

The Concept of Information: A Comment on Gilligan and Krehbiel's "Collective Decisionmaking and Standing Committees"

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A favorite trick of those hostile to the kind of model presented by Thomas Gilligan and Keith Krehbiel is to pretend that the model purports to fully explain, or specify the dominant cause of, the phenomenon at issue and then go on to introduce some real-world complications that the model builders have excluded in order to simplify their model. The opponent then argues that because the model does not include the complication, it could not possibly identify the major cause of the phenomenon we are seeking to explain.

So let me begin by acknowledging that both the title and the content of Gilligan and Krehbiel's paper make clear that the authors are not claiming that they have identified *the* cause of the Congressional practice of accepting "closed" rules from the House Rules Committee limiting the floor's freedom to amend bills reported from committee. They claim only that they have identified one possible cause and/or one factor leading to the preservation of the practice, no matter why or how it was initially put into place. Nevertheless, I am going to argue that the model builders have committed one simplification that creates very serious difficulties for even the modest claims they make for their "informational rationale for restrictive procedures" because the simplification lies at the very heart of the rationale, that is, in the concept of information itself.

Let me briefly summarize the two parts of the model. First, where unrestricted amendment is available to the floor, the committee will be reluc-

tant to acquire and send on to the floor information about the consequences of the proposed and alternative bills because the floor will use that information to fine-tune the proposed bill in the direction of the floor's preferences and away from the committee's preferences. Second, if the floor has only the option of voting yes or no on the committee's bill, the committee need only move beyond incorporating its own preferences in the reported bill sufficiently to move the floor over the yes threshold. The committee may do so either by modifying its own preferences embodied in the bill in the direction of the floor's preferences or by providing the floor with more information, thus reducing the floor's uncertainty costs—those costs being one of the factors that otherwise lead the floor to vote no. Obviously in the second situation, as Gilligan and Krehbiel show, the committee will sometimes choose to modify the content of the bill and sometimes choose to acquire and distribute more information, depending in large part on the degree of discrepancy between committee and floor preferences.

The first part of the model is appealing in its simplicity. If the floor wants more information from its committees, it might choose to reduce one of the major disincentives to the committees to provide such information, that is, the floor's use of the information to move the bill away from the committee's preferences and toward its own. The floor can reduce that disincentive by promising not to use the information to fine-tune the bill but instead to use it only to decide whether to vote yes or no on the committee's bill. *Voilà*—the closed rule.

As the authors admit by their references to "noisy signaling" and the absence of a single legislative "equilibrium over the range," the second part of the model is less simple. The authors' whole approach presupposes that the committees are capable of engaging in strategic behavior about information, acquiring and revealing more or less of it as they deem efficacious. In the closed rule situation, presumably the committee could engage in even further strategic behavior, acquiring and revealing that information calculated to move the floor over the yes threshold and refusing to acquire or suppressing information that would lead the floor to refuse to move over the yes threshold in those instances when the preferences of the floor and the committee diverge considerably. And once the floor learns that the committees can and do engage in such strategic granting and withholding of information, why should the floor give up its power to freely amend in order to get such distorted information?

The answer to this apparently devastating objection to the authors' rationale is that while the objection seems to make perfectly good sense in common English, it is nonsense in the language of the signaling segment of communications theory in which the authors' model is expressed.¹ In En-

1. Conventionally, communications is divided into syntactics or signaling, semantics, and pragmatics. Technically I am accusing the authors of having adopted a syntactic rather than a pragmatic concept of information and arguing that committee-floor communication is more realistically viewed from a pragmatic than a syntactic perspective.

glish one may speak of revealing information favorable to the committee's bill and suppressing information favorable to some alternative bill. In communications theory, however, information is not differentiated by its content. "Information" is the antonym of "redundancy," that is, information is anything you do not already know. The authors' model involves only information about the possible consequences of bills. Thus if the floor receives any new data on the consequences of the committee bill, even if it receives only selective data on positive consequences and no further data on the consequences of alternative bills, its "information" goes up; its uncertainty costs on the committee's bill therefore go down, and it is moved in the direction of voting yes on the committee's bill. If we stick to the issue of more or less information in syntactic communications theory terms, the authors' simple incentive model continues to work. If the floor wants more information, it will impose closed rules on itself, thus providing the committees with the incentive to provide more information.

Even if we stick to syntactic communications theory, committee motivation is, as the authors indicate, not as simple as floor incentives. Under a closed rule the committee may move the floor over the yes threshold either by modifying the substance of the bill in the direction of the floor's preferences or by providing more information or by a combination of both. Where committee and floor preferences are relatively close together, the committee has high incentives for providing more information in the communications theory sense—because presumably only high uncertainty about the bill's consequences would prevent the floor from moving over the yes threshold. More information means, by definition, less uncertainty and so movement toward yes. Where, however, floor and committee preferences diverge widely, committee provision of undifferentiated new data on consequences is highly unlikely. Instead the committee is likely to present highly selected data that supports its own and denigrates floor preferences. Why should the floor be willing to "pay" for this kind of data by adopting closed rules? Why should it pay for a data package selected and constructed by the committee designed to support committee preferences over floor preferences? Indeed how, in any real-world sense, would such a package reduce the floor's uncertainty?

In other words, the model presented is too simple because its employment of a signaling concept of information allows it to contemplate only one form of strategic behavior by committees, the varying of the quantity of information obtained and made available to the floor. The model cannot contemplate the strategic varying of the quality of information available to the floor because a signaling concept of information does not contain a quality dimension.² Yet the floor ought to be as much concerned about the

2. The authors appear to remain within the syntactic perspective in their employment of the term *noise*. From that perspective noise is not a quality dimension but refers only to interruption in signal receipt and thus to reductions in the quantity of information received, not to selectivity in information transmitted.

quality as about the quantity of the data on consequences it receives. As it stands, the model provides no account of the quality dimension and, therefore, an unsatisfactory account of a rationale for closed rules based on the real-world transfer of knowledge (as opposed to the electrical engineer's world of transmission of information).

