

# Entrenched Leviathans

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## Abstract

*Legislative Leviathan* argues that leaders internalize the welfare of the parties they lead and are therefore faithful agents of their parties. This assumption has had a large and productive influence on research on party leaders, but it also makes it hard to understand why the parties sometimes take rights and resources away from their leaders and why parties sometimes come into conflict with their leaders. Amending *Legislative Leviathan* to assume that leaders vary in quality, want to stay in office, and can use their resources to entrench themselves resolves this puzzle. An empirical test that uses state legislatures uncovers patterns consistent with the theory's novel predictions. The amended theory offers insight into underexplored aspects of how parties design their leadership offices and suggests new questions for research on party leaders.

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# 1 Introduction

The Constitution states that, “The House of Representatives shall chuse their Speaker and other Officers,” but it is silent on what authority, if any, that Speaker shall have. Since at least the end of the Civil War, the House has given the Speaker a formidable arsenal of procedural prerogatives - sometimes more formidable and sometimes less, but always sufficient to make the Speaker a significant player in the legislative arena (Jenkins and Stewart, 2012). The Speaker is not alone. The majority and minority parties in both chambers delegate procedural rights and control over political resources to their respective party leaders.

Cox and McCubbins (2007) explain why. Each congressional party faces a collective action problem. It wants to win the majority of seats in the next election, but securing that collective good requires individual party members to bear private costs. To build a strong party brand, they must sometimes vote contrary to their own inclinations or those of their constituents. Sometimes, legislation that they would like to see brought to the floor and debated and even passed must be kept off of the agenda altogether. To address this collective action problem, congressional parties give procedural rights and political resources to their party leaders. The party leaders can use these to promote the collective good directly, as in the case of using agenda control to keep issues that would damage the party brand off of the agenda, or indirectly, as in the case of giving favorable committee assignments to reward party members who have consistently voted with the party.

Why would party leaders use their arsenals to promote the party’s collective good, instead of pursuing their own policy interests or trying to enhance their own prospects for

reelection? Cox and McCubbins offer two answers. First, party leaders must regularly stand for reelection, both within their party and, in the case of the Speaker, before the chamber as a whole. Second, and more importantly, both the chamber rules and the realities of partisan politics make it so that it is much more attractive to be the leader of the majority party than the leader of the minority party. In the House, for instance, only the Speaker has the right to rule on procedural disputes. In the Senate, only the Majority Leader gets the right of first recognition. In both chambers, indeed in any legislature, the majority is in a better position than the minority to influence public policy. This leads the leader to internalize the collective good for the party. They use their rights and resources to help their party win a majority in the next election because they, more than anyone else, will benefit if their party wins.

This argument that party leaders are faithful agents of the parties they lead lies at the foundation of much of the research on congressional parties that followed *Legislative Leviathan*. It was well timed. Just one year after the book was published, Republicans seized control of the House of Representatives for the first time in over forty years. The architect of the victory, Newt Gingrich, was the Republican party's most vigorous proponent of pursuing the collective good of a Republican majority over piecemeal policy concessions from the Democrats. Gingrich's career trajectory was a testament to the logic of Cox and McCubbins's argument. He had rocketed up the Republican ranks through the provision of collective goods for Republicans, most notably by toppling of the despised Democratic Speaker Jim Wright. The newly elected Republican House granted their newly elected Speaker Gingrich an arsenal of procedural rights and political resources that no Speaker had enjoyed in nearly a century - an arsenal he quickly put to work to try to make good on

his Contract with America and turn his conference into a permanent majority.

This essay is a reflection on the life of an assumption - the assumption that party leaders are faithful agents of the parties they lead. It is a useful assumption, one that focused attention on the struggle for majority status just as that conflict came to dominate congressional politics. But it is also an assumption that makes it more difficult to understand why party leadership institutions change over time and why parties sometimes come into conflict with their leaders. This essay chronicles the substantial contribution this assumption has made to the study of congressional parties, lays out some of the puzzles it entails, presents a friendly amendment to Cox and McCubbins's argument from Fong (2023a) that resolves these puzzles, empirically tests the amendment, and describes the avenues for future research that follow from this revised understanding of *Legislative Leviathan*.

## 2 The Vanishing Leviathan

Ironically, Cox and McCubbins's foundational theory of party leadership implies that party leaders, as individuals, are not especially important to study. Insofar as leaders internalize the collective electoral interests of their parties, they do not need to be modeled separately from the parties they lead. The greatest testament to the influence this argument is the sheer number of theories of congressional parties that draw no distinction between what the party leader does and what the party would like the leader to do (Aldrich and Rohde, 2000; Cox and McCubbins, 2005; Volden and Bergman, 2006; Lebo *et al.*, 2007; Patty, 2008; Diermeier and Vlaicu, 2011; Krehbiel *et al.*, 2015; Lee, 2016; Koger and Lebo, 2017).<sup>1</sup> This reach

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<sup>1</sup>There are important exceptions to this trend, such as Calvert (1987) and Bawn (1998).

extends to empirical work on party leadership, which often explains what leaders do without reference to the characteristics of the leaders themselves (Krutz, 2001; Cox and McCubbins, 2005; Lazarus and Monroe, 2007; Monroe and Robinson, 2008; Jenkins and Monroe, 2012; Minozzi and Volden, 2013; Bussing, 2021; Bussing and Treul, 2022).

