



Connelly Jr., William F., John J. Pitney Jr., and Gary J. Schmitt, Eds. Is Congress Broken? The Virtues and Defects of Partisanship and Gridlock

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To cite this article: James I. Wallner (2017): Connelly Jr., William F., John J. Pitney Jr., and Gary J. Schmitt, Eds. Is Congress Broken? The Virtues and Defects of Partisanship and Gridlock, Congress & the Presidency, DOI: [10.1080/07343469.2017.1364095](https://doi.org/10.1080/07343469.2017.1364095)

To link to this article: <http://dx.doi.org/10.1080/07343469.2017.1364095>



Published online: 27 Sep 2017.



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BOOK REVIEWS

Connelly Jr., William F., John J. Pitney Jr., and Gary J. Schmitt, Eds. ***Is Congress Broken? The Virtues and Defects of Partisanship and Gridlock***. Washington, DC: Brookings Institution Press, 2017. 272 pages. \$34.99 (softcover).

The 2008 publication of Norman J. Ornstein and Thomas E. Mann's book, *The Broken Branch: How Congress Is Failing America and How to Get It Back on Track*, gave impetus to an entire genre in the academic literature that has shaped how we think about Congress. Unfortunately, a major limitation of academic treatments in the "broken Congress" genre is that they often fail to ask more normative questions regarding the role Congress should play in the first place, yet neglecting such considerations makes it difficult to evaluate the efficacy of past reforms. That is, progress cannot be accurately assessed when it is measured in the absence of an explicit standard. Leaving such areas unexplored also risks overlooking other underlying problems driving dysfunction in the House of Representatives and the Senate. The result of all of this has been to focus the reform conversation on ways to increase the legislative productivity of Congress at the expense of its deliberative function. In this context, excessive political conflict and gridlock are viewed as negative characteristics of the current polarized environment that need to be minimized or eliminated.

With *Is Congress Broken? The Virtue and Defects of Partisanship and Gridlock*, editors William Connelly Jr., John Pitney Jr., and Gary Schmitt seek to reorient this conversation to instead focus on Congress inability to perform its deliberative function in the current environment. In doing so, they directly raise the normative questions left unanswered in previous treatments. The editors take as the book's starting point the role that the Framers of the Constitution wanted Congress to play. By approaching the question of congressional reform from the perspective of what the Framers intended Congress to do, they offer a refreshing and long overdue corrective to the "broken Congress" genre.

According to the editors, Congress is indeed broken, but not in the way we typically think it is. Instead, they point to the disconnect between Congress's institutional design and popular expectations for what it should get done. To correct this disconnect, the editors call for a more nuanced view of Congress that is grounded in a Madisonian understanding of its place in the constitutional order.

The authors of the various chapters in this volume consider how effective past reforms were in achieving their goals, then recommend reforms to increase the deliberative capacity of Congress. For example, Daniel Stid examines two different reform efforts, one to increase Congress's ability to deliberate and the other to improve its legislative productivity and responsibility, and calls for a revival of the former. Andrew E. Busch considers Congress's representative role in the context of the ratification debates between the Federalists and Anti-Federalists and observes that sustainable change must ultimately come from outside Congress. Daniel J. Palazzolo offers a more nuanced view of deliberation in his chapter. He argues that organized interest groups and rising polarization have made it more difficult for Congress to deliberate, and therefore recommends reforms designed to empower committees as forums for substantive decision making.

Each chapter contains reforms that are designed to increase the deliberative capacity of Congress. Donald R. Wolfensberger echoes some of Professor Palazzolo's observations in his call for empowering committee chairmen in the House and creating an institutional culture there that is more conducive to "deliberative lawmaking." Kathryn Pearson recommends strengthening committee and party leaders to combat the centrifugal forces inherent in Congress current environment. In their chapter, Gary Schmitt and Rebecca Burgess remind

us that Congress is the most powerful legislature in the world, and that claiming its rightful place in the constitutional order vis-à-vis the president simply requires it to reassert its own institutional prerogatives. Similarly, Melanie Marlowe suggests that “If Congress wants to be taken seriously, it must behave seriously” (124). A good first step, according to Professor Marlowe, is to conduct better oversight of the executive.

The power of the purse is an important tool that Congress has at its disposal to achieve both objectives. However, as Peter C. Hanson observes, the appropriations process has ground to a halt in recent years, complicating Congress’s ability to effectively wield this tool. To correct this situation, he proposes changing how the House and Senate manage their annual appropriations work. He also calls for limiting the Senate filibuster, bringing back earmarks, and reducing transparency in the process. Professor Hanson argues that, by adopting these reforms, Congress will be spared from having to resort to omnibus legislating to complete its work at the end of each year.

In a provocative chapter, Jonathan Rauch calls for taking a realist view of congressional dysfunction and the kind of reforms needed to ultimately fix it. Professor Rauch’s political realism leads him to embrace many of the reforms recommended by Professor Hanson. Finally, in the book’s concluding chapter, William Connelly Jr. and John Pitney Jr. present a “constitutional roadmap for reform” to help revitalize Congress.

Taken as a whole, *Is Congress Broken?* is an important contribution to our understanding of Congress and the ways in which it is really broken. The contributors’ willingness to engage the debate over what role Congress ought to play brings the institution’s underlying problems into sharper relief. Such an approach enables the reform conversation to transcend the narrow focus on legislative productivity that has characterized more conventional treatments of the subject. Here, the focus moves to the role played by the decline in Congress’s deliberative capacity, which is a necessary first step in identifying reforms that will fix Congress.

Although the editors open the volume with the recognition that cooperation and conflict are not mutually exclusive, the reforms prescribed by the contributors mostly seek to increase Congress’s ability to deliberate by walling it off from the political conflict inherent in the institution’s identity as a representative assembly. Implicit in this is the assumption that conflict and cooperation, or deliberation, cannot coexist, yet, political conflict is inescapable. Given this, the question becomes how to design reforms that increase the deliberative capacity of Congress despite this conflict. At its core, increasing the deliberative capacity of Congress requires improving the ability of its members to communicate despite their differences. This requires that its members acknowledge their differences and structure the process by which they make decisions so that those interested in the outcome can clearly see that their claims have been adjudicated. Only then is sustainable compromise possible.

In sum, the contributors to *Is Congress Broken?* offer those concerned about Congress a refreshingly new look at old problems. I hope that others will continue the effort begun here and pursue new and interesting avenues of research in the future to challenge how we think about Congress. A renewed push is needed to identify reforms that will lead to a healthier Congress, one that can fulfill both its representative and deliberative functions while still maintaining its legislative productivity.

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<https://doi.org/10.1080/07343469.2017.1364095>



Reference

Mann, Thomas E., Norman, J. Ornstein. 2006. *The Broken Branch: How Congress is Failing America and How to Get It Back on Track*. New York, NY: Oxford University Press.