 1/2$). A broad interpretation of instances like these is that the level of remote majoritarianism ($\gamma$) in the Senate occasionally inches downward as a result of bouts of gridlock malaise, possibly backed by (perceived?) cultural simple majoritarianism. (The NLRB nuclear option incident agitated Senate Republicans, to be sure. There was little pushback from the general public, however.)}

**RECAPITULATION**

Many types of majoritarianism can be characterized in two dimensions. The first dimension of majoritarianism is numerical and specifies the threshold fraction of votes above which a motion is deemed the collective choice. The second dimension refers to the context in the political process in which the first-dimension’s assent threshold applies. The four contexts in which different degrees of majoritarianism may take hold or are: \textit{immediate} (choice over policies) which is the most familiar and most easily quantifiable, \textit{background} (which may alter \textit{de facto} the policy-choice assent threshold), \textit{remote} (overt choices of or changes in procedures), and \textit{cultural} (constituents’ attitudes about an organization’s procedures). Any given type of majoritarianism can be viewed as exogenous in one context and endogenous in another; this classification depends upon the research objective.
II. MAJORITARIAN TENSION

Why does majoritarianism vary over time and space, that is, both across political organizations and within them? Why do some organizations (e.g., the U.S. House) tend to prefer simple majoritarianism while others (e.g., the Senate) adhere more often to *de facto* supermajoritarianism? Is it because members’ majoritarian tastes differ, because organizational constraints differ, or is it just a matter of historical quirks and inertia?

As a starting point, consider what unanimity and supermajoritarianism do relative to their simple-majoritarian counterparts. By definition, unanimity sets the bar of assent higher than other voting rules and therefore demands greater *consensus* from the organization in order for it to express its collective assent—i.e., in order for the supermajority to speak for the whole. Consensus is typically regarded as a desirable property of collective choice, provided it is obtained for the right reasons, such as through deliberation, debate, acquiring, digesting, and aggregating all relevant information about constituents’ preferences and the consequences of policy, through bargaining, compromising, finding common ground, and so on. If this kind of process leads to consensus, or if the need for consensus brings about this kind of process, then supermajoritarianism seems like a good practical recipe for institutional development and corresponding well-informed, prudent, or generally the exercise of *wisdom* in decision-making.

On the other hand, a high critical value of immediate majoritarianism ($\alpha \gg \frac{1}{2}$) has a downside, too. Requiring too much consensus can result in the politics of gridlock. Most political organizations have members with diverse preferences. They also differ in their willingness and ability to specialize. Under these conditions, it is well known that reaching a consensus is difficult; preference aggregation and information aggregation are both difficult, and often impossible. Consequently, the organization is often unable to reach a high assent threshold when it could well have reached a lower one, in which case simple

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9 In the context of institutional development, the assent level of majoritarianism is sometimes an exogenous variable, and sometimes an endogenous variable. Which form it takes and when depends upon the organization that is studied, and the research question that is asked. Because it seems premature at this stage to develop a causal theory of majoritarianism, I settle for a more modest, exploratory approach, which is to identify likely covariates of majoritarianism and defer questions of direction of causality.
majoritarianism may not look so bad after all. Simple majoritarianism, in other words and other things equal, better enables the organization to be responsive to its external constituencies and to make timely decisions.

**RULES AS BALANCING MECHANISMS**

This brief and intuitive discussion can easily be repackaged in a framework amenable for analyzing and interpreting institutional change in a wide range of settings. The framework is an embodiment of a simple empirical conjecture about forces affecting institutional design and development.

**Conjecture.** The rules governing the collective choice processes of voting institutions balance its members’ simultaneous desires for consensus, timeliness, and wisdom during decision-making.

Some elaboration on the three key terms in the conjecture is useful. **Consensus** does not necessarily mean the literal number of votes received but more importantly the breadth of positive expressed assent as well as the passive and tacit consent to the outcome by opponents of the winning alternative. In other words, consensus has a quantitative or counting component, but more intangible, nonquantifiable factors determine consensus, too. **Timeliness** refers primarily to the speed of the decision but not so much its appropriateness.** Timeliness** can also be defined indirectly as the opposite of gridlock. Finally, **wisdom** refers to the overall quality or soundness of the decision, given the best available information and technology. Analytic examples of phenomena that represent real-world notions of wisdom include Fenno’s (1973) “good public policy,” Gilligan and Krehbiel’s “informational efficiency” (1987), and Hirsch and Shotts’s (2012) “quality.”

The three forces identified in the conjecture can be seen as forming a platonic ideal-form conception of a political institution. That is, if it were possible, we would design democratic institutions whose members unanimously and immediately made sound decisions. Unfortunately and obviously, this is not possible due to majoritarian tension. Figure 1 illustrates.

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10 Appropriateness, subjective though it is, is better classified as a component of wisdom.
Notice first that the base of the cube represents minimum consensus, which could be implemented, for example, by a dictatorship, the sole head of which possess the only vote that counts. A rash dictator (point A) acts quickly by definition, spending no time to acquire information, deliberate, or reflect on the consequences of the policy he will unilaterally impose. A reflective dictator (point B), in contrast, acts slowly and deliberately, processing all information to maximize the wisdom of his choice.

The third, vertical dimension in the diagram implicitly brings majoritarianism into the picture, albeit in a somewhat indirect and imprecise way. Consensus generally is regarded as a desirable feature of representative governance. Consensus covaries positively with the degree of majoritarianism required by voting rules or methods—other things equal, the greater is the supermajority threshold, the greater is the consensus—but this relationship is not perfect. Therefore, a somewhat holistic approach is needed to interpret the consensus dimension fruitfully. Specifically, an organization’s consensus level is determined jointly by its three majoritarian parameters, $\alpha$, $\beta$, and $\gamma$, possibly reinforced

11 A common example of the imperfect correlation between consensus and the numerical consent threshold is U.S. presidential nominating conventions when, following a candidate’s crossing the simple-majority threshold, a delegate moves that the candidate be nominated “by acclamation” (in effect, unanimity). Ex post consensus-exaggerating proclamations, such as these, were also common in Ancient Greece (Ober 2008, Raaflaub et al. 2007, Schwartzberg 2014) and in Medieval papal elections (Heinberg 1926, Giuriato 2007). Presumed consent of those in the minority with the majority-established position also lies at the core of Rousseau’s conception of the General Will and, to some extent, Locke’s Social Contract.
or constrained by cultural majoritarianism, $\delta$. The relationship between these parameters is a topic in its infancy that I hope to nurture in future work. For present purposes, all that needs to be noted is that at any given level of majoritarian consensus, some combinations of timeliness and wisdom that are feasible under dictatorships are no longer feasible. For example, majority coalition building is time-consuming, especially if preferences are heterogeneous and/or proposals are multidimensional, in which case(s) maximum timeliness is no longer attainable. Similarly, aggregation of information and convergence of beliefs are complicated and imperfect processes, so neither is maximum wisdom feasible. In short, consensus is costly for any nontrivial collective choice problem.

In a more comprehensive form, the cube could be embellished to characterize simplex-like, institution-specific, feasibility-frontier surfaces that rule out unattainable mixes of consensus, timeliness, and wisdom (beginning with the obviously unattainable $(1,1,1)$ point on the unit cube). A helpful thought experiment is to imagine an interior, approximately triangular surface and to visualize institutional development as an ongoing dynamic process in which procedures are adopted that, upon implementation, may push out towards the feasibility frontier in the direction of the arrows. Alternatively, beginning on the frontier, institutional change may be characterized as an instance of moving along the Pareto surface, necessarily trading gains in one (or two) dimension(s) for losses in the other two (or one).

Four additional observations about majoritarian tension are noteworthy.

First, the extreme low values of the three criteria—i.e., convergence to the origin of the cube at its back-bottom corner—have respective antonyms that provide a brutally comprehensive summary of common criticisms of some present-day legislative institutions, such as the U.S. Congress. An approximate opposite of consensus is polarization. The opposite of timeliness is gridlock. Opposites of wisdom are policy ignorance or incompetence. An uncompromising congressional cynic, therefore, would locate the Congress at the origin of the cube and would caricaturize the organization as divisive, dysfunctional, and dumb.
Second, different institutional arrangements’ procedural attributes are at least indirect or long-term reflections of their cultures’ different values, traits, and technologies. Citizen democracies of ancient Greece were highly participatory, sometimes with casts of thousands, so reaching a consensus that approximated unanimity was clearly not possible. Quaker settlements (point D) in the colonial era, in contrast, were composed of a smaller number of more homogeneous, more patient members for whom time was not of the essence, but wisdom was important, and consensus was a must. In other words, different cultures or choice environments have different relative valuations of the three criteria and so will make different trade-offs and reach different approximate optima in its various voting institutions.

