

Anatomy of a Legislature: Explaining Legislative Incivility with Fenno's Committee Framework

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Abstract

Incivility has been a growing concern among observers of legislatures both at the national and state levels. Some scholars have called for further research on legislator behavior, especially as it pertains to policy compromise, communication, and safeguarding democratic institutions. Characteristics like full-time legislatures, high income inequality, high electoral competition, large rural populations, term limits, and conservative majorities correlate with reports of more incivility. I make the case that statistical methods are insufficient for theory-building that explores the interpersonal and institutional dynamics of incivility. Under what institutional conditions do legislators become "uncivil"? Is it strategic or emotional? What are some triggers or incentives? What does "incivility" even mean? This study peers into the legislative black box via interviews with state representatives to answer these questions. Fenno's framework of Congressional committees is used for interview design and analysis to great effect. I describe how institutional features trigger, guide, and sometimes prevent disruptive behavior. I also find that chair leadership styles warrant further study, which I tackle in a different chapter. Conclusions focus on functionally conceptualizing incivility, discussing a collective action problem in democratic institutions, and empowering the work of legislator trainings and workshops.

Introduction

Incivility and polarization are the salient issues of our generation, and it is not particularly difficult to find present-day examples of either. Factional disputes among House Republicans of the 118th Congress protracted the selection of a Speaker. The bickering and shouting eventually escalated to the point where one member had to be physically restrained and his mouth covered so as to prevent a very public “meltdown” of decorum. Rep. Lauren Boebert (R-CO) heckled Pres. Biden during the 2022 State of the Union Address; Donald Trump never conceded the 2020 election and has used that loss to campaign for 2024 (among other things); Obama was famously heckled “You lie!” during his 2009 State of the Union Address. State governments are no exception: in 2022 Washington State Senator Marko Liias (D-21) insulted (and later apologized to) the Oregon governor. During the apex of the pandemic in 2020, one Oregon Representative allowed armed far-right rioters in the Oregon legislature during a special session (Vanderhart, 2021). Scholars have collected many other instances of heckling, name-calling and rule-breaking (for a full discussion, see the symposium papers by Strachan & Wolf, 2012; Maisel, 2012; Jamieson & Hardy, 2012; Geer, 2012; Wolf et al., 2012). Before reviewing civility literature in depth, suffice to define it as:

[...] the perception that one is complying with commonly accepted behavioral norms for how to interact with others in an appropriate manner given the context. As a corollary to this definition, incivility then is: the perception that one is deviating from commonly accepted behavioral norms for inter-personal interactions to the extent that their behavior is considered inappropriate given the context. (Kettler et al., 2022, p. 52)

The proposed definition points to all the common characteristics that prior authors had agreed. Civility refers to perceptions of sociocultural norms, thus the relevant data and

conceptual boundaries are easier to describe qualitatively than quantitatively. To grapple with this, scholars have studied incivility in relation to other variables of interest, the idea being that disentangling the causes and effects of civility with other variables will help theorize more effectively. Uncivil discourse waxes and wanes in correlation with polarization, with some authors deeming it a tool for polarization rather than an organic indicator of intergroup conflict (Herbst, 2010).

Shea & Sproveri (2012) looked at the coverage of “outrage” in national media since 1800 from the Books Ngram Viewer database. They found that “nasty” politics peaks and drops in cycles of 20 years, in tandem with major periods of polarization and realignment. “Incivility” built up some years before the Civil War and waned throughout the next 25 years, increasing during the Spanish-American war, and dropping just at the turn of the century. There is a noticeable hump during the advent of the Great Depression that drops in 1939 and spikes around the 1945 mark. The last increase in such coverage of outrage and incivility climbs around the mid-1960’s and falls closer to the mid-1980’s. The authors conclude that incivility, much like polarization, occurs in the run-up to critical elections, or realignment periods (Shea & Sproveri, 2012). Thus, for the sake of simplicity, I assume ideological polarization spreads before incivility becomes mainstream discourse.

