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Stagnation by Representation: Are We Getting the Congress We Deserve?

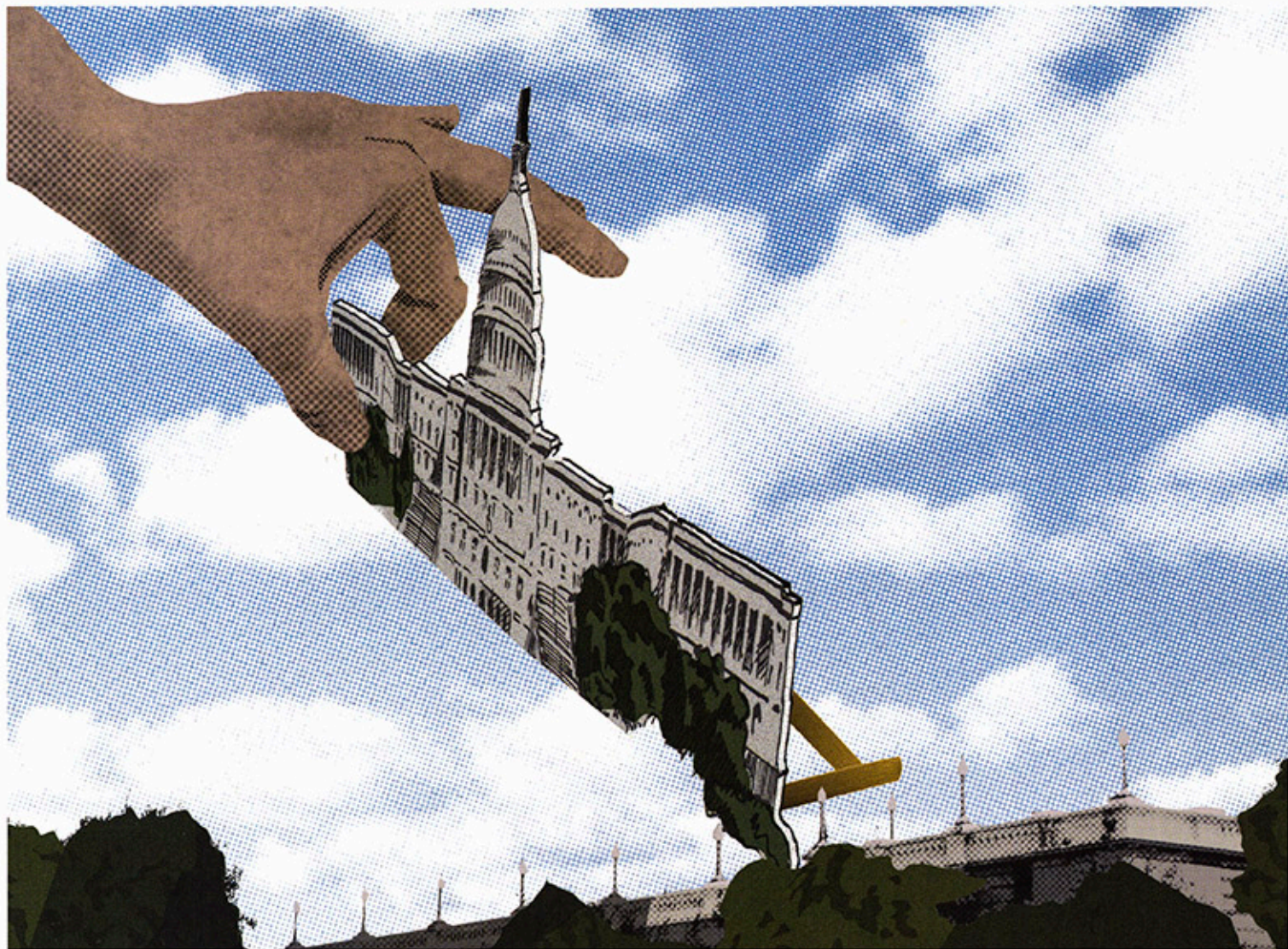
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On October 8, 2015, they broke Congress. That was the day Representative Kevin McCarthy, unable to secure the 218 votes he needed to be elected Speaker of the House from his own party, announced he was withdrawing from the race.

Of course, anyone who has paid passing attention to the institution in recent years knows it's dysfunctional. Typically, laments over Congress focus on partisanship and its close companion, gridlock—most recognizable perhaps in the constant threat of the Senate filibuster. And there is much handwringing over

STAGNATION BY REPRESENTATION

Are we getting the Congress we deserve?