Third, of the three dimensions in the cube, consensus is probably the most directly manipulable via institutional reforms. The most transparent mechanisms are the voting thresholds summarized in Table 1. It is not the case, however, that timeliness and wisdom adjustments or improvements are off-limits, nor are they unaffected by procedural reform. Rather, the mechanisms by which legislative organization can be tweaked to capture gains in timeliness or wisdom are just somewhat less transparent and subject to more uncertainty than reforms such as changing the cloture requirement from 2/3 to 3/5, for example.

Finally, the costs and attainability of timeliness and wisdom in collective choice vary with environmental factors. For instance, for any given institution, some periods of history are clearly more demanding than others. Variable demands for policymaking action, in turn, affect the value placed on rapid responsiveness to external events. Similarly, the complexity of policymaking exhibits variation across policy areas at a given time as well as for the same policy over time. In high-complexity periods or policy domains, wisdom will weigh more heavily into the equation than when the relevant environments are calm and static.

IMPLICATIONS

The cube of majoritarian tensions and, more generally, its three forces bearing on institutional design is not a positive theory in the normal sense of the term, but it can serve
as a basis for forming some preliminary, crude empirical expectations about institutional development. Specifically, if decision-makers’ competing demands for consensus, timeliness, and wisdom are at work, then we should be able to find evidence of the following characteristics when observing actual instances of institutional change or reform.

1. **Evolutionary—not revolutionary—change.** In well-established voting institutions, we should observe a mostly steady state in procedures. When procedural changes do occur, they will tend to be incremental and consistent with longer-term historical trends.

2. **Cube interpretability of majoritarian change.** Changes in $\alpha$ and, less commonly, in $\beta$, should be rationalizable or interpretable as tradeoffs between one or more pairs of consensus, timeliness, and wisdom.

The expectations can be thought of as covering the overall nature of change and the main correlates of change, respectively. That is, the first expectation is that institutional development will be smooth, slow, and nonvolatile. The second expectation is that, within these overall patterns, the various twists, turns, and tweaks of institutional majoritarianism will be understandable as compromises pertaining to the timeliness and wisdom of the historical and institutional contexts. In a more comprehensive work in progress, I am applying the majoritarian-tension framework to a wide range of settings, institutions, and their development. Henceforth in this paper I restrict my attention to the U.S. Congress.

### III. MAJORITARIANISM AND CONGRESSIONAL REFORM

Congressional reform is a well-studied instance of political institutional development in which majoritarian conflict plays a key and often controversial role. Consequently, studying instances of congressional reform is a promising way to explore the utility of the majoritarian-tension framework. Rather than move immediately to application of the new approach, however, it is instructive to summarize existing approaches and findings to establish points of comparison. To fix things in context, I consider reform as it is characterized in the literature as an instance of endogenous procedural change, and I

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12 Related work in progress includes: voting in Ancient Greece and Rome, ecclesiastical voting in the Middle Ages, the evolution of roll call voting in the English Parliament, and majoritarianism and the U.S. Senate’s filibuster and so-called nuclear option.
continue to consider *majoritarianism* as a phenomenon that can vary across and within institutional settings.

**A Composite Sketch**

For several decades, congressional scholars have viewed reform through distinctively partisan lenses. Research projects have taken on one of two equally interesting forms: reform as a dependent/endogenous variable, or reform as an independent/exogenous variable. In both types of study, institutional change variables are given party-laden definitions and interpretations.\(^\text{13}\) For instance, a rules change is observed, and the so-called reform is classified and coded as either pro-majority or pro-minority. Researchers who seek possible causes of the reform (e.g., Binder 1996, 1997; Schickler 2000, 2008) then regress a qualitative reform variable on various party-based measures such as majority party size advantage, party polarization, or Binder’s notion of “partisan capacity.” Significant coefficient estimates are taken as corroboration that reforms are party-motivated. Similarly, other researchers who seek evidence of the consequences of reform also use party-based coding of rules regimes but instead put them in the right-hand side of statistical models and test whether they systematically affect other partisan phenomena such as roll rates, or spatial-directional of change in legislation (see, for example, Cox and McCubbins 2005 ch. 4; Dion 2001).

The implicit model of Congress that motivates these research strategies is that parties’ desires for rules changes in Congress are ever-present, and opposing partisan forces are engaged in a zero-sum struggle over who has the ability to organize the legislature and dictate the policy agenda. However, although the demand for partisan agenda-setting would seem empirically to be approximately constant—with *each* party wishing *always* to be a monopoly agenda setter—the actual occurrence of changes in congressional rules happens only episodically.\(^\text{14}\) So, for instance, we see repeated

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\(^{13}\)This claim is somewhat overstated and/or reflects a recent-time bias. Earlier reform literature, however, did something similarly zero-sum albeit with a committee/subcommittee focus (Rohde in the 1970s), or a committee-versus-party or party leadership focus (Cooper and Brady 1980, for example).

\(^{14}\)Research on congressional reform and legislative organization more broadly is abundant, and my references are far from exhaustive. Recommended earlier works include Jones (1968), Polsby (1970), Mayhew (1974), and Rohde (1974). More recent studies have tended to be more data intensive and occasionally theoretical. These
references to a handful of demarcation events (Reed’s Revolution, the Cannon Revolt, the Legislative Reorganization Act of 1946, the Subcommittee Bill of Rights of 1973, etc.) that define what have come to be accepted as distinct—and presumably distinctly different—periods, eras, or institutional arrangements (e.g., the Jacksonian era, the partisan era, the textbook Congress, and the resurgence of party).

The findings of these empirical inquiries are interesting because they give rise to several generally accepted substantive conclusions, in spite of the fact that there is also a modicum of specific disagreement across studies in terms of included variables, their meaning, and their measurement.¹⁵ Summing up, most scholars are in basic agreement on five empirical propositions regarding congressional reform in the U.S. House.

1. **Short-Term constant.** At any given time—and hence on average—the majority party enjoys a distinct advantage over the minority party in terms of procedural rights.

2. **Long-term variation.** Sporadic and dramatic bursts of reform—or discontinuities in the distribution of relative partisan procedural advantages—occur sometimes, but not very often.

3. **Causes or correlates.** Reforms that bolster the majority party’s strategic arsenal are positively related to majority-party size and majority-party homogeneity.¹⁶

4. **Consequences.** The majority party parlays its procedural advantage (sometimes called a "cartel") into an electoral advantage by restricting floor activity to those issues that burnish its brand name and thereby also contribute to continued majority-party success in the electoral arena.¹⁷

5. **Long-term steady state.** Propositions 1-4 imply that the long-term steady state of party-based legislative organization is one in which the majority party’s procedural advantages result in systematic majority-party policy bias.

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¹⁵ Park (2013) provides an insightful up-to-date review, critique of estimation methods, and extension to this literature.


¹⁷ Some of these advantages are of the “position-taking” variety (Mayhew, 1974). Others are outcome-based and are attributed to passage of policies that are non-centrist and that favor the majority party over the minority party, and over the House median voter.
Puzzles and Problems

Nuance is ineluctably lost in composite sketches of bodies of literature. Even so, it is an understatement that most contributors to the party-oriented reform literature would endorse most of the five propositions. There may be some drop-off at Proposition 5, but, even there, agreement is widespread and often ardent.\(^\text{18}\) What needs to be emphasized, then, is that Proposition 5 is very difficult to rationalize from the perspective of immediate and remote simple-majoritarianism. To see this, consider the following:

**The Simple-Majoritarian Puzzle.** In conventional partisan procedural politics, a *majority of the majority party* generates equilibrium policy outcomes that a *bipartisan simple-majority of the legislature* would like to change to the chamber median voter’s ideal point. Yet, according to Proposition 5, that bipartisan simple-majority does not act—directly or indirectly—to improve its well-being. How and why does this form of *majority partyism\(^\text{19}\)* overpower simple-majoritarianism in an immediately and remotely simple-majoritarian legislature?

The puzzle is disturbing because, upon brief reflection, it defies majoritarian common sense. The typically anthropomorphized “majority party,” when atomized, is really only a majority of the majority party and, moreover, a minority of the legislature as a whole. Nonetheless, in the conventional strong-majority-party argument, this coalition dominates policy choice in spite of its numerical-minority status. As such, the scenario contradicts the principle of immediate simple-majoritarianism as defined in Section I, as codified in the Standing Rules of the House, multi-volume sets of House precedents, *Jefferson’s Manual*, and as revered in American culture.

