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Sarah A. Binder. *Minority Rights, Majority Rule: Partisanship and the Development of Congress.* New York: Cambridge University Press, 1997. xiii + 216 pp. $28.99 (paper), ISBN 978-0-521-58792-1; $75.00 (cloth), ISBN 978-0-521-58239-1.

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Binder's objective in this book, she explains, is "not only to trace the development of minority rights and majority rule in Congress, but also to explain when and why each chamber took the distinctive path it did" (p. xi). Legislative minorities are much less able to influence the shape and content of the national policies being developed in the U.S. House of Representatives than in the Senate, where they are sometimes able to affect significantly the nature of the legislation approved. In the past scholars attributed this phenomenon to the fact that "differences in the size and workload of the House and Senate led the two chambers to develop very different rules of procedure" (p. 1). Binder, however, finds the explanation in the nature and objectives of the partisan coalitions contesting in the chambers, and also in the fact that the policy makers work within institutional frameworks that reflect the procedural choices made by their predecessors. As she puts it at one point, "In sum, far from being the outcome of a principled commitment to legislative fairness, minority rights under the partisan theory are no more than the result of hard-nose partisan battles fought, of course, under a particular set of inherited institutional rules" (pp. 16-17).

Binder maintains that minorities in Congress have typically lost rights when strong majority parties have believed that depriving the minority of legislative prerogatives was a necessary precondition for the attainment of their policy objectives. On the other hand, minority parties have regained power to influence the legislative process when the majority party is relatively weak and contains elements willing to participate in cross-party coalitions. In order to develop and test a theory of procedural choice based upon a partisan dynamic, Binder seeks to examine every case of change in formal House and Senate rules affecting minority rights from 1789 to 1994. In addition, she examines concurrent changes in the House and Senate. These strategies allow her to develop a theory of institutional development that, in her opinion, explains the past history of minority rights in Congress but also, she believes, "the prospects for future change as well" (p. 3). In the first two chapters of her book, Binder explains the basic elements of her theory and presents an overview of the development and suppression of rights in the two chambers of Congress. Chapter Three traces the early history of the previous question motion in both House and Senate. The next three chapters examine the general patterns of change in minority rights in the House of Representatives between 1789 and 1990. Following this series of chapters, Binder uses Chapter Seven to review the history of minority rights in the Senate, ending her book with a short assessment of her findings. Short appendices provide a listing of instances of minority rights creation and suppression in the two chambers, dated by year and congress, as well as short discussions of her methods of measuring congressional workload and party behavior.

Binder divides the history of Congress into three periods: a pre-party era, 1789-1830; a partisan era, from the 1830s to the 1890s; and a period of declining parties, running from the early twentieth century to the present. She defines congressional minority rights as "procedural advantages protected from arbitrary change that enable members of the minority party to amend, debate, or obstruct the majority agenda" and a procedural advantage one that gives members or groups of members "preferential access to the legislative process at a particular stage of the game" (p. 21). "Rules advocated by the minority party to provide procedural advantages for the minority" are minority rights. She includes within her definition of minority rights also "rules that have the effect of helping the minority party to challenge the majority ... regardless of the original purpose or supporting coalition of the rule" (p. 23).

In exploring the history of minority rights in both House and Senate, Binder tests a number of hypotheses or propositions. Initially she introduces a workload hypothesis: "the majority party will suppress minority rights when an increase in the level of demands on the chamber measurably increase the value of time for the

majority" (p. 46). Central to her argument, however, is one concerning partisan behavior: "the majority party will suppress minority rights when both majority and minority party preferences are highly cohesive and when the two parties are polarized over policy, encouraging the minority to adopt a strategy of obstruction (p. 47). In developing tests of hypotheses such as these, Binder for the most part uses a number of relatively simple measures of work load and party strength, along with Rice measures of party cohesion and difference, significance tests, and correlation coefficients. She refines some variables by using factor analysis.

In Chapter Three of the book, Binder examines the decision of the House to place the motion for the previous question in that chamber's rules. That action, she shows, is much better explained by the partisan hypothesis than the workload hypothesis, even though this legislative development occurred in the pre-party era. She suggests also that the decision of the members of the House to add the previous question to their chamber's rules during this era, and that of the senators to eliminate the device from their rules, significantly affected later procedural development in the chambers.

In the three chapters that follow, Binder conducts a more general analysis of efforts to change the rules in ways that changed House and Senate procedures so as to affect the balance between majority and minority rights. Her data sets include fifteen efforts to change House rules in furtherance of minority rights between 1822 and 1993 and twenty-nine instances of attempts to suppress minority rights in that chamber. In the Senate she found a total of fourteen cases in which minority rights were addressed during the period, 1806-1986. She advances various propositions descriptive of the processes of change, including the following: restrictive changes should reveal marked differences of opinion as between the majority and minority parties; extensive changes should be reflected by the presence of cross-party coalitions that include some majority party defectors; changes in procedural practice should be related to substantive policy proposals; and, the legislative issues in hand should be sufficiently important as to justify rule changes or to break party lines.

In analyzing her data Binder found that, in general, efforts to change rules so as to affect minority rights produced strong partisan divisions, that efforts to extend minority rights involved cross-party coalitions, and that significant legislative initiatives were at stake. Cross-party coalitions trying to strengthen minority rights had legislative objectives that were sufficiently important to justify collaboration across party lines. By the end of the nineteenth century, Binder explains, the House of Representatives had become a partisan, majoritarian chamber due to rule changes. Periodic efforts to change procedural rules in that body continued during the twentieth century, however, and examination of those cases revealed a partisan dynamic similar to that found in the partisan era prior to 1900. But the considerable differences in attitude and procedure between House and Senate, that were first clearly revealed by their differing views of the importance of the previous question, still remained at the conclusion of the twentieth century.