This is not a criticism of the theory. It is one of its greatest strengths. Principal-agent problems are complicated. Wherever they arise, they justifiably consume tremendous sums of scholarly energy and attention - as in the fields of representation and bureaucratic politics. The rapid progress political scientists have made in understanding congressional parties would not have been possible if each contribution had to invent its own argument for why party leaders would actually respond to the party's changing interests. Removing the leader (and, by extension, the principal-agent problem) from the picture allows political scientists to generate provocative and, in many cases, accurate predictions about how the institution responds to mounting polarization and intensifying competition for majority status.

To better appreciate how much more difficult the campaign might have been without Cox and McCubbins's helpful simplification, consider one challenge that otherwise would have been inescapable. When the party selects a leader, does it typically choose an ideological middleman or an extremist? If leaders were not faithful agents of their parties, answering this question would be a precondition for understanding the relationship between polarization and legislative organization. If party leaders are generally more extreme than the rest of their parties and if they can use their procedural rights to pursue their own goals, then perhaps centralizing power in party leaders causes partisan polarization. If party leaders are generally more moderate than the rest of their parties, then perhaps centralizing power in party leaders actually holds partisan polarization in check. And if the relationship between

ideology and winning the top leadership position changed over time, perhaps that, rather than reforms to the rules, explains recent changes to congressional politics.

Successive generations of political scientists have debated this question for the last forty years (Clausen and Wilcox, 1987; Posler and Rhodes, 1997; Grofman *et al.*, 2002; Heberlig *et al.*, 2006; Harris and Nelson, 2008; Jesse and Malhotra, 2010; Green and Harris, 2019). They have been plagued by difficult measurement problems. It is hard to scale the roll call votes of party leaders. As Roberts (2007) shows, party leaders often strategically vote with the other party so that they can later offer a motion to recommit. The perspective gained by actually serving as the leader could also cause the leader's ideological leanings to change, or aspirants might systematically misrepresent their intentions until they actually become the leader.

If leaders internalize the welfare of their parties, then it's not actually necessary to answer this question - at least, it's not necessary if the goal is to explain how parties or organized or what leaders actually do. Once the leader is elected, their ideological predispositions are eclipsed by their overriding drive to win a majority.<sup>2</sup> Perhaps legislators are more likely to run for a leadership post if they do not anticipate any tension between the quest for majority status and their ideological commitments. Perhaps the party prefers to elect certain kinds of leaders as a form of position-taking. Regardless, the leader, once elected, will act in the collective interest of the party.

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<sup>2</sup>Cox and McCubbins explicitly discourage viewing the selection of party leaders as spatial voting or divide the dollar games (Cox and McCubbins, 2007, pg.120).

### 3 Puzzles

The leader's capacity to promote the party's collective electoral interests depends on the rules of the institution. The more rights and resources the party leader possesses, the more they can do to help the party. However, the rules change over time, seemingly in response to changes to the ideological composition of the party. More ideologically homogeneous parties tend to enact rules that give more power to the party leader (Cooper and Brady, 1981; Rohde, 2010)<sup>3</sup>

Cox and McCubbins recognize that rules change and that what is in the party's collective interest changes as well. However, that raises a puzzle. If the party leader would always do what is in the party's collective interest anyway, why would it ever be necessary to take their procedural rights or political resources away? *Legislative Leviathan* can explain why the leader would be more active at some times than others, but not why it would ever be necessary for the party to step in to restrain the leader.

Take, for example, the Speaker's influence over committee assignments. When the party is unified, its collective interests are best served by using them as selective rewards for those party members who vote for the party program. When the party is divided, its collective interests might be better served by guaranteeing factional and regional balance to promote peace within the party or by making appointments on the basis of seniority. As the party becomes more divided, the leader ought to automatically scale back the degree to which they award assignments based on loyalty to the party program and implement the party's

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<sup>3</sup>Evans and Oleszek (1999) counter that divisions within the party are what makes leaders necessary. One major contribution of *Legislative Leviathan* is that it explains why party leaders would be necessary even if the party were perfectly unified; so long as producing the collective good requires members to incur individual costs (for example, raising the debt ceiling to avoid a default), there is a collective action problem that the leader can help solve.

preferred allocation, both in the interest of holding onto their majority and in the interest of staying on as the leader of the party. It would not be necessary to curtail the leader's right to make committee assignments. Yet this is exactly what both parties in the House of Representatives did in the early 20th century. Why?

Congressional history poses another puzzle. Parties periodically come into conflict with their leaders. Sometimes, the embattled leader is quickly sidelined or deposed, as with Frederick Gillett, Claude Kitchin, and Charles Halleck. Other times, the leader is able to hold out for years, even after their allies have concluded that they are failing to provide collective goods for the party, as with Newt Gingrich and John Boehner.<sup>4</sup> If leaders are faithful agents with the parties they lead, then why does congressional history offer so many examples of parties sidelining and overthrowing them? And if the party has the tools it needs to discipline and replace the leader, why are leaders sometimes able to hold onto their offices and their powers even when the party has lost faith in them?