Meanwhile, the big loser in the equilibrium scenario within this partisan world is not only a bipartisan coalition but also a majority-of-the-legislature coalition that, under the Constitution and general parliamentary law, could change the rules. That its members decline to exercise their rights to change their rules contradicts the principle of remote simple-majoritarianism. How can it be that the two levels of simple-majoritarianism—

\(^\text{18}\) Furthermore, many congressional scholars buy in to something much like proposition 5 for reasons independent of the procedural mechanisms embodied in propositions 1-4. After all, proposition 5 in isolation is essentially a statement of any standard strong-parties-in-government claim/hypothesis/theory.

\(^\text{19}\) As elaborated in section IV below, by *majority-partyism* I mean dominance by a majority of the majority party.
direct and remote—generate outcomes that are known ex ante by all legislators to be ex post sub-majoritarian?

I will not attempt to offer a definitive answer, but I will suggest and explore a few possibilities for resolving the puzzle. Part of the problem stems from key words and the way they are used. Another part is due to coding conventions and the theoretical need to anticipate correctly the partisan consequences of rules, even when the rules have no overt partisan content. And most of the problem has to do with units of analysis. Happily, all of these shortcomings are avoidable or remediable in the alternative framework I will employ.

The first problem is a common tendency to conflate—or worse, to equate—rights and power. It is nearly impossible to conceive of rules and procedures in the absence of rights, therefore, it is critical in this literature to be precise about what is meant by procedural rights. Procedural rights are specified individuals' entitlements to take specified actions as part of collective choice processes. Once granted (via standing rules or precedents), rights acquire a stickiness that for most purposes renders them exogenous. Procedural rights are not entitlements to win, i.e., to exert power over policy choice by getting more desirable outcomes than those who are deprived of the enabling right. Power, instead, is endogenous in the legislative game. Rights may make designated legislators powerful over outcomes, but they do not guarantee it. Power over outcomes depends on other features as well, such as the location of status quo policies, the structure of the game, and the strategies that players adopt. An illustrative instance of confusion attributable to right/power conflation is the common usage of the term agenda setting power. An agenda setter may be powerful, but whether she is or is not depends upon situational factors and the behavior of others when she exercises her procedural rights.

A similar and correctable foible is a mild epidemic of adjective deficit disorder coincident with the usage of the terms majority and minority. All too often the literature is

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20 One possibility that I will not explore here but that is implicit in some of my prior research is that the premise of the paradox—namely, the description of procedural politics in proposition 5— is empirically inaccurate. For now, however, I concede that most researchers in this area take seriously the substance of the proposition, and I shall follow suit.

21 One of many examples is this often-quoted passage: [The majority party's] “negative agenda power is unconditional.” (Cox and McCubbins 2005, 37).
muddled simply because “party” (seemingly non-purposely) is dropped from the phrases, *majority party power* and *minority party power*. So, for example, the statement “The minority has the right to engage in dilatory tactics” could apply to the minority party, or it could apply to any group smaller than $N/2$ where $N$ is the size of the legislature and the group members may belong to either party. Indeed, the numerical, nominal “minority” could be composed entirely of members of the *majority* party.

A more serious and probably more controversial feature in most recent reform literature is the selection of parties as units of analysis and/or as the stipulated recipients of procedural rights. As a preface, I emphasize that I do not dispute that endogenous procedural changes (reforms) often have partisan motivations, nor do I dispute that many of them have partisan consequences once implemented. I am, however, skeptical about the first-order importance of parties in congressional reform and therefore wish to explore the possibility of choosing different units of analysis.

To justify this change in emphasis, I begin with a basic empirical question: How often do the standing rules of the House (or Senate) grant procedural rights to a party or parties?

The short answer is: only rarely. Furthermore, when party-specific rights are granted asymmetrically, they favor the *minority* party. This discovery comes from a text search of the *Rules of the 111th House of Representatives*. In the 55-page 3-column document, the “majority party” is referenced only eight times, five of which are in Rule X, Organization of the Committees, which governs the committee appointment process. But each of these eight majority party references also reference the minority party to whom they assign *exactly the same rights*. The remaining three majority-party mentions arise in Rule XI, Procedures of Committees and Unfinished Business, and are similarly symmetric and innocuous. So, as a strict matter of codification, there is no evidence of the majority party stacking the procedural deck. Indeed, the count for mentions of “minority party” number 17—over twice that of “majority party.”

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22 I also searched for “minority member” and “majority member” on the assumption that *party* is likely to be an implicit adjective in those phrases. Here the differences were even starker: 43 mentions of “minority member” but only 1 mention of “majority member.” The suggestion is that the standing rules are more concerned with explicating minority party rights to ensure even-handedness than majority party rights to promote party bias.
I am not suggesting that there is any non-negligible minority party bias in this finding. The key point is that, with the exception of a few innocuous mentions in which parties are treated evenhandedly, there is no explicit basis for the claim that either party as a collective entity has any procedural advantage stemming from rights granted in the House’s standing rules.

Closely related to the paucity of mentions of “party” in the rules are some purely conceptual drawbacks of the terms “majority rights” and “minority rights.” The underappreciated fact is that rights are inherently individual opportunities, not group entitlements. So, even if the House chose to try to bolster the minority party’s ability to dampen the effects of, say, the majority party’s efforts to push its legislative agenda, it is not clear whether the House could, or how it would, grant a right to delay to the minority party as a single unit. More reasonably—and true to the nature of the explication of rights as they are actually codified in the standing rules—the House that wants to level the procedural playing field, confers rights to all individual members of both parties, say, to speak on specified legislation. This may, in turn, have the effect of delaying the passage of a specific bill and, therefore, be labeled as a “minority right” (“party” intentionally omitted) only inasmuch as a minority of legislators (not necessarily the minority party) exercises its/their individual rights in the specific situation. So-called “minority rights,” in other words, are not rights granted exclusively to the minority party, or even to any given ad hoc minority of legislators. As the term is used, minority rights are actually rights (not powers) granted to all legislators but that, in the course of the legislative game, are exercised by an ad hoc minority that may or may not correspond closely with minority party membership. Construed and implemented as such, so-called minority rights also can just as easily be exercised by members of the majority party. Suffice it to say that one can question the transparency if not the logic of a working definition of minority rights whose logical implication is that such rights are possessed by everyone. Yet, so it is in much of the research on congressional reform.

21 It is true that individual rights in principle can be assigned exclusively to members of a specified group, such as a party, but we have seen that—contrary to what the literature suggests—this is rarely done in Congress.
Finally, in light of conceptual imprecision surrounding majority and minority (party) rights, it is not surprising that the task of coding reforms of rules in terms of partisan impact is also problematic. Take, for example, the codification of the motion to suspend of the rules—a procedure that can be invoked by a supermajority of 2/3 of the House. As implemented, the motion allows departure from the regular order of business, brings before the House a different measure otherwise not in order, allows for debate, and, finally, with the requisite supermajority, passes that measure without further amendment. This is a good example of the type of rules change that Binder, Cox and McCubbins, Dion, and Schickler consider and code as an expansion (or contraction) of majority (or minority) rights (with the adjective “party” implied but often not specified). To appreciate the complexity of this partisan coding task, notice four things. First, the suspension procedure, like almost all other reforms that various authors code, does not mention parties, so the case for asymmetric impact is ambiguous from the outset. Second, neither does it mention a generic, ad hoc majority or minority or otherwise single out groups for favored treatment; rights are granted uniformly at the individual level. Third, even in terms of the impact of the procedure as employed—i.e., the consequences of reform—it is not clear whether the majority [party?] or minority [party?] is advantaged. One spin is that the majority is advantaged because it can expedite action by circumventing dilatory motions, quickly passing bills, and protecting them from hostile amendments, all in a single vote. However, another approximately equally plausible spin is that the procedure, like the Senate’s infamous Rule 22, empowers the minority [party?] by making it possible for a 1/3 + 1 minority to kill bills brought up under suspension. Fourth and finally, this is arguably a relatively easy reform to code because at least we have some basic modeling tools that can inform us of conditions under which one party or another will benefit from the procedure.24 For most reforms no such theory exists, in which case the coding decision seems arbitrary and manipulable at worst and a subjective guessing game at best.

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24 Suspension of the rules is well-approximated as a closed-rule model with a monopoly agenda setter and a 2/3 (instead of median) pivot.
IMPLICATIONS

This summary of the literature has several implications for studying majoritarian tension and legislative reform. Procedural rights are and should continue to be a primary micro-level focus in the study of reform, however, rights should not be presumed to confer power to those who possess them. Furthermore, the possessors of rights by default should be thought of as individuals, not groups, unless the rule granting the rights singles out a group as an exclusive possessor of the right. In the U.S. Congress, this is rarely if ever done, except in a slightly imbalanced, minority-party-favorable way. Consequently, scholarship that codes procedural reforms in majority party/minority party win-lose fashion in effect imputes both partisanship and zero-sumness onto reform situations that may in fact be nonpartisan and/or positive-sum.