The authors note the increasing negativity after the 1990’s and into the future. Ideological sorting, and the subsequent polarization, may be piloting a prolonged and rancorous “uncivil” politics unlike previous periods. Where previous periods experienced short bursts of polarization and incivility due to intense cross-cutting issues, the current identity politics and technologies like narrow-casting, microtargeting, and niche marketing widen the distance between already-sorted partisans (Shea & Sproveri, 2012). The authors point to the same conditions identified by

Liliana Mason (2018) as leading up to a major period of “nasty” politics. Their observation that this period starts around the mid-80’s and may last for longer than usual aligns with Turchin’s predictions of political instability leading into the 2020’s. All of these authors proposed a study about if and how institutions can withstand, metabolize, and dispel such “uncivil” or “nasty” politics.

Experimental surveys have found that public displays of incivility increase both distrust in institutions, and *affective* polarization (Skytte, 2021). This explains why these displays also decrease voters’ willingness to compromise (Gervais, 2019; see also 2015). From a psychological perspective, this is hardly surprising. Citizens value ideologically polarized politicians when their specific issue position align, thus “enhancing” perceptions of representation (Ahler and Broockman, 2018). Druckman and colleagues (see 2013, and 2018) found that partisan, polarized media make individuals less receptive to the out-group and creates misperceptions about the in-group’s cohesion, and they entertain that civil discussion hampers the effect of party cues. This raises questions about if and how incivility in a polarized environment affects the work of legislators:

1. How do legislators conceptualize incivility, especially when contrasted with polarization?
 - a. Is it solely spontaneous and emotional? Is it planned and strategic?
2. Do legislative committees experience incivility and -if so- is it similar across committees?
 - a. Is it more likely in some spaces rather than others? If so, under what conditions?

The Legislative Black Box

In the spirit of creating a measure for uncivil politics, Fowler and colleagues (2022) designed a series of surveys for lobbyists and collected their perceptions on a host of issues

related to civility and polarization in state legislatures. They created multilevel regression and poststratification (MRP) models, which help control for individual level predictors, biases and randomized errors (see Kettler et al, 2021; Fowler et al., 2022). With these state-level indexes for all 50 states, the authors concluded that more liberal, citizen legislatures with lower economic inequality, high urban populations, low partisan electoral competition, without term limits are likely to be more civil than states with conservative, professional, term-limited legislatures, economic inequality, rural populations, and highly partisan electoral competitions (Fowler et al., 2022, p. 202)

One problem with the state civility index model (CIM) is apparent heteroskedasticity: it predicts incivility far better than it predicts civility. A second problem is that the model offers minimal insights about the institutions or individuals involved in politics. For example, Washington State and Oregon have significantly different civility scores, yet they are similar in terms of the CIM's predictors. Though an account of the institutional conditions and triggers for incivility remains outside the scope of the civility index, the model does contribute an important first step. The authors conclude some omitted, unknown variables facilitate civility despite forces that work against it, and they hypothesize that individual leaders may be the "key factor". Ultimately, there's an implicit acknowledgement that any discussion of norm-breaking is inherently about behavior.

Analyzing behavior requires understanding (a) when the actor occupies a strategic decision-making role; (b) in unstable or uncertain situations; (c) when there are no clear precedents or role guidelines; (d) when spontaneous behavior is required (Greenstein, 1992). These conditions are usually condensed into a single question: "to what extent does the environment allow restructuring?" Because understanding behavior only makes sense *in context*,

I leverage Richard Fenno's (1973) framework of Congressional committees to identify those contextual conditions. Importantly, the primary interest of this research is to (a) conceptualize incivility in a way that is tangible and functional, that will inform potential training workshops for legislators and help future scholars operationalize incivility more narrowly. (b) To understand the institutional conditions that both constrain and foster certain types of behavior. (c) To revamp Fenno's original concepts, testing their applicability to state legislatures and their modern problem-solving potential.