## 4 The Congressional Leadership Dilemma

Fong (2023a) offers a solution to these puzzles. The party must sometimes curtail the rights and resources available to the leader not in spite of the fact that the leader must regularly stand for reelection, but *because* the leader must regularly stand for reelection. The very fact that the leader wants to stay in office induces an agency problem.

The model preserves the basic setup of *Legislative Leviathan*. The party, which the model casts as a unitary actor, wants to win a majority in the next election. It must decide the level

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<sup>4</sup>See Fong (2023a) for more details.



of procedural rights and political resources to give to its leader. As in *Legislative Leviathan*, the leader wants two things: to help the party win a majority and to stay on as the party's leader. The more rights and resources the party delegates to them, the more collective goods they provide for the party.

The model departs from *Legislative Leviathan* by adding two additional assumptions. First, even if all leaders want to provide collective goods for their party, some are better at it than others. Winning a majority is a complex task. It requires identifying a coalition in the electorate that can carry the party to a majority, devising a feasible legislative agenda that appeals to and mobilizes that coalition, managing the difficult personalities involved in the lawmaking process, and skillfully representing the party's program in the mass media. As with all complex tasks, some people are better at leading the party than others. Holding rights and resources constant, a more skillful leader produces more collective goods. Unfortunately for the the party, it cannot know the leader's quality for certain until after they take office. As the experiences of Speakers McCormack and Gingrich exemplify, even outstanding performance in lower leadership positions is no guarantee of aptitude for the top leadership position.

Second, the more resources a party leader controls, the more difficult it is to remove them from office. Qualitative and quantitative research both show that leaders cultivate goodwill towards themselves by using their rights and resources to perform favors (Ripley, 1967; Sinclair, 1983; Fong, 2023b). Generally, they draw on this goodwill to entice legislators to support the party program, which helps the party resolve its collective action problem. However, they can also draw on this goodwill to entice legislators to vote to keep them in office.

With these two assumptions, the party faces a tradeoff. The more resources the party gives to the leader, the more collective goods that leader produces, just like in *Legislative Leviathan*. However, giving the leader resources also makes the leader harder to remove. That wouldn't be a problem if all leaders were interchangeable, because the leader devotes their resources toward collective goods provision even without the threat of removal. But leaders are not interchangeable. Some are better at their job than others. If the party delegates resources to a leader and later finds out that leader is low-quality, they may find themselves unable to replace that leader with somebody more promising.

The party resolves this tradeoffs in one of two ways. One option is to selectively give resources to some leaders but not others on the basis of merit. When it elects a new leader, the party can withhold resources from that leader while it assesses their ability. If it learns that the leader is incompetent, it can replace them. If it learns the leader is skilled, it can then give them more resources. This merit strategy ensures that the party does not gets stuck with an incompetent leader that it cannot remove, but it also deprives leaders of resources they could be using to produce collective goods early in their terms, while the party is assessing their quality. The party implements the merit strategy by writing rules that spread resources across many power brokers within the party. Talented leaders eventually gain informal control over these resources by winning the confidence of these power brokers.

Alternatively, the party can give all leaders substantial resources as a right of office. The leader uses these resources to provide collective goods for the party, but low-quality leaders divert some to entrench themselves. This ex-officio strategy ensures that all leaders have ample resources from the start of their terms, but as a result the party sometimes gets stuck with incompetent leaders. The party implements the ex-officio strategy by writing formal

party and chamber rules that centralize procedural rights in the leader's hands.

So, why does the party sometimes write rules that restrain the leader if the leader will use their resources to provide collective goods? It is because even though all leaders try to provide collective goods, some are better at it than others. Although the party trusts the leader to do their best to provide collective goods, the party cannot trust the leader to get out of the way if they prove to be incompetent. Since the leader can use the resources at their disposal to entrench themselves, the only way it can preserve its ability to expeditiously remove an incompetent leader is to write rules that withhold resources until the leader has proven their worth. Of course, this limits the leader's ability to provide collective goods early in their tenure, so the party only writes the rules in this way if the political context makes electing a talented leader paramount.

## **5 Evidence from State Legislatures**

The theory predicts that the parties in Congress conform to one of two characteristic patterns of behavior: the ex-officio strategy, in which all leaders get ample resources as a right of office, or the merit strategy, in which each leader must earn informal control over rights and resources by showing that they can put them to good use. The history of the House of Representatives fits neatly into this pattern, with an ex-officio periods stretching from late 19th century to 1910, another from the early 1970s to the present (1995 to the present for Republicans), and a merit period sandwiched in between. During the ex-officio periods, all leaders enjoyed control over substantial resources as a right of office, even those who struggled to produce collective goods, such as John Boehner. By contrast, during the merit period, the

formal rights and resources of the party leaders were few, but some leaders secured a great deal of informal influence in their parties. Nicholas Longworth and Sam Rayburn earned the trust and cooperation of important power-brokers within their parties, which gave them a great deal of informal influence over committee assignments and access to the agenda. Less effective leaders whose tenures neighbored theirs, such as Frederick Gillett and John McCormack, did not, and were ultimately sidelined by their parties. Fong (2023a) gives a more comprehensive treatment of this history.