IV. MAJORITARIAN TENSION AND REED’S RULES

Among the many reputedly significant procedural developments throughout the colorful history of the U.S. House of Representatives, its 1890 adoption of the so-called Reed rules during the 51st Congress stands alone in terms of captivating and eliciting superlative statements by congressional scholars, political pundits, and journalists. What is the conventional wisdom of the Reed Revolution? Is it analytically sound? Have viable alternative interpretations been overlooked? I address these questions in order.

CONVENTIONAL WISDOM

In addition to its portrayal of the introduction of Reed’s Revolution as an abrupt, epochal, institutional event, the conventional account of this noteworthy slice of history is based on a form of majoritarianism—but it is a majoritarianism of the distinctively different kind than that formulated and discussed in Sections I and II. A better, but regrettably awkward, term for it is: majority-partyism.25

25 I considered using the less awkward term party majoritarianism but rejected it because it implies majoritarianism within parties while remaining tacit about behavior and outcomes between the parties (that is, who wins and why?). Majority partyism, in contrast, properly directs attention to the majority party as the recipient of procedural rights and as the winner in party competition over lawmakers.
In brief, the problem that the Republican Party regularly confronted in the 1880s was *minority-party-induced gridlock* via individual members’ exercise of their rights to use dilatory tactics. As the 51st Congress convened in December of 1889, Republicans had an ambitious policy agenda for the nation but thin majority in the House. The agenda covered diverse topics such as pensions, tariff legislation, an elections bill to protect blacks’ voting rights against Southern disenfranchisement efforts, and the controversial Silver Purchase Act. In previous Congresses, such legislative agendas had proven to be susceptible to dilatory tactics, too. So, as Thomas Brackett Reed of Maine ascended to the Speakership on December 2, 1889, he anticipated that, barring some sort of unprecedented minority-party comity or majority-party procedural coup, the 51st Congress would exhibit more of the same.

Within two months of Reed’s election to the Speakership, the infamous showdown occurred during an attempt to bring before the House a partisan-charged contested election case. After 162-1 vote in favor of seating the Republican candidate, Democrats noted the absence of a quorum (<165). In unprecedented fashion and under vociferous objection, Reed ruled that members who were present but not voting on a roll call shall be counted as present for purposes of establishing a quorum and that, therefore, the House’s 162-1 vote stands.²⁶ And so it did—ultimately, and with considerable intervening cacophony—when a simple majority of the House voted to table Democratic leader Crisp’s appeal to Reed’s ruling.

Comprehensive accounts of the ensuing debate, the procedural issues, and how they were resolved exist elsewhere,²⁷ so I will omit many tangential details. For immediate purposes, it suffices to say that, while nullification of the vanishing quorum tactic was the crowning achievement of “Czar Reed,” as he came to be known, it was only one of several changes in House procedure that were quickly adopted via simple-majority rule and

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²⁶ The first of many clever quips would occur over the subsequent days occurred immediately. After a member challenged Reed’s having counted him present, Reed replied, “The Chair is making a statement of fact that the gentleman from Kentucky is present. Does he deny it?” (*Congressional Record*, vol. 61, Jan. 29, 1890, p. 948.)
²⁷ Dion’s (2001) and Jenkins and Stewart’s (2013) accounts are particularly carefully researched, detailed, and readable.
codified in the *Standing Rules of the House of Representatives*. To summarize, the changes included:

1. The aforementioned right of the Speaker to count members physically present during roll calls even though they abstained from voting and/or declined to affirm their presence when called upon;
2. The Speaker’s right to refuse recognition of members who sought to make dilatory motions;
3. A reduction in the size of the quorum (to 100) to conduct business in the Committee of the Whole;
4. The ability to close debate by majority vote on any part of a bill being considered in the Committee of the Whole;
5. The Speaker was given the right to refer House and Senate bills and messages from the President to committees without intervening debate;
6. Codification of the Speaker’s right to chair the Rules Committee.

The prevailing interpretation is that the passage of the Reed rules marked a distinct and discontinuous event, tantamount to a change in the House’s procedure-induced equilibrium. Even Schickler, who is much more skeptical about majority-partyism than most contributors to the Reed Revolution literature, writes: “Adoption of the Reed rules in 1890 is without question one of the most significant events in the institutional development of Congress. No single change did more to secure majority rule in the House” (2001, 32).28

As was noted in Section III, congressional scholars are frequently ambiguous about whether minority or majority rights or power are generic nonpartisan terms or whether they are shortcuts for minority-party and majority-party rights, power, etc. In most studies of the Reed rules, it seems clear that scholars do have parties in mind rather than generic majorities and minorities. More specifically, scholars seem to have in mind that the Reed rules changes constituted an abrupt and immediately successful assertion of majority party

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28 “Party” is not stipulated in “majority rule,” so it is uncertain which meaning Schickler has in mind. There is no doubt about his attribution of the historic significance to the event, however.
(not generic majority) power (not just rights) at the expense of the minority party (as opposed to a generic minority). For instance, Cox and McCubbins assert that

...when it comes to rule changes affecting the majority party’s control of the agenda, the adoption of Reed’s rules stands out from all others in importance—so much so that congressional history can be simply divided into pre-Reed (small advantage) and post-Reed (large advantage). (2005, 25)

The data on which they base this are reproduced in Figure 2 where the plotted variable is the proportion of times final passage votes move in the majority-party direction in the pre-Reed-rule (left-blue) versus post-Reed-rule (right-green) eras, and where straight fat lines depict best fits within the two periods.  

Figure 2. Example of a Before-and-After Study*

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29 The dashed curve is for future reference, and the dotted Senate graph can be ignored.
LIMITATIONS OF CONVENTIONAL WISDOM

In the subfield of congressional reform, any given study of the pre-post form can be questioned on methodological grounds. In the case of Figure 2, several points deserve brief mention because, to some extent, they all generalize. First, substantial congress-to-congress variation is evident in the dependent variable. Measures of majority-party power or discipline are inherently noisy and can be very misleading.30 Second, a clean partition of pre-Reed and post-Reed Congresses does not exist because the 52nd Congress rescinded the Reed Rules (more on this below). A consequence of this fact is that only seven pre-Reed observations are present in the dataset, which raises a caution flag about significance.31 Third, while the authors briefly consider a trend variable, they dismiss it as insignificant without allowing for nonlinearity. Casual observation of the figure suggests, however, that an increasing asymptotic curve would fit the data quite well (see the hypothetical dotted red curve in Figure 2).32 Finally, it is not clear what the theoretical expectation of majority partyism ought to be, given the dependent variable. If the Reed rules completely stripped the minority party of its agenda-setting rights, then shouldn’t all legislation move in the majority-party direction and the post-Reed observations all lie at or near 1.0? As it happens, only 7 of 54 Reed-rules Congresses have values greater than .95. Needed, clearly, is a more careful look at the implications theories of majority partyism for data of this sort.

Upon closer inspection, explanations of the reforms based on majority partyism as it is modeled in the literature miss the mark in some noteworthy ways. No existing account of the Reed rules is explicitly grounded in a formal theory. In at least one case, however, the rules are argued as being consistent with an explicit formal model. The example is Cox and McCubbins’s (2005) “cartel agenda model.” This is a model of what the authors call “negative agenda control,” meaning that whenever a majority of the majority party is not made better off by a bill that is subject to amendment to the House median position, the

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30 See Krehbiel (2000, 2003a,b, 2007) on party voting and Rice cohesion indices, the coefficient of party influence, and partisan roll rates, respectively

31 The authors base their claim of significance on estimates of five negative binomial regression equations (Cox and McCubbins 2005, Table 4.1, p.70) that include various combinations of nine “control variables.” Their key “Reed” dummy variable is significant in each equation, but each equation has a pseudo-$R^2 = 0.04$.

32 Cox and McCubbins (2007) have made their data available online. I ran a simple regression of their dependent variable on the log of their time-trend variable; the coefficient $\hat{\beta} = .074$ is significant at $p = .001$ and the $R^2 = .169$. 

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majority party (or its designated leader) will not allow such legislation to go to the floor. Whatever its merits might be in other settings, this theory bears little resemblance to either the majority party’s problem or its procedural solution at the time the Reed Revolution occurred. To be sure, obstruction was rampant in the late 19th Century Congress. But its source was a minority of the House, not a majority of the majority party as in the cartel agenda model. Furthermore, once the problem of obstruction was allegedly solved by counting individuals present but not voting, the institutional fixes—such as, enhanced Speaker’s recognition rights, the ban on dilatory motions, the possible use of special rules to bring legislation to the floor, and the Speaker’s seat on the Rules Committee—are all instances of positive agenda control, not negative agenda control. The Cox-McCubbins model is one of exclusively negative control and, therefore, does not fit the facts of the case.33

Nor is the mismatch between theory and evidence lessened appreciably when the slightly different, “conditional party government theory” is applied to late 19th Century data. According to Rohde (1991), the ripeness conditions for majority-party enhancing reform are: (1) homogeneity of preferences within the majority party, (2) a large majority party, and (3) parties whose preferences are far apart from one another. With the possible exception of the third condition,34 the situation in 1890 was distinctively unripe for reform. The Republican majority was very thin, and Republican preferences were unusually heterogeneous (Schickler 2001, 34-35).