The Fenno Connection

Fenno's committee framework (1973) provides some of the clearest formal and informal rules that guide member behavior, making it an adequate roadmap for identifying the conditions the engender incivility. Fenno (1973) argued that legislators go into committees to pursue different goals and labelled committees accordingly: influence committees (ICs), reelection committees (RCs) and good policy committees (PCs). Because these committees differ in goals and policy domains, the three types had different environmental constraints, strategic premises and decision-making processes; committees within categories could expect similar constraints. The differences in these three informal norms -in turn- explain differences in legislator priorities, committee productivity and the types of conflict that committees navigate. As part of the analysis, those sets of norms would need to be described for the committees of interest. Table 1 summarizes the key concepts in Fenno's (1973) framework that serve as the conditions to evaluate incivility.

Chairs aware and respectful of member goals, environmental constraints, and strategic premises were often successful in maintaining the committee productive (Fenno, 1973). On the other hand, breaking these norms prompted fights, rule changes, and even outright "revolts" in

committees. It also slowed the committee’s capacity to produce bills for the parent chamber. Therefore, I explore how these norms set the mechanisms by which individuals break rules, both formal procedures and the informal features Fenno identified. This would allow insight about the playing field within which rule-breaking happens.

Table 1. Key Committee Concepts (Informal Norms)

Norms	Definition	Example
Member Goals	Members’ perceived incentive or motivation for joining -or remaining in- a committee. Fenno discovered consistent goals, and this guided his creation of three types of committees.	• Influence: members want a say on a broad range of issues and over other members. • Good policy: articulated interest in specific outcomes for specific issues. • Re-election: members seek pork for specific coalitions that need not represent whole constituency.
Strategic Premises	Informal, unwritten and self-imposed guidelines meant to simplify decision-making. These tend to be (1) difficult to articulate, (2) changing, and (3) not always present.	• Congressional Appropriations committee would always try to allocate less than what the agencies asked for, but slightly more than what was previously approved (Fenno, 1973).
Environmental Constraints	“overwhelming demands that must be accommodated if members are to achieve their goals, or they can take the form of bounds within which members are free to act without sanction” (Smith, p. 10, 1986).	• ICs are limited by what agencies already require, the executive’s priorities and available funds. • PCs are primarily concerned with solving problems that affect most of the population and must contend with partisan coalitions that help design and implement policy. • RCs are designed to oversee well-organized and proactive coalitions that may suffer undue harm.

Research Design

Case Selection

Case selection here has two dimensions: selection of state legislatures and selection of committees. Because this project has a qualitative exploratory component, and because

institutions can have extensive networks of rules and relationships, case selection was limited to house committees. Analysis followed a within-case explanation for each state, followed by a cross-case examination of common leadership decisions and causes of incivility. This article prioritized a process-tracing approach to understand the “causes of effects”, thus fits squarely within the qualitative camp.

For the selection of states, the “most similar systems design” was appropriate here, given its maximization of internal validity. The “most similar systems design” refers to Mill’s “indirect method of difference”: to observe two systems *-or processes-* that are similar yet experience different outcomes and discern the key differences in those systems that help explain the different outcomes (Rihoux & Ragin, 2008). The dependent variable in this project is incivility, the Oregon legislature is perceived by lobbyists as having become increasingly uncivil (CI: -0.47). The Washington State legislature is perceived as commendably civil (CI: .46) (Schreckhise et al., 2023). The two state Houses are similar in terms of: their moralistic political culture in the classifications developed by Elazar (see Benjamin et al., 2021) and high polarization scores (see Shor, 2015). Democrats have controlled the WA State legislature uninterrupted since 2002, and the Oregon legislature since 2007, and both states have a history of keenly liberal policy directions regarding abortion, cannabis, and minimum wages since. These two states possess hybrid legislatures: they do not work full-time but the time they work and pay they receive exceed those of truly part-time legislatures like in Idaho (Full- and Part-..., 2021). Both have large urban populations, term limits (State Constitutional and..., 2022), and income inequality below the U.S. average, per Gini coefficient estimates by the U.S. Census Bureau (Gini..., 2024).