State legislatures offer an opportunity to supplement this analytic narrative with a statistical test. All of the key assumptions of the theory apply to state legislatures as well, so the parties in state legislatures ought to follow either the ex-officio or the merit strategy. These strategies leave characteristic patterns in the data. Under the ex-officio strategy, the formal rules give the leader control over lots of resources. Under the merit strategy, the formal rules give relatively little to the leader. However, the only leaders that can stay in office under the merit strategy are skilled. They may start out weak, but over time, they win the backing of key power brokers and achieve substantial informal influence within the party.

The literature on state legislatures offers data well-suited to testing the theory. Mooney (2013) and Green (2022) offer an index for how powerful the Speaker of the House and the top elected Senate leader are within each state legislature. The index is based on the leader's involvement with the selection of committee chairs, committee assignments, the appointment of lower party leadership offices, the hiring of committee staff, and the referral of bills to committees. All of these are formal rights written into party and chamber rules. If a leader scores high on this index, that is consistent with the party following the ex-officio strategy.

Separately, Carey *et al.* (1998) and Carey *et al.* (2006) conducted a survey of state

legislators in 1995 and 2002 which ask legislators how much influence the majority party leadership has over policy. If other legislators report that a leader is very powerful even though the rules grant them very little in the way of rights and resources, that suggests the leader wields a great deal of informal influence over those rights and resources.

The theory's key hypothesis can be tested by combining these two data sources with original data on how long each majority party leader had served as the leader. The theory predicts that when the leader controls few rights and resources through the formal rules (when the party follows the merit strategy), recently elected leaders should be perceived as having little influence, and those who have served for a long time should be perceived as having much more. When the leader controls substantial rights and resources through the formal rules (when the party follows the ex-officio strategy), all leaders should be perceived as influential, and how long any given leader has been in office should have less to do with how influential they are perceived to be.

Table 1 tests this prediction with a linear regression. The outcome is how influential legislators in a given state in a given chamber said the majority party leadership was over policy, measured on a seven point scale and averaged over all survey respondents. The independent variables are the logarithm of how many years the majority party's top elected leader had been in office during the year the survey was administered, whether the formal rules of that chamber suggest the majority party was following the merit strategy, and the interaction of these two variables.<sup>5</sup> A majority party is classified as playing the merit strategy if the leader's power index is 2.13 or higher. This corresponds to the leader being involved with the selection of committee chairs, being involved with committee assignments,

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<sup>5</sup>To avoid taking the logarithm of 0, the test adds one to the number of years served.

being uninvolved with appointing lower level leaders, completely controlling bill referrals, and being involved with the selection of committee staff. These are the values these components take for the Speaker of the House in the contemporary House of Representatives (allowing some involvement in the selection of committee staff as an analogue for the right to hire the leadership staff). The results are robust to using higher thresholds as well as using a the index itself instead of dichotomizing.

The theory predicts that recently elected party leaders will be less influential under the merit strategy (the coefficient for merit strategy should be negative) and that under the merit strategy the influence of party leaders will be increasing in how long they have been in office (the interaction of merit strategy and tenure should be positive). Table 1 supports both predictions. Resource-rich leaders enjoy influence from the day they take office. Resource-poor leaders (at least, those who avoid being deposed) earn it over time.

This test, taken by itself, surely admits of other interpretations. But it should not be taken by itself. It must be taken in the context of other evidence. The analytic narrative of the history of party leaders in the House of Representatives from Fong (2023a) is also consistent with the theory. That paper also shows how two well-studied predictions emerge as special cases of the theory's general prediction that the party pursues the merit strategy when talent players a large role in collective goods provision. A more ideologically homogeneous party and a party aligned with a strong executive need a talented leader less, so the theory's predictions are also consistent with the extensive literature on conditional party government (Cooper and Brady, 1981; Aldrich and Rohde, 2000) and the relationship between Congress and the president (Dodd, 1977; Green, 2007). Taken together, these show that the amended theory is empirically defensible and that any further implications that can be derived from

Table 1: State Party Leaders' Perceived Influence is Increasing in Tenure Under the Merit Strategy, But Not the Ex-Officio Strategy

	Leader's Perceived Influence
log(Leader's Tenure)	0.029 (0.068)
Merit Strategy	-0.609*** (0.200)
log(Leader's Tenure) $\times$ Merit	0.247** (0.123)
Intercept	5.585*** (0.084)

*Note:* \*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Standard errors are clustered at the state-chamber level to account for the fact that each state-chamber combination appears twice in the data.

it deserve some consideration.

## 6 Directions for Future Research

The fecund literature on party leadership that followed *Legislative Leviathan* assumes that the interests of the leader are synonymous with the the collective interests of the party they lead. The amended theory preserves this foundation. For the most part, leaders try to pursue the party's collective interests. They just refuse to bow out if the party decides there is someone else who could pursue that collective interest more effectively.

This characterization of the agency problem suggests many avenues for future research. It explains some of the leader's procedural rights have been uncontroversial throughout

congressional history while others have been hotly contested. It explains why the parties create petty leadership offices, why many of these offices have rapid turnover, and what political scientists can learn from comparing the career trajectories of those who successfully ascend the leadership ladder to those who fail. It clarifies how the emergence of leader-led super PACs affects party organization. And it suggests new questions for the burgeoning literature on the role that relationships play in legislative action.