How, then, should we think about the Reed Revolution as an instance of the exercise of procedural endogeneity? Let’s begin by clarifying what is confusing in existing literature: the role of majoritarianism. It seems straightforward—and, indeed, it is quite common in the literature—to reason as follows. By abstaining or refusing to be counted in a roll call or quorum call, minority party members gained power disproportionate to their numbers. This minority-party-favoring outcome, in turn, ignited the majority party’s revolt. The revolt took the form of rules changes that transferred power from the minority party to the

33 I should emphasize: this critique is not a refutation of the formal cartel agenda model but rather a questioning of its relevance to the case of the Reed Revolution which elsewhere seems to be taken for granted.
34 The polarization condition is has attracted the least attention of the three and is shown in Krehbiel and Meirowitz (2002) not to follow from the assumptions of the CPG model as presented in Aldrich and Rohde (1998).
majority party, and which abruptly changed the House equilibrium from “pre-Reed (small advantage) [to] post-Reed (large advantage)” (Cox and McCubbins 2005, 75)

Plausible and common though it is, such reasoning is questionable in at least three ways: First, the reform situation is primarily about rights (which legislators are entitled to do what, and when?); it is only secondarily about power (who benefits more from the policy that passes after the rights-enabled strategies are played?). Second, the characterization of the reforms as a reassignment of parties’ rights fails to target the more useful unit of analysis; legislative rights are more accurately portrayed as individual-level phenomena. Third, the immediate problem of the majority party circa 1890 was neither the absence of negative agenda control nor the absence of positive agenda control. The problem, instead, was de facto supermajoritarianism (i.e. background majoritarianism with $\beta > \frac{1}{2}$) and a corresponding perceived need for simple-majoritarian—not majority-partyism—procedures. The first two of these three issues were addressed in Section II. The third claim is uniquely important for interpreting Reed’s rules and therefore merits a more detailed discussion.

Negative agenda control? There is no reason to doubt that members of the majority party, too, could exercise their individual rights not to be counted, just as members of the minority party did. In other words, there is nothing asymmetric in legislators’ rights in quorum call situations at either the individual level or at the party level. What, then, was asymmetric at this allegedly critical juncture of history? A plausible answer is the likely location of status quo points in the 51st Congress. Obstruction and dilatory tactics by the minority party suggest that status quo points resided on the minority-party side of the House’s median voter. That is why the majority party was frustrated by its inability to pull policy towards, or into its side of, the House’s median voter. Ironically, the negative agenda control was in the minority party.

35 This tendency is also consistent with the fact that House control had switched between the 50th and 51st Congresses, so if the Democrats in the 50th were powerful, the status quo points inherited in the 51st would tend to be on the Democratic (minority party) side of the House median, and hence “ripe for obstruction” (Krehbiel 1985).
Positive agenda control? The likely asymmetric distribution of inherited status quo points also helps to clarify my earlier assertion about positive agenda control. The situation was ripe for majority-party agenda-setting, and undoubtedly the majority party leadership in the 51st Congress would have benefited from monopoly agenda-setting rights. I can find no evidence, however, that Reed and the Republicans had such high hopes. Nor did they have monopoly agenda setting rights. True, several of the raw materials were present: suspension of the rules could serve as a precedent for closed-rule-like procedures (albeit subject to House supermajority approval); the Speaker sat on the Rules Committee which had the right to propose restrictive rules (albeit subject to House majority approval); and the Speaker obtained enhanced recognition rights (subject to party-alternation constraints, committee-favoring precedents, etc.). But there was no talk of, nor were there subsequent historical instances of, majority-party monopoly agenda setting as in the classic Romer-Rosenthal (1978) take-it-or-leave-it game. Rather, the more modest goal of Reed and his party was simply to break minority-party induced gridlock.36

This leaves one thing to explain: the assertion that the pre-Reed Revolution institutional arrangement was not really about agenda control as agenda control has been modeled. That is, it was neither an absence of negative agenda control by the majority party nor an absence of positive agenda control by the majority party. Rather, it was an instance of background supermajoritarianism of an essentially nonpartisan—or, at most, incidentally partisan—form.37

Figure 3 clarifies this instance of background supermajoritarianism with a simple example that illustrates the arithmetic of the vanishing quorum. To make the arithmetic easy, assume the legislature has 100 members, with 55 in the majority party and 45 in the minority-party side of the House median, making the situation ripe for minority-party gatekeeping or obstruction. So, another way of interpreting the Reed rules spatially, is to say they signified a change in which, initially, a majority of the minority party had blocking rights and there was a corresponding gridlock interval on the minority party’s side of the spectrum, to a new, open-rule/no-gatekeeping/no-gridlock-interval setting in which the House median was the equilibrium outcome as attractor of the old gridlocked status quo points. The essence of this interpretation holds, too, without the party overlay.

36 Analytically, this is a mirror image of the cartel agenda model, with status quo points on the minority-party side of the House median, making the situation ripe for minority-party gatekeeping or obstruction. So, another way of interpreting the Reed rules spatially, is to say they signified a change in which, initially, a majority of the minority party had blocking rights and there was a corresponding gridlock interval on the minority party’s side of the spectrum, to a new, open-rule/no-gatekeeping/no-gridlock-interval setting in which the House median was the equilibrium outcome as attractor of the old gridlocked status quo points. The essence of this interpretation holds, too, without the party overlay.

37 How one characterizes the partisanship of the episode is secondary to the italicized phrase. I use the phrase “incidentally partisan” because if the background-supermajoritarianism-based interpretation has merit, parties play no essential role in the explanation. Again, this is not to deny the existence of partisan theatrics, animated press coverage, etc.
minority party. The Constitutionally mandated quorum is a simple majority, 51. Suppose also, however, as was normal at the time, that literal absences are common, say, 10 in each party. A quorum of 80 members is clearly present, but 35 of these—all minority members—choose to “vanish” (e.g., by abstaining), leaving only 45 present and voting. Legislative business, therefore, cannot be conducted and gridlock prevails.

Figure 3. Example and Interpretation of the Vanishing Quorum

<table>
<thead>
<tr>
<th>Parties:</th>
<th>Majority</th>
<th>Minority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members</td>
<td>55</td>
<td>45</td>
</tr>
<tr>
<td>Physically absent</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Quorum call</td>
<td>45</td>
<td>0</td>
</tr>
<tr>
<td>Needed to establish a quorum</td>
<td>6</td>
<td>Among those 45 present but not voting</td>
</tr>
</tbody>
</table>

Pre-Reed precedent in effect required minimal bipartisanship (6 minority members) and de facto supermajority of $\frac{51}{80} \approx \frac{5}{8}$.

Background supermajoritarianism is unveiled when addressing the question: What would it take to break the gridlock? The answer is: any combination of 6 or more votes. These might be obtained by retrieving true absentees from either party (likely to have been difficult) and/or by counting those minority party members who are present in the chamber but who were exercising their right not to be counted (much easier, although contrary to existing precedent\(^\text{38}\)). So, of the 80 members in the chamber on any given day,

\(^{38}\) The right not to be counted was explicit and accepted (begrudgingly) at the time. It was grounded in precedents that predated the focal episode by decades.
51—an approximate $5/8 = .625$ supermajority—are needed to conduct business. The similarity between this choice setting and the Senate’s filibuster as it is used in recent decades is noteworthy. In each case, the nominal or \textit{de jure} threshold required for passage is simple-majoritarian, $\alpha = \frac{1}{2}$, but the \textit{de facto} threshold is supermajoritarian, $\beta = \frac{3}{5}$ in the Senate and $\beta \approx \frac{3}{5} > \frac{1}{2}$ in the House.\textsuperscript{39}

The congruence between the ostensibly majoritarian House and the more conspicuously supermajoritarian Senate alerts us to one other not-so-obvious observation. By institutionalizing via precedent a \textit{de facto} background-supermajoritarian critical value $\beta > \frac{1}{2}$, the House was also implicitly demanding a higher than simple-majoritarian level of consensus and likewise demanding a modicum of bipartisanship for legislation to be successful. This heretofore hidden role of bipartisanship in the Reed Revolution resurfaces in the Discussion when I summarize the aftermath of the Reed Revolution.