The model may, perhaps, be saved by an additional complication. Such complications are, of course, vices in models, but this one may be excused because it allows us to incorporate a rationale for a key phenomenon in the closed rule institution otherwise left unaccounted for, the power of the rules committee. If only the quantity of data on consequences supplied for a given bill were of concern to the floor, the floor itself would seem capable of making the gross and discrete judgments necessary to select a rule for a particular bill from among a spectrum of four or five standard rules ranging from less to more "open." If the floor saw more data, it would choose a more closed rule. If it saw less data, it would choose a more open rule. If, however, the quality as well as the quantity of data is of concern to the floor, it cannot rely on such gross and discrete observations, for it has no way of knowing whether the data accompanying a particular bill is of high quality or has been strategically selected. The ability to assess the quality as opposed to the quantity of knowledge depends on long-term experience with the source. How dependable has its data on possible consequences proved on how many past occasions? The floor, therefore, needs an institutional memory on the basis of which it can learn over time how closed a rule it ought to grant to which committee. It can then "pay" the committees according to both the quantity and quality of the data provided on consequences.

The House Rules Committee is the institutional memory of the floor. Its job is to build up an expertise not about the substance of legislation but about committee performance; it can then issue more or less closed rules depending on its assessment of committee performance. A committee that builds up a reputation for "expertise" gets the closed rule it wants.

I am not at all sure, however, that adding a learning epicycle to the information model renders it entirely persuasive. The authors, of course, purport to provide only an information "*rationale*" for closed rule practices in legislative bodies. A rationale is not a causal statement. It is only the more modest assertion that, no matter what the actual causes or the subjective motivations of the actors, a certain practice has certain efficiency effects. Behind such a modest assertion may or may not be a more fundamental faith that man is teleologically drawn toward efficiency so that the efficient effects did somehow cause the practice for which the rationale is provided. Without accusing the authors of any but the most modest employment of their rationale, it may be worthwhile to conclude by briefly sketching the more conventional explanation of closed rules, an explanation that can be treated as either a rationale or a stronger causal statement.

That explanation is as familiar to economists as to political scientists and rests on a variant of the tragedy of the commons theme. It has been explored by, among others, John Ferijohn in his work on rivers and harbors legislation, *Pork Barrel Politics* (1974). Bearing in mind that most legislative bodies are reluctant to create or enforce strong rules on the germaneness of amendments, every bill reported to the floor becomes an opportunity for every legislator to push his preferences on nearly any matter. Because constituency and other support groups know that these opportunities exist, every legislator incurs costs to his/her support each time he or she appears to fail to use such an opportunity. Yet each legislator knows that most of those opportunities would prove fruitless given the preferences of other legislators or at least would prove fruitless without a great deal of logrolling, which would prove costly both in terms of time and draw-down of political credits with fellow members.

Along another dimension each legislator has a considerable interest in the efficient operation of the whole house—or at least in the house appearing to do its business expeditiously and arrive at legislation serving the public interest. Legislators know and fear their own tendency to pile special interest amendments into bills that have reached the floor, a tendency which may result in runaway legislation of the sort that used to be famous in tariff statutes.

Thus in order to avoid both the personal and the personally shared institutional costs of enjoying unlimited opportunities to amend, legislators will prefer a closed rule system that limits such opportunities. There are, of course, other extremely high costs entailed in limiting the costs of amendment opportunity in this way. Much of the power to select the final mix of preferences expressed in bills is transferred to the committees. Yet the long-term history of the committee system in Congress is usually taken as evidence of the desire of the floor to incur such costs rather than the costs of free decisionmaking. This very strong preference of the floor for not turning itself into a kind of common may so overdetermine the institutional practices of Congress that an information “rationale” may point only to a small, albeit favorable, unintended consequence of legislators’ search to limit their opportunities.

All of this might explain why the floor will grant closed rules no matter what the committee’s information behavior, but it does not explain why, absent the threat of withholding a closed rule, the committee would provide any information. However, even if committees know that they will receive closed rules whether or not they provide information, they will still have some incentive to provide information. As the authors’ model indicates, moving the bill toward the preferences of the floor and providing information are alternative resources employed by committees to achieve floor approval of their bills. Under a closed rule, the committee must still move the floor over the yes threshold. It may prefer to do so by providing

more information rather than altering the bill toward the floor's preferences. This preference for providing more information may be reinforced by the ease of strategically selecting the information presented so as to increase the chances of moving the floor over the threshold. Such selection may be far less costly to the committee than moving away from its own policy preferences.

CONCLUSION

Whether employed as a minimalist rationale or a more ambitious causal statement, an information rationale of the sort presented here seems to me to be in need of serious modification in order to take into account the strategic behavior of committees in providing not only greater or lesser quantities of information but more or less selective information. In the conventional language of communications theory, the model builders must move from syntactics to pragmatics in order to make their model more useful in the analysis of legislative practices.

Even as it stands, however, the model is an important contribution to such studies because it asks and provides a tentative answer to a key question: What incentives can the floor offer committees to become expert and particularly to share their expertise with the House? To this question traditional analysis can only respond rather vaguely that the incentive the floor provides is voting in favor of bills presented by committees that are expert and prove they are by sharing their expertise with the floor. Such an answer is only a slightly elaborated version of the old saw that "the House respects those who do their homework." The model presented by Gilligan and Krehbiel provides rather precise formulation of one aspect of the traditional answer and thus is an important step forward.