## **Which Rights the Party Gives**

The amended theory explains not just the conditions under which resources get more procedural rights and political resources, but also which rights and resources they get. The party wants the leader to use them to produce collective goods. The risk is that a low quality leader will use them to entrench themselves. Virtually all procedural rights worth giving to the leader are useful for both collective goods provision and entrenchment, but some are more useful for one over the other.

The leader's right to preside over the floor and rule on procedural disputes lies on one end of the spectrum. The leader could use this to perform favors for individual party members. If a party member offers a non-germane amendment, the Speaker might rule that it is in fact germane, which could make the party member feel indebted to the Speaker. The Speaker could draw on this reciprocal obligation to provide collective goods for the party, but they could also draw on it to entrench themselves in office. However, the opportunity to provide favors for individual party members pales in comparison to the opportunity to settle disputes between the majority rule and minority obstructionism (Jenkins and Stewart, 2012). The



Speaker's ability to settle these between-party procedural disputes in their party's favor helps their party to monopolize the agenda - a classic example of a collective good. Giving the leader the right to preside over the floor yields a great deal of collective goods for the party compared to how much it allows the leader to entrench themselves.

On the other end of the spectrum, the right to appoint the chair of the party's hill committee is useful primarily for creating reciprocal obligations that are fungible between collective goods and entrenchment. At minimum, the leader of the hill committee will feel indebted toward the party leader for appointing them. Recipients of the hill committee's funds might also feel indebted toward the leader. Perhaps, at the margin, the leader would select a more competent chair for the hill committee than the party would elect on its own, because the leader has internalized the collective electoral interests of the party and therefore has a greater vested interest in selecting a high-performing chair. But this service is probably negligible compared to coopting a major power broker and getting a share of the credit for the hundreds of millions the hill committee disburses to candidates.

The many procedural rights the party might delegate to its leader can be placed on this spectrum, ranging from those that are directly useful for providing collective goods - such as presiding over the floor, appointing the parliamentarian, and hiring a large and skilled leadership staff - to those that are useful for providing collective goods mostly through creating reciprocal obligations - such as appointing the chair of the hill committee or allocating office space. Many procedural rights - such as the right to make committee assignments, select committee leaders, appoint subordinate leaders, and the manifold rights associated with setting the agenda - fall somewhere in between.

The theory predicts that party will be most generous with procedural rights that directly

produce collective goods and most cautious with procedural rights that produce collective goods mostly by creating reciprocal obligations. To a first approximation, this is consistent with the history of the House of Representatives. The right of the Speaker to preside over the floor and rule on procedural disputes has been stable across congressional history, and their right to appoint the Parliamentarian has likewise been uncontroversial. Conversely, parties have been reticent allow their leaders to appoint the chairs of the hill committees. Republicans briefly experimented with allowing their leader to appoint the chair of the NRCC in 1995 before abandoning the enterprise in 1997 or 1999. Democrats have vacillated between allowing their leader to nominate the chair of the DCCC and cutting them out of the process. The right to allocate office space is so sensitive that the Speaker has voluntarily abdicated it in favor of a lottery (Rogowski and Sinclair, 2012). In the middle of the spectrum, control over committees and the congressional agenda have been contested ground as the parties have leaned from ex-officio to merit and back again.

## **The Leadership Ladder**

Cox and McCubbins (2007) describe the majority party leadership as a partnership. The organization of contemporary congressional parties makes this hard to deny. In the majority party, beneath the Speaker are the Majority Leader, the Majority Whip, the conference or caucus chair, the chair of the hill committee, the chair of the policy committee, the chairs of the standing committees and subcommittees, to name only some of the members of the broader leadership organization. The minority party has a similar hierarchy. Some of these offices are more about making their occupants feel like part of the team than about actually

discharging any substantive responsibilities (Sinclair, 1983), but many of these offices control political resources and procedural rights that they are expected to use for the collective welfare of the party. When Cox and McCubbins theorize about party leadership, they mean the entire organization rather than just the top party leader.

This broader conception of leadership poses difficult questions for *Legislative Leviathan*. The point of centralizing power in the hands of party leadership is that the party faces a collective action problem. If the party cleaves the procedural perquisites of majority status and distributes them across a wide range of actors, it merely takes the collective action problem that afflicted the party as a whole and recreates it on a somewhat smaller scale within the party leadership organization. It also poses an agency problem for lower party leaders. Even supposing they could be trusted to eschew their own electoral and policy interests, they would still want to climb higher up the leadership ladder, which could conflict with their responsibility to advance the party's collective electoral interests. And even if, as an empirical fact, procedural rights are divided among the different offices of the majority party leadership, *Legislative Leviathan* does not provide clear predictions for how those procedural rights should be divided.

The amended theory suggests a solution to these problems. The party wants to learn what it can about a legislator's quality before it entrusts them with the office of top party leader. If all of the procedural rights and political resources were centralized in the hands of the top party leader, the party could not possibly have any idea of how the candidates to succeed the leader would perform. Lower leadership offices with meaningful responsibilities and the rights and resources to carry them out allow the party to test its prospects. A standing committee chair can prove their skill at cultivating support for a policy and managing a bill

on the floor. A hill committee chair can show that they know how to direct money to the races where it can do the most good. A conference or caucus chair can demonstrate a knack for finding the right message. None of these posts can compare to the sheer scale on which the top party leader must pursue these same tasks, but they at least give the party some information about how the legislator would perform.