Fenno's (1973) classification of committees (influence-oriented, re-election-oriented, and policy-oriented) was the guiding metric for committee selection, prioritizing comparability across states. Similar policy domains were also a criteria. The hallmark influence committees (ICs) are those that control the funds for programs and services, thus the WA State House Appropriations committee and the Oregon House Revenue committee were selected. Policy committees (PCs) focus on specific problems that impact most of the population, and convene a multitude of interests. Partisanship and ideology are also more likely to motivate participation in PCs than in the other committee types. Both states have housing and homelessness committees that fit this category. Re-election committees (RCs) contend with the interests of specific clientele groups. The two committees that best fit this description while remaining comparable in terms of policy domain are the committees on gambling/substances. These two interact with similar clientele groups (Native American reservations, casinos, controlled substances, and substance regulation) in the way Fenno's described the Federal government's relationship with parks (via the Interior committee) and the Post Office. By comparing committees across states that are as similar as possible in terms of their goals, constraints, and policy domains, I hope to (a) identify if committee types affect conflict, and (b) whether the state legislatures have any significantly different rules that explain the state's civility index score.

Data

To (a) dissect a grounded definition of incivility, (b) explore the applicability of Fenno's framework at the state level, while (c) allowing for any novel themes to emerge, interviews were performed with legislators in these committees, as well as a handful of staff in one of the states. Though most of the codes were designed a-priori, semi-structured interviews were flexible enough to allow participants to describe as much context as they saw necessary. Eighteen

interviews were recorded, transcribed with codenames, and then coded using Fenno's key concepts to locate and describe incivility. The following section first summarizes elite perspectives on legislative incivility, followed by descriptions of how the different types of committees experience incivility, and final thoughts on why committees in the same categories experienced episodes of incivility and others didn't.

Table 2. Interview Distribution

Committee Type	Washington	Oregon	Type Total
Influence	4	2	6
Policy	2	3	5
Re-election	3	4	7
State Total	9	9	18

Results

Conceptualizing Incivility

Incivility was consistently identified as behavior that would disrupt procedures, achievable in a handful of ways. Participants unanimously brought up “impugning” as the hallmark decorum violation, referring to personal attacking or questioning an individual's motives, capacity, or character. Despite both legislatures having rules against even addressing other members in their remarks, it was mentioned as the hallmark, yet least-common disruption:

For us, incivility is really breaking the decorum rules. We only address the speaker from the House floor. We don't ever mention other members by names on the House floor. If you're gaveled, arguing with the speaker would be uncivil. But really that is there to protect from [...] the arguing and the name-calling. So that's usually where it rises to. There's some interpersonal conflicts where people will go and yell at each other. It's usually not in a formal area. It's like off to the sides. Like the example that comes to mind for me: something happened on the floor and it upset the chair of a committee. And that member came over and started literally yelling at my floor leader which prompted me to get up [...] and go

over and be like “What the hell is the problem here? You need to calm down!”. That was probably the worst of it where we would yell at each other and it's very rare. It's never in public. Usually, it's pulled off to the side and by “yell” I mean just loudly arguing. It's very rare to have a screaming match.

Participants organically agreed that House speakers and chairs could be perceived as “uncivil” to the extent that they (a) discourage participation or (b) arbitrarily enforced rules:

The most recognizable forms of incivility I've seen is when a chair doesn't like, or worries about the line of questioning that somebody is going down and tries to stop it, or curtail it, or interject. That's one. Another one example of incivility is -in my opinion- is when, let's say a Republican makes a point, and the chair comes behind and will either put that down, or make some sort of snide post remark to rebut that claim. To me, that's uncivil and it's very [rare] when it comes to the House floor.

The third theme was interrupting others, described as lengthy, out-of-turn, often inflammatory statements. Even questions could be used to that same effect:

Interrupting, being in that back-and-forth, continually interrupting somebody in discussion I think can escalate pretty quickly.

It's not that we argue out in the public sphere. The arguments are made two different ways. If we're asking a question, the argument is placed in a question. So it has to be “who, what, how, & where”. It can't be, “I think this is this...” ideological whatever. But you can place the question strategically occasionally.