BY C. DANIELLE VINSON

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the persistently low approval ratings of Congress.

But partisanship is not new to Congress. Parties emerged in Congress shortly after the ink dried on the Constitution, and they were as polarized in the era following Reconstruction as they are today. The Senate filibuster has been possible since 1806, and until recently served as a rarely used safety net for the minority. And while low approval ratings merit concern, the idea of Congress has always been more popular than the actual practice of it, even among the founders. Although these issues contribute to and are evidence

of Congressional dysfunction, they did not break Congress.

What broke Congress is found in the reason McCarthy could not gain enough votes from his own party. It's the same reason John Boehner was forced out of the job. And contrary to claims that neither man was sufficiently conservative, it has little to do with ideology. By any objective measure of ideology, both men are staunch conservatives. They agreed with their fellow partisans on policy. But Boehner and McCarthy also acknowledged reality—Democrats held the presidency and enough seats in the Senate to block legislation. On basic government matters like passing a budget, the Republican leaders chose to be pragmatic and compromise on bills that moved at least incrementally in the direction they wanted. Ultimately, Boehner and McCarthy were pushed out because they were willing to do what Congress is supposed to do—govern.

Some in their party wanted them to fight for their preferred policies even if it meant shutting the government down. But to what end? There is no reason to believe the Senate or the president would have conceded to the House—they have constituents to represent, too. The only purpose served by shutting down the government was to draw clear distinctions between the parties in hopes of winning the next election. It's a strategy that was introduced to Congress by former Speaker Newt Gingrich, and it helped lead Republicans to the majority in the House in 1994 after 40 years in the minority.

Alas, what is good for winning elections is not always good for governing, and even Gingrich compromised at times.

To understand the significance of what happened on

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October 8 requires us to look back at what the writers of the Constitution expected of the U.S. Congress.

In *Federalist 10*, James Madison extols the virtues of representative government over direct democracy. Chief among the benefits is the opportunity for deliberation among representatives of people who have different perspectives and interests. Madison's hope is that as these representatives discuss policies, they will not merely parrot the voices of their constituents leaving the loudest to prevail, but rather they will "refine and enlarge the public views."

The idea is that conversing with each other face to face will enable representatives to think beyond their own experiences and self-interest to see how the policies each prefers will affect people in different circumstances. The ultimate goal of this process is to articulate and pursue the national interest.

Congress is the primary vehicle for representation in the U.S. Constitution. It is also the lawmaking institution tasked with passing policies and budgets that allow the government to function.

Congressional scholars Roger Davidson and Walter Oleszek argue that inherent in the design and powers of Congress is a dual nature. On the one hand, Congress is a collection of individual members who need to represent their constituents and want to get reelected.

On the other, Congress is an institution with a responsibility to make policy and help solve problems that threaten the stability and general welfare of the nation. For that to happen, those individual members must work together, not just within their own house of Congress, but also with the other house and with the president, to discern from the disparate interests of their constituencies what is in the national interest, and to craft policies and budgets that serve that greater interest.

Is the vision of the founders lofty? Indeed. Efficient? Hardly. Frustrating? Definitely. For 200 years, members of Congress have negotiated the tensions between representation and lawmaking. But the saga of Boehner and McCarthy reveals that Congress today has a significant number of members more interested in winning elections than accepting the realities

required to govern. A Congress composed of members who are not open to understanding the other side, and perhaps being influenced by it, is a Congress incapable of deliberating, discerning the national interest, and ultimately governing. It is broken.

So, what can fix it?

Some may be tempted to suggest that the problem is Republicans; after all, this is happening in their party. But the problem isn't ideology or party. Some conservative Republicans are quite pragmatic and have spoken out on the need to govern. The problem is strategy, and conservatives don't have a monopoly on intransigence. If Democrats gained a majority in Congress, it's not difficult to imagine a faction of progressives employing similar strategies.

The solution is a better understanding of the constitutional purpose of Congress and the diversity of opinion and circumstances of people around the country. Americans tend to surround themselves with people who think like them. Our actual and virtual lives gravitate to those who agree with us, leaving us with rather narrow perspectives. Those who want to persuade everyone to their view need to be in advocacy, not Congress.

Members of Congress need to voice citizens' opinions but be open to expanding those views as they hear from others whose constituents have different experiences.

Refining and enlarging public opinion is not a one-way street. It requires both sides to accept that they might learn something from the other. Only when members accept that can we begin to fix Congress. Of course, members can only accept that if we constituents are willing to let them.

Now that I think about it, maybe we broke Congress. ●