These lower leadership positions also enable ambitious legislators to practice the skills they would need to be a successful leader.<sup>6</sup> Innate talent plays a huge role in the performance of leaders, but nobody is born knowing how to be a great party leader. Talent must be paired with experience, and it is much better for the top leader to arrive at their post with some experience in constructing a message, speaking to the press, recruiting candidates, directing funds, counting votes, or any of the other activities that fall within their responsibilities.

Even so, it is not enough for the leader to excel at any one of these skills. They have wide-ranging responsibilities, so the ideal desirable leader would be good at all of them. So why not create a subordinate leadership post that combines all of these roles - a modern day equivalent of a Roman junior consul?

There are at least two problems with this suggestion. First, such a junior leader could be strong enough to fight the top party leader for control over the party, and these power struggles would be an unwelcome distraction from the important business of pursuing majority status. Second, even if the junior leader got along with the top leader, their impressive array of procedural rights might allow them to cultivate enough good will with the rank and file to make them a shoo-in to succeed the top leader, even if their performance as the

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<sup>6</sup>The formalization of amended theory does not allow for gains from experience. Adding it would make the ex-officio strategy more attractive, but would not qualitatively change the results.

junior leader were only mediocre. This is the problem of entrenchment on a smaller scale. If a junior leader's procedural rights allow them to perform enough favors, then they can guarantee they are the leader's successor regardless of their quality.

The parties have adopted a two-tiered solution. The leaders just below the top - the House Majority Leader and House Minority Whip - have wide-ranging responsibilities, comparable in breadth (but not depth) to those of the top leader. These responsibilities come largely through the top party leader's informal and revocable delegations of authority, so there is little risk the number two will embark on a disruptive struggle against that top leader. However, discharging these wide-ranging duties allows them to cultivate a great deal of goodwill with party members. When the top leader retires, the number two usually (but not always) succeeds them with no serious competition. In exchange for giving the number two the inside track, the party allows them to hone all of the skills necessary to be an effective party leader.

When the top leader leaves, the real competition is usually not for who will succeed them, but for who shall shall succeed the their successor. The party's long term prospects depend on identifying the most promising crown prince or princess. It must ensure an open competition, so that it can actually use what it has learned about different legislators' talents. To that end, it establishes many smaller leadership offices that test different skills and then encourages ambitious members to rotate between them. In the House, both parties follow this practice. The petty party leadership positions, such as the hill committee chairs, the chair of the House Republican Conference and House Democratic Caucus, and the chief deputy whip, rarely stay in their positions for more than four years. Afterwards, many rotate to other leadership positions, and these positions often test completely different skills, such

as Jeb Hensarling's move from Chair of the House Republican Conference to Chair of the House Committee on Financial Services, or Ben Ray Lujan's move from Chair of the DCCC to Assistant Speaker. When the number two position opens up, the party has its choice of a wide field of tested, experienced petty leaders.

This lower leadership contest offers an empirical referent for one of the most elusive parts of the model. There are many different skills that go into being a successful top party leader. Both the mix of skills and their relative weights have changed over time. Which are most important today, and which were most important in the past? It is possible to infer some preliminary answers to these questions by examining which of the many petty positions tends to get promoted to the number two position. If it is often a committee chair, that suggests that designing an agenda and shepherding bills through the floor are relatively important. If it is often the conference or caucus chair, that suggests that strong television skills and the ability to craft a message are more relevant. A systematic exploration of these paths to power is an interesting possibility for future research.

## **The Rise of Super PACs**

The traditional selective benefits party leaders can disburse - committee assignments, access to the agenda, office space, lower leadership positions - are all creatures of the rules. The party (or, depending on the situation, the floor) giveth, and the party (or floor) can taketh away. Research on the waxing and waning of strong party leaders tries to identify the factors that encourage giving versus taking away.

The years since the publication of *Legislative Leviathan* have seen a surge in the impor-

tance of one particular tool in the leader's kit: campaign funds. Cann (2008) and Jenkins and Monroe (2012) both emphasize the role these funds play in securing support for the party program. At the time, leaders typically donated thousands or tens of thousands of dollars to any given campaign, and it is hard to believe that such small amounts of money could change how legislators vote. These authors argued that the leader's donations coordinated the donations of a larger set of party elites and also proxied for other, more difficult to observe forms of assistance.

Since *Citizens United v. Federal Elections Commission*, the financial firepower of the leader has taken a more direct form. All four of the top party leaders have their own super PACs: the Senate Leadership Fund and the Congressional Leadership Fund for the Republican leaders and the Senate Majority PAC and House Majority PAC for the Democratic leaders. As Table 2 shows, these super PACs are among the largest players in contemporary campaign finance. They routinely spend millions in the races they target. Fong (2023b) shows that party members who receive lavish support from leaders' super PACs reciprocate by supporting the party's program.