Other indicators like eyerolling, gestures, or not paying attention when someone is speaking were also mentioned but in passing. One major theme emerged in all conversations: representatives pointed out differences between *spontaneous* outbursts, and premeditated, *strategic* norm breaking. **Spontaneous incivility** was reported in the house and in committee hearings, described as brief, and exceedingly rare. Importantly, this type of incivility happens mostly out of public view. The triggers for spontaneous incivility were also different across

committee types, but similar within committee types because of the constraints each committee type faces. On the other hand, **strategic incivility** was described as widespread, performative, and most common in the house floor. While committee hearings are recorded, they are generally regarded as procedural and uninteresting for the public. The house floor is deemed a more adequate place to (a) get press attention, and (b) appeal to one's base, especially one's online following

I was in a committee with one of the members [from the other party]. Worked with them frequently, had a good relationship with them. Literally went from lunch in the House, to the floor where they stood up and [...] said awful things about "the chair", not naming me [but] said some terrible things on the floor in his remonstrances. And then I was like, "What is that about?" He's like, "you got to do the things for the politics, for your base". So it's much more of a performance area than where the real work is done and it's almost like we all get a pass for doing the things that you got to do to stay in office, to play to your base or whatever. And then you can be more reasonable when you work together. They were saying it so that it would all go on social media, and they were going to "at [@] me". And I was like, "this is bold... bizarre..." but it's all part of the game.

As proposed in Table 3, how public an interaction is and the type of rapport legislators had were consistent dimensions that explained what kinds of incivility were likely. "Public" specifically means how visible and "shareable" aspect of the venue or interaction, like floor speeches, committee recordings, or social media. Private venues include individual conversations, work groups, or caucus meetings. "Rapport" refers to whether legislators had developed some relationship and understood each other as individuals, rather than as mere partisan rivals. Interactions where legislators did not know each other as individuals were described as pure, partisan politicking, much more prone to all forms of incivility. For example, legislators found opportunities to get to know each other well while collaborating in work-groups, doing research on technical, politically boring topics. When committee chairs consulted

opposition members while setting the agenda, the ensuing conversation would cover their values, needs, their home towns, and the pressures constraining their decisions. As legislators had more of these interactions, they described feeling enabled to work together on divisive issues. The weight of personal interactions and being able to develop individual relationships -even if within the context of “work”- was prominent all throughout the interviews.

Table 3. How Venues and Rapport Impact Incivility

		Public Venue	Private Venue
Rapport	Relational	Unnecessary or performative	Spontaneous
	Political	Both forms of incivility	Rampant Spontaneous Incivility
	Impact	Agenda/time, productivity, controversial bills, constituents	Relationships, in-group/caucus cohesion, goals

Importantly, whether a venue is public or private determines the impact that an uncivil episode will have. Public displays of incivility were unanimously described as being appeals to the voter base, or as strategic ways of stalling for time, undermining credibility of political actors, or undermining controversial bills. Private episodes of incivility, like arguments in large caucus meetings, seem to impact the party’s ability to set shared goals, and relationships among individuals. The more experienced representatives commented that the loss of shared common areas, and the few opportunities to develop weak (but collaborative) ties is a shame. The loss of such common areas and opportunities was a research question in its own right, so the remainder of this paper focuses on committees.

Policy Committees

In order of priority, PC members reported feeling constrained by time, lobbyists, pressure from the governor’s office, as well as the House Speaker. Many representatives expressed interest in joining due to some personal interest in housing and homelessness. Representatives

placed in housing committee despite not having an interest in the subject area were “voluntold” because they had a hand in some achievement in another policy committee. Regardless, most Representatives in these committees were indeed the type to focus on policy details, were concerned with productivity, and had particular policy goals. This resembles Fenno’s (1973) observations perfectly well.

Keeping in mind that sessions in both the WA and OR legislatures are shorter than for professional legislatures, time, and urgency on the agenda were precious resources. Hearing time allocated to interest groups and lobbyists, and the time dedicated to member negotiations were also perceived as insufficient. What precious time was available was spent scrutinizing lobbyist data and credibility. The fact that leadership priorities were so dominant over the agendas fostered frustration among Republican members, minorities in both legislatures. They could focus on polishing the incoming Democrat priorities into something workable and getting opposition voices into hearings. Partisan concerns were aimed at lobbyists and advocacy groups, rarely between members. Representatives consistently mentioned that legislators listened to public testimony with the goal of tallying-up like-minded talking-points, and scrutinizing countervailing arguments. Bill details and support would be negotiated between legislators with that information. Public testimony in PCs may shed light on unforeseen details, but is unlikely to persuade representatives away from their preconceived preferences.