**Majoritarian Tension as An Alternative Interpretation**

Can legislative reform be better understood by adhering to the traditional focus on majority versus minority parties and group-based procedures and power, or by shifting attention to individuals and a rights-based approach that considers consensus, timeliness, and wisdom, conditioned by variable majoritarianism? The discussion is structured by the two, informally derived, cube-based expectations from Section II, concluding with followed by a retrospective on majority partyism.

\textit{Evolutionary or Revolution change?}\textsuperscript{40}

As noted earlier and illustrated in Figure 2, existing accounts of the Reed Revolution strike a loud chord for a new, robust, majority-party-favorable equilibrium. Taking a broader historical perspective of not only formal rules changes adopted at a slice in time, but also informal practices and the accretion of codified precedents over time, gives rise to a different interpretation. This is true within and across three types of practices and

\textsuperscript{39} In the House case $\beta$ is a variable fraction with a fixed numerator of $\frac{N+1}{2}$ and a denominator equal to the total number of members physically present.

\textsuperscript{40} This subsection is expanded and adapted from Gilligan and Krehbiel (1987), where similar content is given a slightly different but not incompatible interpretation.
precedents that regularly governed House decision-making in the 19th Century and that regularly govern House decision-making today: recognition, suspension of the rules, and special orders (bill-specific rules). A brief review of the emergence of these procedures underscores in triplicate a largely overlooked feature of majoritarian change—procedural and precedential *gradualism*—the sum total of which significantly dilutes the conventional account of Reed’s rules as an abrupt, revolutionary shift to a new, majority-party equilibrium.

*Recognition.* Although an often-emphasized part of the Reed Revolution was to enhance the Speaker’s recognition rights, there had already been a long-standing, multi-faceted foundation of recognition precedents on which to place the 1890 enhancement. Centralized recognition rights actually began in the first session of the 1st Congress when the House adopted Rule XIV, section 2 of which stated that “when two or more Members rise at once, the Speaker shall name the Member who is first to speak” (Hinds Precedents: 61).41 In the 1840s, precedents began to establish additional criteria for recognition, giving priority to reporting committees, for example, in 1843 (Hinds: 69). Until 1857, the Speaker’s recognition choice was subject to appeal and therefore implicitly constrained by remote majoritarianism. Indeed, in most of the key recognition precedents cited by Hinds, the decision of the chair was in fact appealed and therefore resolved via simple-majority vote, suggesting that the remoteness of remote simple-majoritarianism was, as a practical matter, fairly immediate and, therefore, likely to have constrained the Speaker’s behavior (Hinds: 65, 66, 69).

The slow but steady growth in the Speaker’s recognition rights continued unabated into the second half of the century. A 1879 precedent clarified:

> Discretion must be lodged with the presiding officer, and no fixed and arbitrary order of recognition can be wisely provided for in advance... The practice of making a list of those who desire to speak on measures... is a proper one to know and remember the wishes of the Members. As to the order of recognition, he [the presiding officer]

should not be bound to follow the list, but should be free to exercise a wise and just discretion in the interest of full and fair debate (Hinds: 63, italics added).

So, although individuals’ recognition rights are not exactly uniform (the Speaker’s discretion gradually grew over time), neither are they party-based, majority-party-biased, or insensitive to basic notions of fairness. Rather, when recognition rights favor some legislators over others, it is for a normatively and legislatively defensible reason. Normatively, the apparent aim is to elicit wise decisions via balanced deliberation and debate. And, as a practical matter, Speaker discretion facilitates the timely treatment of legislation.

Later in the 1880s, a precedent gave recognition preference to a bill supporter from a committee over the committee’s chairman, because the chairman opposed the bill. And in 1889 a bill manager was favored over other members who wished to make motions of greater privilege. With the benefit of hindsight and the luxury of juxtaposing and placing multiple events in a broader historical perspective, this precedent and its generalized partner from 1892 are strongly suggestive with regard to the question of “revolution or evolution?” First, it should be noted that both precedents were precipitated by dilatory motions, which we know from the earlier discussion were regular occurrences in this era. Second, note that one of the Speaker-enhancing precedents occurred before the adoption of the Reed rules, and one occurred after the presumably equilibrium-shifting event. They both had the same effect, however: to make it easier for the Speaker to preempt dilatory tactics and to keep the House on the track of deliberation and debate that would allow the House at least to consider if not to adopt legislation in a timely manner.

A third point of interest is that the later, more general precedent, set in 1892, occurred when Democrats were in the majority and Speaker Crisp was in the chair. Furthermore, the person who appealed the decision of the chair (the chair being against dilatory tactics) was none other than Thomas Brackett Reed! That is, the same pair of adversaries in the Reed revolution had another showdown over essentially the same procedural issue, but they had both flip-flopped their positions on that issue. Obviously, their over-time behavior cannot be reconciled as principled or consistent. The only principle
that is consistent with these events is that of a majority of individuals wanting and demonstrating the ability to reduce delay and facilitate deliberation. Consequently, the House adjusted its de facto level of majoritarianism in a way that incurred costs in consensus in exchange for benefits in timeliness and wisdom. Furthermore, the instantiation of those principles and tradeoffs occurred gradually and consistently throughout time and in much the same way both well before and well after the Reed rules episode.42

Suspension of the Rules. The history of the House procedure known as suspension of the rules is quite nuanced. In the interest of space, I economize on precedent-specific details and simply summarize the broad historical trend, which mirrors that of recognition practices and precedents.

Before the 1870s, the suspension procedure was supermajoritarian, requiring a two-thirds vote, and was used to change standing rules or to deviate from the regular order of business. In these regards, it served as a sort of early functional equivalent to what later became a role of the House Rules Committee. Again, however, this transformation was gradual. Suspension sometimes entailed specifying conditions for debate, but bills brought to the floor via suspension were typically open for amendment as specified by the standing rules (Hinds: V, 5856). It wasn’t until after the 1860s that suspension became more restrictive in terms of permissible amendments. In 1868 the procedure first took on its modern-day form: it became “possible by one motion both to bring a matter before the house and pass it under suspension of the rules” (Hinds: V 6846). Eight years later a precedent was set in which the suspension procedure ordered a vote on an amendment followed by a vote on the bill, much like a later-day modified-open rule, although again by supermajority vote.

For present purposes, the point is not so much the procedural details as it is the spread of dates of precedent-setting events and the steadily increasing flexibility and diversity of procedures by which the House conducted its business. As with recognition

42 This seemingly steady flow of precedents that bolstered Speakers’ recognition rights continued into the 20th Century. Space constraints preclude elaboration. See Gilligan and Krehbiel 1987 for more details.
procedures and precedents, suspension, too, had the effect of bringing legislation before the House, providing a chance for its deliberative consideration, and giving it a fair chance of passing (in this instance, by supermajority vote). No evidence suggests abrupt or significant differences in the design, use, or consequences of the procedure in the temporal proximity of the Reed Revolution. Rather, the suspension procedure seemed to have equilibrated as an approximately optimal tradeoff between consensus, timeliness, and wisdom and was subject only to minor, incremental precedent-reinforcing refinements that occurred both long before and long after the ostensibly tumultuous event in 1890.

The Speaker and the Rules Committee. The history of the Rules Committee and the Speaker’s role on it make a better case for abruptness in institutional change at the time of the Reed Revolution, but only slightly better. True, the Speaker obtained the codified right to be Chairman of the Committee, and the Committee obtained privileged status and could therefore report rules (special orders) to the floor at any time to expedite consideration of legislation. But these rights were neither without precedent nor revolutionary. Beginning on the first day of the 1st Congress, the Rules Committee initiated changes to the House’s standing rules, even though its role during the regular sessions was minimal. As early as 1841, precedent was established for the Committee to issue bill-specific resolutions at any time (Hinds: 1538), and by 1850 the Committee had obtained exclusive jurisdiction over reports to change the rules (Hinds: 1540). Only three years later, and nearly three decades before Reed’s rules were adopted, there was precedent for a report from the Rules Committee taking precedence over the regular order (Chiu, 1968 [1928], 118).