It might seem that this development would make the merit strategy more attractive, because fundraising is an increasingly important skill and some legislators are better at it than others. However, no modern party leader has come under fire for poor fundraising ability, in stark contrast to designing a winning agenda or representing the party in the mass media. Perhaps this is because fundraising as the top party leader doesn't require much talent - that the sheer prestige of the office and the power behind it is enough to spur donors' generosity. Perhaps this is because it is easier to identify talented fundraisers before electing them to the top leadership post (Nancy Pelosi and Kevin McCarthy both

Table 2: Independent Expenditures by Party Leaders’ Super PACs (in millions) with Rank Among All Super PACs in Parentheses

Super PAC	2014	2016	2018	2020	2022
Senate Leadership Fund	NA	\$89.4 (2)	\$95.1 (3)	\$293.7 (1)	\$246.0 (1)
Senate Majority PAC	\$46.7 (5)	\$85.5 (4)	\$157.5 (1)	\$269.4 (2)	\$223.1 (3)
Congressional Leadership Fund	\$10.1 (17)	\$40.1 (11)	\$138.3 (2)	\$142.8 (3)	\$227.3 (2)
House Majority PAC	\$29.4 (8)	\$47.5 (10)	\$72.1 (6)	\$139.9 (5)	\$145.3 (4)

*Note:* The congressional party leaders’ super PACs spend enough money to plausibly change how legislators vote. The ranking of all super PACs includes Carey committees. This data was compiled from [opensecrets.org](https://www.opensecrets.org), courtesy of the Center for Responsive Politics.

fit this description), so all modern party leaders are prodigious fundraisers. In any case, no modern party has gotten stuck with a weak fundraiser as the leader as a result of playing the ex-officio strategy, so parties could justifiably ignore this risk as they decide how to allocate resources to their party leader.

Instead, the key to understanding the rise of the leader’s super PACs lies in appreciating that the modern party leader’s massive war chest effectively exists outside of the control of the party, in sharp contrast with committee assignments and access to the agenda. The super PACs and their associated campaign funds are not products of chamber or party rules, and as a result the party cannot easily take them away by changing the rules. Even if it could, doing so might be unwise. If the party took away the leader’s influence over committee assignments, those committee seats would not disappear. If the party somehow banned the leader from having a super PAC, the donors who would otherwise have donated to those



super PACs might decide to donate to causes other than congressional politics.

This has two major implications for how the party allocates rights and resources to its leaders. First, if the party wants to follow the merit strategy, it must give the leader even fewer resources at the beginning of their tenure. No matter what the party does, the leader can immediately form a super PAC and begin disbursing campaign funds. To prevent the leader from entrenching themselves, the party must give the leader even less than it would have if the leader did not have a super PAC. Second, it might become impossible for the party to implement the merit strategy. Perhaps the leader's super PAC allows them to build enough goodwill to entrench themselves no matter how little the party gives them in the way of other kinds of resources.

For parties following the ex-officio strategy, the rise of super PACs should increase support for the party program. The party was already giving leaders a broad set of tools to produce collective goods, and the rise of super PACs give them one more. For parties following the merit strategy, the effect depends on how much money flows through the super PACs. If party leaders raise relatively small amounts of money, the party responds by taking away other resources from the leader to ensure that ineffective leaders can be removed before they entrench themselves. If the party leaders raise large amounts of money, the party must abandon the merit strategy, because it is too difficult to remove party leaders from office even if they have nothing but their super PACs. Empirically, the party will give the leader even more rights and resources.

More broadly, the rise of super PACs mutes the relationship between features of the political context and whether the party follows the ex-officio or merit strategy. If these super PACs disburse enough money, then even if the political context makes following the merit

strategy more attractive, the party might follow the ex-officio strategy simply because the merit strategy is infeasible. The oft-observed correlation between the ideological homogeneity of the majority party and the procedural rights given to the party leader could attenuate and eventually disappear. Party leaders will entrench themselves no matter what, so the party has nothing to gain by depriving the leader of procedural rights.

However, all of this assumes the leaders have the largest and most powerful super PACs. While this has been true since *Citizens' United*, it need not be so. Some future resource-rich but incompetent party leader might find he is devoured by an exceptionally gifted fundraiser, and this possibility could significantly affect the attractiveness of the ex-officio strategy. Insofar as fundraising ability is correlated with other talents that would make a good party leader, the possibility that a dissident could out-fundraise the party leader and replace them acts a kind of insurance policy. The gap in talent between the party leader and their most viable competitor could not be too large, or else the competitor would use the goodwill generated from their campaign funds to depose the leader.

On the other hand, such a rich and powerful competitor would also significantly complicate the basic theory of Cox and McCubbins. Unlike the party leader, whose power is tied in large part to majority status, this legislator would not necessarily want to use their campaign funds in a way that promoted the collective electoral interests of the party. They might use their funds to advance their ideological goals, or they might use them to seize the leadership post for themselves. A power struggle between fundraising prodigies and party leaders is an intriguing possibility for future events and future research.

## Relationships

Above all, the amended theory emphasizes the importance of relationships. In the merit strategy, but not the ex-officio strategy, it is through relationships with key stakeholders in the party that the leader acquires real power. No matter which strategy the party follows, it is through relationships that the leader cajoles the rank-and-file to do what they need them to do. It is the leader's relationships with their party's members that creates the central tradeoff between empowering the leader to provide collective goods and preserving the party's ability to depose an underperforming leader.