Because of these features, the few episodes of incivility in these committees were unanimously described as between the dais and those presenting (outsiders providing information during hearings). At times, hearing testimony devolved into attacks and shouting directed at all committee members, attributed to the rare constituent who attended a hearing without full knowledge (or concern for) decorum rules. At other times, the members would

interrupt or outright yell at presenters. This was more common with professional lobbyists in particular. Most descriptions of incivility in PCs were described as spontaneous, *and definitely not between members* but between dais and witnesses.

Time limitations discouraged members from being strategically uncivil while the committee discussed controversial bills. Strategic incivility in a PC risks either (a) delaying or disqualifying upcoming bills on the agenda, potentially harming the representative's own campaign promises. Or (b) not allowing party members to reach agenda items they prioritized, thus harming the caucus.

Influence Committees

ICs reported contrasting experiences. Their constraints -also in order of priority- were the party caucus, broad references to party leadership, agency budget requests, and constituents. Where PCs focus on problem definition and ideological selection of data, IC members were the only ones to directly refer to their constituents as constraint that is critical to both the committee's and the legislator's success. One participant summarized what all the others agreed with: "*A budget is a reflection of our values as a state*". As Fenno's framework suggests, IC members seek to influence state budgets as well as require bills to pass multiple screening processes:

Nobody wants to sit there on those long, long hearings on Saturdays and for a whole week when everybody else has a whole week off and then you're sitting in [committee]. But I've found it to be very useful because there's so much that comes at you so fast and you get two shots at the bills that cost things. So you get to hear it in [IC], you get to debate it in caucus, you get to make decisions on how you feel about that policy, and then you get it on the floor of the House when it passes and you get another shot at it. Like, "oh, yeah, I remember that policy".

The key condition for incivility in ICs is influence over the state's priorities. If a polarizing, controversial bill is referred to an IC from any other committee, bill supporters

reported being more amenable to amendments. Those against the bill had to consider whether the bill was worth slowing down the agenda, and taking away time and resources from other efforts. Participants reported minimal instances of incivility between the dais and witnesses, the few that happened were demonstrations or purposeful disruptions. IC members reported that what little conflict they remembered in these types of committees was about setting the agenda and the budget allocations, i.e. between members. Most agreed that this rarely resulted in outright incivility because: (a) chairs were often willing to concede a few agenda items. (b) The minority understand that this discretion is legal and legitimate. By far, most episodes of incivility resulting from IC work happened spontaneously in caucus meetings. There is more incivility within caucuses about state priorities than there is between IC members of different parties.

Re-election Committees

State RCs are characterized by an agenda that focuses on specific, well-organized clientele groups that require state oversight or support. Chief examples are alcohol/liquor license-holders and distributors, the cannabis industry, casinos and tribes. The second constraint are the few agencies that implement those policies, like the Washington State Liquor and Cannabis Board or the Oregon State Lottery Commission. Fenno (1973) originally described member goals as inclined to ensure enough “pork” for these clientele groups. Congressmen interested in those committees were usually interested in them because of district interests, where a representative from a district with federal-owned land would see an incentive to be on such a committee. At the state level, the committee-clientele relationship is chiefly about calibrating regulation. Most RC members mentioned being sorted into these committees despite having different preferences, and some despite never feeling affected by those groups. The main goal of RCs is to “balance out interests”, so that the state does not significantly harm one client in favor

of another, or allow activity that would harm the population. Therefore, RCs will be categorized as “regulatory committees”, though they behave much like Fenno’s initial conception of RCs.