Nor was the Speaker’s involvement in Rules Committee affairs an innovation of the Reed period. In fact, the Speaker chaired the Committee as early as 1858 and was made ex officio member in 1859 (Alexander 1976 [1915], 193). In brief, the House Rules Committee was positioned to fulfill its eventual well-known role as “traffic cop” (Oppenheimer 1977, 1994) well in advance of the infamous 51st Congress.\footnote{Cox and McCubbins (2005, 57) are clearly aware of many of these precedents, but, citing Roberts and Smith (2003), they discount their significance on grounds that not many special rules were adopted through the end of the 50th Congress. Of course, significance of procedural rights does not depend upon their frequency of use. Nor is the key point in this historical review about the exercise of procedural rights. Rather, the point is that the}
If there was any abrupt and significant institutional event along the Rules Committee’s otherwise evolutionary path, it was more likely to have been in 1883 than in 1890, the year of the so-called revolution. In the earlier year, precedent was established for special orders from Rules to be adopted by simple majority rather than the two-thirds majority previously required and, likewise, required for suspension of the rules (Hinds: IV, 3152). Depending upon how the House was to use special orders (i.e., as mechanisms for hastening consideration of specific bills, or as mechanisms to change standing rules), this precedent signifies an increment in background majoritarianism ($\beta$) or remote majoritarianism ($\gamma$), respectively. As it turned out, at approximately the same time, bill-specific special orders became more common and began to impose restrictions on amendments to legislation, thereby making them not only more flexible mechanisms than the suspension procedure but also more timely ones because their consensus threshold was effectively reduced to simple-majority. Not surprisingly, then, after 1880 “the use of the motion to suspend the rules [had] gradually been restricted, while the functions of the Committee on Rules [had been] enlarged” (Hinds: IV 6790).44

In summary, for each of three important domains of procedure—recognition rights, suspension of the rules, and special orders and other Rules Committee rights—the opening of a larger window of history reveals the same pattern. Change was evolutionary, not revolutionary, and the specific changes that coincide temporally with the passage of Reed’s rules were not outliers in any significant way. At most, they were codifications, and, to some extent, consolidation of then-longstanding and incrementally developing precedents. The House had been remotely simple-majoritarian from its inception, but it had not always been de facto simple-majoritarian. What Reed’s quorum counting strategy did in term of the majoritarianism parameters was bring to the fore and exploit that remote majoritarianism ($\gamma = \frac{1}{2}$) to decrement background majoritarianism to $\beta \approx \frac{1}{2}$ for that subset of legislation that elicited vanishing quorums. Within in the long, mostly simple-

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44 Hinds Precedents include several pages of examples in which special orders provide for consideration of bills with varying restrictiveness in terms of time allotted for debate and amendments permitted.
majoritarian history of the House, the Reed Revolution represented somewhat more than a blip but considerably less than a big bang.

**Cube Interpretability of Changes**

What can be inferred from the evolution of House majoritarianism about the motivations for, or consequences of, the Reed rules? More specifically, does the perspective of majoritarian tension—as illustrated in the consensus-timeliness-wisdom cube—provide a more viable interpretation of the specific procedural changes than the conventional account? I reconsider those specifics in the order summarized above.

1. The right of the Speaker to count members physically present during roll calls even though they abstained from voting and/or declined to affirm their presence when called upon.

   It is doubtful that it has ever been stated this way, but the 1890 House vote to uphold the ruling of Speaker Reed on the counting of the quorum was a manifestation of remote simple majoritarianism being used to lower the assent standard in background majoritarianism, thereby increasing the set of legislation for which the majoritarian assent thresholds—both *de facto* and *de jure*—approximated or equaled a simple majority.

   Specifically, in the simple majority vote in which the House upheld the Speaker’s ruling that all present members could be counted established a new precedent, and the House’s subsequent vote to codify this precedent in its standing rules was a more conspicuous instance of the invocation of remote majoritarianism. That is, the House made its rules—\( \alpha \) and especially \( \beta \)—more tightly simple-majoritarian, and did so via simple majority vote \( y = \frac{1}{2} \). Under the prior precedent that had tolerated the vanishing quorum, the *de facto* consensus threshold was effectively a variable \( \beta > \frac{1}{2} \). Under the overturned precedent and newly passed standing rule, the threshold was in effect lowered to an approximate simple-majoritarian constant, \( \beta \approx \frac{1}{2} \).

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45 Technically and more indirectly, the vote was on the motion to table an appeal of the decision of the chair, which had the effect upholding the Speaker by a simple majority.

46 The pre-Reed rules \( \beta \) was variable because the requisite supermajority in any given vanishing quorum situation was determined by the number of truly absent members and the number of present but vanishing members (recall Table 1).
In terms of the majoritarian tension cube, the codification of the Speaker’s right to
designate vanishing quorums as dilatory had fairly straightforward causes and
consequences. The cause is not much in dispute, although ways of stating it differ. Most
research calls it frustration with “minority obstructionism” (with minority party implied). I
recast it as frustration with gridlock caused by implicit background
supermajoritarianism.47 The consequence of eliminating all individuals’ rights not to be
counted was that bills under the Reed rules became easier to consider and, therefore, more
likely to debate, and more likely to pass (preventing gridlock).

The primary majoritarian tension that this case illustrates is between consensus and
timeliness. After the reform, legislation was subject to an overall lower consensus criterion
and, therefore, was less likely to pass with a broad bipartisan consensus, some of which
had been necessary pre-reform in order to break a filibuster via vanishing quorum. But
while the cost of reform was borne on the consensus dimension, an immediate offsetting
benefit was reaped on the timeliness dimension. The House was able to make more timely
decisions due to the effectively lower value of de facto majoritarianism (β), which made it
easier to break minority-party gridlock, because a simple majority in the House no longer
needed (as many) minority-party votes.

Finally, the wisdom consequences of the main rules change are ambiguous. Other
things equal, lowering the assent threshold undermines wisdom by reducing the need for
the potential majority to convince swing voters that its proposal is prudent. This is the
direct wisdom cost of the reform. However, there may also be an indirect benefit of
consensus-lowering on wisdom that acts though the timeliness benefit. More specifically,
to the extent that lowering the consensus threshold frees up time that would otherwise be
consumed by dilatory behavior, that time can be reallocated to floor debate, committee
specialization or other wisdom-contributing activities. This is the indirect wisdom benefit
of the reform. Do the direct wisdom-costs exceed the indirect wisdom-benefits? I cannot

47 The exact same phrase accurately describes the Senate’s filibuster and countless other rules and precedents that
make their respective institutions supermajoritarian in nature. Schwartzberg (2014) has a treasure trove of
examples (although she does not describe them this way either).

48 Note that the rules change was uniform and across-the-board in its re-definition of individual rights. So, while
the reform initiative was undoubtedly party-motivated, the resulting codified rule is party-blind which, as we saw
earlier, is the usual case.
say. I can only suggest that the majoritarian-tension cube provides a relatively clear, parsimonious and general way of posing questions central to political institutional reform, with regard to both direct and indirect consequences. The remaining examples of this general claim are necessarily brief and therefore cursory.

2. **The Speaker’s right to refuse recognition of members who sought to make dilatory motions.** This was a form of agenda right that, if new, would have been a free-lunch gain in timeliness (with no offsetting consensus or wisdom costs). However, inasmuch as there were strong precedents for Speaker recognition well in advance of the Reed rules, a viable alternative interpretation is that this was little more than codification of the procedural status quo. Either way, it is consistent with the evolution-not revolution expectation.

3. **A reduction in the size of the quorum (to 100) to conduct business in the Committee of the Whole.** This little-discussed rules change is an approximation of a Pareto-improving procedural tweak. It made it easier for the House to deliberate, debate, and amend legislation in the Committee of the Whole, leading to gains in timeliness and wisdom with no offsetting costs from the fixed, simple-majoritarian consensus criterion \( \alpha = \frac{1}{2} \).

4. **The ability to close debate by majority vote on any part of a bill being considered in the Committee of the Whole.** In effect, this is simple-majoritarian cloture. It had no direct consequences on the threshold for passage of legislation but, like the previous two rules, brought about small productivity gains in terms of timeliness and wisdom.

5. **The Speaker was given the right to refer House and Senate bills and messages from the President to committees without intervening debate.** Also inconsequential on the consensus dimension, this procedural was likely to have been a timeliness gain, with possible small indirect benefits in wisdom to the extent that committee deliberations are more likely to elicit high-quality deliberation and debate than filibuster-like, dilatory behavior on the floor.

6. **Codification of the Speaker’s right to chair the Rules Committee.** This right was likely not to have been very significant for two reasons. First, the Speaker already had a seat on the Rules Committee and there was precedent for his serving as chair since as early as 1858. Therefore, consequences of the codification are negligible unless there was a
nontrivial threat that the House would otherwise overturn these precedents. There is no indication that the Speaker’s right was in jeopardy. Second, anything the Rules Committee did to affect the flow of legislation was (and still is) subject a majority vote, and neither this nor the other Reed rules changed this fact.