Political scientists have already made some progress in understanding the role of relationships in the legislative process. The largest branch of this research uses cosponsorship decisions as a measure of which legislators are socially close. Some of this research takes the network as exogenously given and examines the effect of the network on legislative behavior and outcomes (e.g. Fowler, 2006; Kirkland, 2011; Fong, 2020), some focuses on explaining why legislators form the relationships they do (e.g. Kirkland, 2014; Neal *et al.*, 2022), and some do both at the same time (Battaglini *et al.*, 2020). Rogowski and Sinclair (2012) criticize much of this research on the grounds that cosponsorship decisions are endogenous to the preferences of the legislators involved, but other research has adopted alternative measures of relationships between legislators, such as sitting next to one another (Masket, 2008), living together (Minozzi and Caldeira, 2021), and traveling together (Curry and Roberts, 2023) and coupled them with thoughtful research designs to help to allay these objections. All told, there is a growing consensus that relationships and the wider network created by them play a crucial role in the legislative process.

The amended theory underscores how there is a great deal about relationships that remains unexplored. It emphasizes the importance of the relationships between the top party leader and the other power brokers in the party - the Majority Leader, the whip, the committee chairs, the bill committee chairs, the conference and caucus chairs, the members of the steering committees, the Rules Committee, and, during certain periods of congressional history, the Ways and Means Committee. Under the merit strategy, the leader gets real power within the party only if they can secure the allegiance of these power brokers. Under the ex-officio strategy, an endangered leader's survival depends on using their rights and resources to co-opt these potential rivals.

The existing literature on relationships in Congress, which focuses largely on relationships among the rank-and-file, offers some guidance as to how these relationships between the top party leader and the party's power brokers form, but a relationship is not a one-time event. It requires routine maintenance, and if the participants do not do what their partner expects of them, the relationship can be damaged or destroyed. The literature pays much less attention to the degradation of relationships, and less still to how they can be repaired after they have been damaged.

The party's leader must routinely make decisions that make some power brokers happy and others upset (Fong, 2022). More often than not, the leader needs the friendship and goodwill of legislators on both sides of the issue. How do leaders make up for these inevitable disappointments? What tactics do leaders use to take credit for providing favors to the winners while avoiding blame for deciding against the losers?

And what does the leader do when faced with a party member who defies them? Under what conditions does the leader perform favors for these errant members to try to cultivate

goodwill, and under what conditions does the leader punish them in the hopes of bringing them in line? They must consider not only the effects of their choice on the errant legislator, but also on all other party members. Rewarding bad behavior could encourage otherwise pliant party members to act out, even if it would solve the immediate problem of securing the rebel's compliance. Making an example could deter other would-be troublemakers, even if it further alienates the recipient of the punishment.

The amended theory also raises the question of how a powerful party leader affects the social milieu of the institution. The relationships a powerful party leader forms with other legislators could crowd out relationships between those other legislators. The more rights and resources are centralized in the hands of the leader, the more important it is for legislators to cultivate goodwill with the leader and the less important it is for them to cultivate goodwill with one another. This central position in the social network further enhances the leader's power, which in turn makes it even more important to cultivate goodwill with the leader.

Centralizing power in the hands of the party leaders also discourages the cross-party relationships that support consensus-based lawmaking. It might seem that centralizing power in the hands of the party leader would encourage members of the other party to try to build a relationship with that leader, but it is exceedingly difficult to form a relationship with the other party's leader. Rank-and-file and committee leaders have idiosyncratic policy and electoral goals that are sometimes aligned with those of members of the other party, but the party leader holds an office that is literally designed to encourage zero-sum competition with the other party. Even in a period of intense competition between the two parties, the chair and ranking member can and sometimes do develop a trusting, productive working relationship (Ommundsen *et al.*, 2022). The same cannot be said of the Speaker and House

Minority Leader, or of the two Senate Majority and Minority Leaders, or of the leaders and any of the members of the opposite party.

## 7 Conclusion

Cox and McCubbins's assumption that leaders are faithful agents of the parties they lead enabled decades of productive research on congressional party leaders. It redirected attention away from distributive and ideological conflicts within each party to the struggle for majority status between the two parties. The last thirty years of American political history show that this intervention was well-timed.

The amended theory of entrenched leviathans, first articulated in Fong (2023a) and expanded upon here, extends the reach of *Legislative Leviathan*. It explains why the parties sometimes write rules that give party leaders fewer procedural rights and political resources, why parties sometimes struggle to remove underperforming leaders, why some of the leader's rights and resources are stable over time while others fluctuate, and how the party designs its petty leadership offices. It offers predictions and suggests new questions for the burgeoning literatures on campaign finance and on the role of relationships in political institutions.

However, as a friendly and relatively modest amendment to Cox and McCubbins's theory, it also shares many of its source materials' limitations. Both emphasize the importance of competition between the two parties for majority status, but neither explicitly models the strategic interactions between the majority and minority parties. Both place the collective electoral interests of the party at the center of partisan organization, but neither provides clear details of precisely how the party needs to use its powers to build a winning electoral

coalition. Neither deals directly with the distributive and ideological conflicts within each party. So far, these have proven useful simplifications that focus scholarly attention on where much of the action is, and this essay shows how there is still plenty of work to be done within this paradigm. But there is ample room, and ample rewards, both for further elaborations of *Legislative Leviathan* and for competing theories that bring these underdeveloped issues into focus.

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