

Divided We Legislate

How Party Conflict Shapes Legislative Design

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Though research on elite party conflict has long emphasized its effect on legislative productivity and outcomes, little attention has been paid to how these dynamics shape the *design* of legislation itself. We investigate how partisan conflict relates to two key dimensions of legislative design: *versatility*, the breadth of provisions; and *precision*, their clarity and specificity. Using the full text of all 44,346 public laws enacted by the U.S. Congress from 1873 to 2025 (43rd–118th Congresses), we combine original sentence-level measures of legislative design derived from large language models with a measure of partisan conflict in congressional speech. Partisan conflict is associated with more precise legislation, an association that has strengthened in the modern era. That pattern reverses where passage has most at stake: among must-pass laws, and in the contested domains of omnibus legislation, higher conflict accompanies vaguer and more narrowly drawn provisions. Partisan conflict therefore structures not only *whether* laws pass but *how* they are written, with implications for the distribution of power across the policymaking process.

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Introduction

Across established democracies, legislative branches have come under increasing pressure as a result of rising partisan conflict, fragmentation, and polarization (Emanuele and Marino 2024; Mehlhaff 2024). Yet, despite this pressure, democratic legislatures continue to be extraordinarily productive (Adam et al. 2019). In the U.S., for example, scholars have devoted extensive attention to the consequences of partisan conflict in Congress (McCarty, Poole, and Rosenthal 2006; Theriault 2008) and much of this literature has focused on the (in)ability of Congress to pass laws in the modern era (Binder 1999; Jones 2001). In a recent analysis, Curry and Lee (2025, 184) conclude that “data on the volume of legislation enacted over time do not show that the polarized Congress is paralyzed or inactive. Instead, it enacts as much legislation as it did when levels of polarization were much lower”, and other scholarship finds that Congress continues to find common ground to pass legislation (Craig 2023). This observation constitutes the main puzzle we address in this study: why do we *not* see the gridlock many models of legislative politics would suggest given the divergence of policy preferences and heightened partisan conflict in the legislature? We argue that to answer this question, we need to move beyond coarse indicators of legislative productivity or “significance” (Ansolabehere, Palmer, and Schneer 2018; Baumgartner et al. 2014) and open the black box of what laws contain substantively and how they are designed.

To address this challenge, we conceive of democratic legislation as complex texts that can vary on several dimensions. For instance, laws can: be formulated vaguely or precisely (Endicott 2000); be general or specific (Fon and Parisi 2007); empower or constrain the bureaucracy (Anastasopoulos and Bertelli 2020; Epstein and O’Halloran 1999); address diverse actors, targets, and instruments or be highly targeted in scope (Fernández-i-Marín, Knill, and Steinebach 2021). These aspects provide avenues for legislators to craft legislative compromise. Yet, how these compromises are built in practice and how their substance varies according to different degrees of partisan conflict has not yet been convincingly answered. Does conflict produce more precise laws to bind the other side, or use vague language to conceal differences? Does it bring about broader, more

versatile laws to ensure that all stakeholders are represented? Or, are legislators careful to limit the scope of legislation to ensure it passes, resulting in narrower laws?

To answer these questions, we build on the conceptual approach introduced by Hurka et al. (2025) and argue that the complexity of legislative designs can be broken down into two dimensions, both operationalized through the text of a law: *versatility*, the diversity of subjects, objects, and instruments addressed in the law; and *precision*, the clarity, specificity and detailedness of its legal provisions. The extant literature identifies well-established mechanisms that produce oppositional expectations for each dimension. *Omnibus bundling* (Krutz 2001; Sinclair 2011), the combining of multiple provisions across a variety of domains into a single law, expects that higher party conflict is associated with more versatile legislation. Conversely, *narrowing winset* (Krehbiel 1998; Tsebelis 2002), the reduced scope to pass legislation on a given subject, expects less versatility when party conflict is higher. Along the precision dimension, *strategic ambiguity* (Eisenberg 1984; Stasavage 2004), the deliberate obfuscation through vague language or deferring contentious decisions to the bureaucracy, expects less precise laws when party conflict is higher. Conversely, *statutory constraint* (Epstein and O'Halloran 1999; Huber and Shipan 2002), tightly binding provisions to prevent interpretation or bureaucracy drift, expects that higher levels of party conflict are associated with more precise legislation.

We adjudicate between these mechanisms in the United States, analyzing the full text of all 44,346 laws from the 43rd to 118th congresses (1873–2025), a timespan that includes varying periods of divided and unified government, a decline and resurgence in the level of polarization, and enough legislation to enable us to compare domains cross-sectionally. Methodologically, we leverage advancements in large language models (LLMs) to identify sentence-level properties ($N = 2,801,360$) of legislative design at a previously-infeasible scale. Alongside our LLM-derived measures of legislative design, we identify party conflict using a series of congressional speech classifiers to measure partisan conflict rhetorically.

We adopt a multi-step empirical strategy to identify relationships in these data. First, we estimate panel regressions that identify associations between party conflict and legislative design.

Next, we progressively narrow the identifying variation across a sequence of further designs: an interaction for legislation that has to pass that alters the bundling and coalition-bargaining calculus directly; a within-law analysis of omnibus legislation that exploits cross-domain variation in conflict holding law-level features constant; and an event-study analysis that leverages an institutional shift toward party-controlled procedure.