Binder sketches in some detail the various efforts of the majority party to strengthen its control over the congressional agenda in the House. By 1860, the previous question motion, little used in its early years, had been strengthened, the one hour rule adopted, explanations of amendments restricted to five minutes, and, by this time, a simple majority could discharge a bill from committee. But the disappearing quorum, calls for adjournment, and other procedural gambits remained at the disposal of the obstructive. After the Civil War, efforts to further aid the majority party in controlling the business of the House culminated in the adoption of Reed's rules in the 1890s, allowing the Speaker to count members who were present but not voting as part of a quorum and to disregard dilatory motions, as well as including other provisions that placed additional power in the hands of this officer. Although the Democratic Party took control of the House in the congress following adoption of Reed's rules and repealed them, the leaders of that party soon restored most of the Reed package, producing a situation in which, largely through the enhanced rights of the speaker, the majority party possessed sweeping powers to structure floor debate and amending activity.

In surveying procedural developments in the House of Representatives during the twentieth century, Binder finds that the partisan dynamic continued to explain changes in the procedural rules in that chamber. The revolt of Republican progressives against Speaker Cannon and creation of a cross-party alliance saw minority rights enhanced in the House, and during both the 1920s and 1930s minority elements were successful in improving their position by winning concessions, particularly in for floor action. With the emergence of a cross-party conservative coalition in the House during the late 1930s, efforts to change the balance of procedural power in the House ceased for all practical purposes until the mid 1960s. At this time liberal reform elements in the Democratic Party moved to weaken the control of older committee chairs and temporarily provided a setting in which the oppo-

sition gained additional rights, particularly concerning their participation on committees. But as the Republicans gained additional leverage, the majority party moved to redress the balance. "By the early 1980s," claims Binder, "the Democrats had fine tuned House rules to limit most–but not all–avenues of minority obstruction" (p. 164). By this time also, that party was increasingly using special rules, approved by simple majority vote, to evade the requirements of formal House rules. This practice in turn was producing a negative reaction by the time that the federal election of 1994 placed control of the House in Republican hands.

In discussing procedural evolution in the U.S. Senate, Binder notes that the senators did on occasion seek to modify the rules of the chamber, these efforts sometimes supported by partisan and sometimes by cross-party majorities. But to a much greater extent than in the House, such efforts failed, due to the early failure of the senators to incorporate a motion for the previous question, thus leaving the threat of the filibuster in the hands of minorities. In the stress of World War I, senators finally adopted a cloture rule (Rule 22) under public and presidential pressure. That procedural option, however, was well hedged in behalf of minorities as were subsequent cloture rules. In the Senate, rule-making has never followed the pattern of the House of Representatives; minority members have always succeeded in maintaining the right to debate and amend legislation on the Senate floor.

In a concluding few pages of assessment, Binder returns to the differences in procedure and style between the two chambers of the United States Congress. It has frequently been argued, Binder notes, that the increases in the membership of the House and in the scope of its legislative agenda made it reasonable that its members should have placed severe restrictions on individual initiative and that, conversely, the smaller number of senators found it possible to transact their business with fewer restrictions. Binder finds this explanation unconvincing, preferring to work from the obvious fact that the Senate, like the House, has been a partisan theater. One explanatory proposition based on partisan theory might hold that, given their longer term of service, the majority senators have been reluctant to discard minority rights which they might wish to exercise themselves in the future. But Binder finds little evidence to support such an interpretation. Short run considerations have usually motivated procedural change she finds. But also, she maintains that institutional context helps to shape results. When the senators discarded the previous question rule, it left the way open for the filibuster and, as a result, rule changes in the Senate must usually have the backing of a strong bipartisan majority in contrast to the situation in the House of Representatives. Binder cautions, however, that the partisan dynamic does not invariably prevail. For example, a rule change that might facilitate partisan objectives in a chamber at a particular time might not be implemented because of its possible impact on public opinion or an impending election.

This is an extremely interesting book and one in which the author makes a convincing case for her various positions. It will, I am sure, be accepted for a long time as an important contribution to the history of the U.S. Congress, to the study of American congressional politics, and to our understanding of institutionalization processes in the United States. To carry cogently an important topic across the full sweep of our national history in a book of 236 pages is an achievement in itself. Perhaps only they who have themselves engaged in hand to hand combat with the *Annals of Congress*, the*Congressional Globe*, the *Congressional Record*, and the *Journals* of the U.S. House and Senate can full appreciate the amount of labor that this study represents. It is also an impressive illustration of the analytical scope that can be achieved with the use of relatively simple quantitative methods.

No doubt specialists will find the occasional slip or omission; John Kasson, for example, represented a district in Iowa rather than Illinois as suggested here, and, although it may have flowed through Binder's screening mechanisms, some members of the Civil War congresses had good reason to view the operation of the supplementary oath of office approved at that time as impinging on minority rights. The occasional historian may believe that personal and leadership considerations were too much subordinated in this monograph to faceless majorities and minorities, and Binder does produce some murky sentences. But, in sum, this book is an excellent contribution to the fields of both history and political science.

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