These committees receive significantly fewer bills than the other two, meaning more time to hear from clientele groups, develop work groups, and negotiate amongst each other. Unlike PCs, they hear from the same entities and coalitions. Most bills are highly technical (i.e., new slot machine equipment, cannabis growth techniques, alcohol distribution center requirements), in a way that neutralizes the opportunity for polarizing partisanship. Rarely does a hot-button topic land in this committee. New RC members arrive with no ideological cues to follow, and tenured members tend to have a detailed, technical understanding of needs and actors. Participants reported very few episodes of incivility, but -unlike the previous two- spontaneous incivility can happen between members and between the dais and presenters under different conditions.

Between-member incivility tends to happen when members do not agree on what the role of the state should be in relation to the clientele groups. When new technologies in regulated industries emerge (e.g., vaping or kratom), the technical nature of the problem and the lack of partisan cues force members to contend with each other individually. “Controversial” bills in these committees (cannabis growth permits and policing) broach uniquely wicked legal niches. Despite receiving few bills, the interacting legal, economic, technological and societal implications drain member attention.

As rare as member incivility is, dais-witness incivility is even more uncommon. When the issue domain of an established RC is expanded, new clientele groups, lobbyists, technical minutiae, and sometimes partisan interests are introduced. Committee members must then reconsider how existing laws and agencies may need to change, assuage worries of existing

coalitions, build rapport and communication streams with the incoming coalitions. It simultaneously forces a reconsideration of the state's role. In Oregon, online gambling was one such domain challenge. In Washington, the introduction of recreational cannabis entailed major "growing pains" for this committee. Though both changes are far from recent, they are fresh in the minds of veteran-committee-members and of the clientele groups.

What explains the differences reported by lobbyists?

This paper started by identifying civil and uncivil legislatures, according to the state civility index (see Benjamin et al., 2021). Committee chairs and House Speakers were omitted from this chapter, but not from the conversations and the analysis. That is for another chapter. Though that half of the puzzle remains, this institutional look at incivility allows a handful conclusions. (1) Incivility can be both a strategic tool and spontaneous outburst, and both have different effects. (2) Polarizing discourse and incivility are incentivized by the excess of public avenues in which legislators may perform for an audience, when they should be "policymaking". (3) Interpersonal relationships facilitate bipartisan decisions, but the opportunities for representatives to "get to know each other" are fewer for each cohort of new elected officials. (4) Navigating incivility in private spaces, like in caucus meetings, is important for policymaking, and critical for in-group cohesion. Facilitation and building "middle grounds" in these private spaces is often more productive for policymaking than public input. (5) Though House speakers have great influence over each committee's agenda, committee chairs are a vital part of how policy work gets done and the relationships that can be developed. (6) Incivility happens in two distinct directions: between members or between the dais and witnesses. (7) The three types of committees are susceptible to different forms of incivility and inefficiencies.

It is unclear if the state civility index accounts for the spontaneous or strategic intentions of incivility, or if it accounts for public vs private venues. Capturing real spontaneous incivility between parties and within caucuses -however relevant- may not be possible. Whether spontaneous disruptions are more or less common than strategic ones also remains to be quantified. This would require processing years of recordings of House floor proceedings and meeting hearings, but lacking insight about private venues.

So What?

Understanding the types and directions of legislative incivility enables us to rethink legislator training workshops. Workgroups, RCs, and agenda-setting encourage legislators to achieve a common, non-partisan goal: learning. Having shared, common areas that facilitate inter-partisan water-cooler chatter is a low-stakes, private venue where legislators are insulated from the polarized forces that discourage communication. Though current workshops on relationship-building are important, the lack of private, low-stakes venues to do so keeps it impossible to practice any such lessons (see Boatright, 2019 & 2022). With the descriptions in this analysis, and upcoming work on legislative leadership styles, current and future legislators may be better equipped to anticipate and prevent conflict in service of better collaboration.

Admittedly, a disruptive, conflict-oriented style may be one way to create content for one's online following. However, it also seems to be isolating and counter-productive when bills go unsupported by one's own caucus. Importantly, these performances mischaracterize what legislators actually do. Whether this attracts conflict-oriented voters and candidates is also worth researching. Whatever the case, strategic incivility as a personal political brand -facilitated by social media, and broadcast by nationalized media- is one incentive that requires curtailing.

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