**MAJORITY PARTYISM OR MAJORITARIANISM?**

The essence of majority partyism is disproportionate majority-party power which is grounded in asymmetric procedural rights and which results in electoral rewards. This venerable theoretical argument has three refutable implications that can be assessed, and ought to fare well, with reference to what many scholars regard as the pinnacle of party government in the U.S. Specifically, majority partyism suggests that:

1. The majority party will consistently (and successfully) support centralization and consolidation of procedural rights in leadership, e.g., the Speaker.
2. The minority party will steadfastly (but futilely) oppose the majority party’s procedural ploys.
3. Subsequent to passage of the majority party’s legislative agenda, electoral rewards will redound to the majority party.

How well do these propositions account for the Reed Revolution and its aftermath? To see, we look through a slightly enlarged window of procedural politics, extending from the 51st Congress, on which the conventional reform scholars have placed so much weight, through the 53rd Congress. Here are the essential facts.49

**51st Congress.** Notwithstanding their thin majority but otherwise consistent with prevailing party theories, Speaker Reed and his fellow Republicans organized and deployed their “procedural cartel” in an attempt to pass more legislation, burnish the Republican “brand name,” and reap electoral rewards. As they hoped and expected, gridlock dissipated. However, the predicted electoral payback did not materialize. Republicans were slaughtered and entered the 52nd Congress with only 88 of the House’s 333 seats.

**52nd Congress.** Under the new, huge Democratic majority, the Reed rules were not readopted. Also anomalous from the party-theoretical perspective is

49 See Schickler 2001, chapter 2 for an excellent, much more detailed account.
that minority-party Republicans favored extension. Once their attempted extension failed, however, Republicans exercised their reinstated rights to “vanish” in order to block the progression of majority-party-favored legislation. Gridlock returned, and the majority party was punished at the polls again, although the Democrats did retain their majority.

53rd Congress. Reed’s rules were reconsidered yet again, and the third time was the charm: the reforms were largely re-adopted. The winning coalition was much different than four years earlier, however. Specifically, the critical amendment reinstating the Speaker’s quorum-counting right was adopted by a large bipartisan supermajority, with the Yea votes of 82.3 percent of members (125 of 170 Democrats plus all 85 Republicans). Dilatory tactics were quashed, the Congress was productive, and Reed’s rules were re-codified in the Standing Rules of the House, where, in large part, they have resided ever since.

Each of the three propositions drawn from majority partyism is inconsistent with much of the slightly extended historical record. Proposition 1 fails in the 52nd Congress when Democrats, who had an enormous majority, spoke and voted against the rules changes that were theoretically in their party’s interest. Proposition 2 fails in both the 51st and 52nd Congresses for the same reason: the minority party Republicans consistently and often unanimously supported rules said to confer procedural advantage to the majority party. And Hypothesis 3 fails in all three Congresses for a mixed bag of reasons.50

Are simple majoritarianism and majoritarian tension more promising building blocks for an improved theory—or at least a more consistent interpretation—of congressional reform? It seems so. With the benefit of hindsight, the events of 1894 in the 53rd Congress rather than 1890 in the 51st should be identified as the capstone of Reed’s rules, for it was only then when the House codified what proved to be a durable set of precedent-grounded changes in its standing rules. To see why the changes endured in the second but not the first instance, two background facts must be brought to the fore. First, this point of resolution came only after a period of experiential learning by members of both parties (Democrats and Republicans), in both party roles (majority and minority), and in electorally

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50 In the 51st, behavior in the House follows the majority partyism script, but behavior in the electorate most does not. In the 52nd, behavior in the House is inconsistent with the theory so the antecedent of the hypothesis is false (Democrats didn’t do the right thing to earn their electoral reward). In the 53nd, about 75 percent of Democrats (in the majority) followed the script, but 100 percent of minority Republicans supported the rules changes contrary to theoretical expectations. Furthermore, Democrats lost 116 seats in the next election.
volatile times. These conditions undoubtedly gave party members a sharper and more balanced perspective on the costs, benefits, and trade-offs of different procedural arrangements. Second, in the crucial roll call in the 53\textsuperscript{rd} Congress that reinstated the quorum rule once and for all, a large bipartisan supermajority of House members expressed an apparent belief that the House was better off conducting its business with Reed’s rules than without them. Why? Because without Reed’s rules the House was often unable to conduct its business. In other words, the real controversy was about timeliness, first and foremost, and about partisanship only secondarily, temporarily, and often anomalously with respect to majority-partyism theory.

More generally, this semi-structured reconsideration of the Reed Revolution suggests that the House’s adoption of new rules—although providing unparalleled political theater featuring colorful personalities and partisan vitriol—can be described more aptly than as a case of majority-partyism. It was instead a large set of semi-regular but mostly random incremental changes in practices that were frequently recorded as precedents and occasionally codified as changes in standing rules, all occurring along a mostly non-volatile, \textit{de facto}, simple-majoritarian-converging path. Such changes are better classified as evolutionary than revolutionary. Furthermore, the sum total of events culminating in what been called Reed’s Revolution is better interpreted as a long series of small changes in legislators’ procedural rights that reflect sensible tradeoffs between consensus, timeliness, and wisdom within a predominantly simple-majoritarian legislative institution.

\section*{V. Conclusion}

The variable levels and types of majoritarian consensus exhibited in political institutions are tempered by their members’ concomitant but conflicting desires for timely and wise decisions. The tradeoffs between these three forces—consensus, timeliness, and wisdom—seem to be both acute and omnipresent. Decision-makers’ active management of majoritarian tensions—or, alternatively, their passive tolerance of procedural evolution via a form of natural selection among figurative mutations of precedents—are central and enduring characteristics of political institutional development.
Which is the better description of real-world procedural change: active management with periodic revolutions, or passive and gradual evolutionary change? A precise answer would likely reside on a continuum rather than within one or the other dichotomous categories. Furthermore, the correct answer is surely different for different self-governing institutions at different times in their histories. With such complexities duly noted, the thrust of this investigation is to move the U.S. House’s procedural-change marker a few spaces towards the evolutionary and away from the revolutionary end of the spectrum.

Specifically, the revised interpretation of the so-called Reed Revolution suggests that institutional change in self-governing legislatures—even when it appears from journalistic accounts to be abrupt, calculated, and conspicuous—is actually incremental, unintentional, and buried deeply within thick volumes of mind-numbing precedents. Significant institutional development is often a decades-long process of gradual accretion of experiences with more or less random procedural trials. If experimental legislative procedures are proven repeatedly to be useful, members of both parties passively and consensually begin to treat their conformance with such procedures as implied procedural rights. Over time, the acceptable uses of many such procedures are fine-tuned, clarified, and recorded in the body’s precedents. Sometimes—as in the case of Reed’s rules—they are also codified into the institution’s standing rules. To get this far, however, is likely to require a period of affirmation of the workability of the revised procedure(s) in multiple settings. Ultimately, a supermajoritarian bipartisan consensus is likely to be required, too, as a practical matter, if the codified reform is to last well into the future. Indeed, with reference to remote majoritarianism as discussed in Section II and summarized in Table 1, it may be helpful in future studies of reform to differentiate between nominal remote majoritarianism (which, in the House, is mostly simple majoritarian) and effective remote majoritarianism (which the history of the Reed rules suggests is bipartisan and supermajoritarian with a tacit but unknown \( \gamma \) strictly greater than \( \frac{1}{2} \).

A closely related issue worth future investigation concerns the generality of 19th Century observations and interpretations to modern Congresses and to other legislatures and voting organization. If the tensions between consensus, timeliness, and wisdom are salient and strong in most or all mature collective choice bodies, then we would expect
radical or revolutionary institutional change to be rare across a much broader class of voting institutions and to occur only in the presence of very large exogenous shocks, such as wars, revolutions, or economic catastrophes. In normal times, however, durable institutions will have discovered and adopted a set of procedures that approximate a Pareto optimal mix of consensus, timeliness, and wisdom, in which case further improvements in one of the three domains always comes at the cost of at least one of the other two.

Finally, it bears repeating that, although it shows some promise, the majoritarian-tension cube, is a framework—not a theory. As such, its limited purpose is to categorize phenomena and suggest relationships rather than to explain and predict events. While the framework does more or less what it is intended to do, a genuine theory of majoritarian institutional development is still needed. One natural avenue to such a theory would be to postulate that an institutional designer optimizes over the three dimensions (consensus, timeliness, wisdom) given her values and corresponding preferences over the feasible points within the three-dimensional space. This seems to be exactly the wrong thing to do, however, because the House, the Senate, and endogenous-procedure institutions generally are not unitary institutional designers. The problem is much more difficult than that, because the rule-maker in a self-governing institution is a plurality—sometimes of unspecified hence ambiguous size and often without transparent rules for changing lower-order rules ($γ$). These facts complicate procedural choice severely, and we have barely begun to get a grip on these sorts of problems. The hope is the concept of variable majoritarianism and the framework of majoritarian tension will play constructive roles in future scholarship that begins to tighten the grip.
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