We identify a consistent positive association between party conflict and the precision of legislation. As partisan conflict increases, legislators draft more tightly defined laws, potentially to limit bureaucratic discretion (statutory constraint). This relationship has strengthened significantly in the modern era. Yet, both among and within important laws that must pass, we find a negative association between precision and party conflict. This suggests that under heightened pressures such as time constraints, legislators write ambiguous laws as a means to hide differences that might otherwise prevent passage (strategic ambiguity). Concerning versatility, provisions are more narrowly drawn in contested domains in omnibus bills, likely to prevent the activation of salient cleavages who might otherwise kill the bill (narrowing winset). Elsewhere we report null results for versatility.

The relationship between these concepts is important across a range of sub-fields. For scholars of elite behavior, it asks how the choices legislators make shift with partisan pressure (Curry 2015; Krutz 2001). In application to party politics, it reveals how partisan conflict relates to legislative form, either by locking in policies through detailed, narrowly defined statutes or by deferring contested choices to the bureaucracy (Cox and McCubbins 2005; Rohde 1991). For scholars of American political institutions, the relationship identifies how Congress influences the executive and judiciary not only through what it delegates, but through the structure of laws other branches implement (Epstein and O'Halloran 1999). Studying how legislation is designed is therefore a question of where, and by whom, policy is set; reflecting and redistributing power across the policymaking process in ways that the literature on partisanship and productivity has largely overlooked.

Conceptualizing Legislative Design

Legislation is the central tool of conflict resolution democracies have at their disposal. Laws adopted in the legislative arena are the main vehicles through which compromises are crafted and the texts of those laws reflect the often painful trade-offs and bargains these compromises are built upon (Gutmann and Thompson 2010). Unsurprisingly, given their centrality for democratic governance, laws have received ample academic attention from various disciplines and have been analyzed through different analytical angles. Yet, scholars of law, legislative politics, and public policy often view the nature of these laws through distinct disciplinary lenses and study the aspects of laws they find most relevant for their specific area.

For example, much research has been devoted to the analysis of delegation patterns in primary legislation, i.e. the extent to which legislation delegates the authority to make downstream rules to the bureaucracy or other third actors (Epstein and O'Halloran 1999; Huber and Shipan 2002; Vannoni, Ash, and Morelli 2021). Public policy scholarship has focused extensively on how targets and instruments are combined in legislation and the policy mixes that result from this (Fernández-i-Marín, Knill, and Steinebach 2021; Howlett 2011). Others are more interested in the way laws are formulated and focus on the frequency of indeterminate legal concepts in legislation (Endicott 2000; Williams 2018). Still others are interested in whether and to what extent laws contain exemptions and conditional provisions (Vannoni 2022). Finally, another line of inquiry has focused on the complexity of legislation and approximated this complexity through textual metrics (Katz and Bommarito II 2014; Hurka et al. 2022). Yet, despite the wealth of research on legislation, the individual strands of this research have largely evolved in isolation from each other and we are still lacking a comprehensive conceptual framework to study legislative design at a more abstract level and from a large-N perspective.

Building on Hurka et al. (2025), we argue that the nature and substance of democratic legislation can be broken down into two complementary analytical dimensions: versatility and precision. *Versatility* relates to the breadth and diversity of the law's substance. Some laws target

individual topics or addressees using a narrow set of policy instruments to accomplish their goals. Others are multi-purpose, span across different policy domains, relate to a broad variety of different actors and combine a multitude of different policy instruments. The versatility of a law is therefore determined by the diversity of the *objects* (topics), *subjects* (addressees) and *instruments* (policy tools) a law features. A law's *precision*, in turn, can vary independently of its versatility. Precise laws use unambiguous legal language, provide tightly specified, mandatory scope conditions for the applicability of legal provisions, and leave little discretion to the bureaucracy. Imprecise laws, in contrast, are built on vague language, broad and permissive exemptions, and significant delegation of rule-making authority to the bureaucracy. The precision of a law is accordingly determined by its degree of *dilution* (vagueness), *derogation* (permissiveness of exemptions) and *delegation* (discretion left to other actors).

Versatility and precision are therefore distinct dimensions along which legislators can design a bill capable of passing. What a design that can pass looks like varies across policy domains and preference configurations. On versatility, agreement is sometimes reached by diversifying policy substance, broadening a law so that more participants find something they value in it, and sometimes by retreating to the lowest common denominator and narrowing its scope. On precision, passage sometimes depends on using vague language, permissive exemptions, and delegation to the bureaucracy; in other cases agreement requires clear language, closely defined exemptions, and minimal delegation. We therefore ask how partisan conflict shapes legislative design along each dimension.

Designing Legislation in the United States

The U.S. is the paradigmatic case for studying how partisan conflict structures legislation. No other consolidated democracy¹ has experienced comparable variation in party conflict, spanning the intense partisanship of the post-Civil War era, the bipartisan coalitions of the mid-twentieth century, and

¹ Given the democratic retrenchment in the second Trump administration, this term may be contested (Nord et al. 2026), our analyses conclude in January 2025. We recognize that prior to the passing of the Civil Rights Act in 1964, most Black Americans were disenfranchised, meaning the country was not a “consolidated democracy” for everyone.

the polarization of the contemporary era (Theriault 2008). The rich theoretical literature linking partisan conflict to legislative productivity in the U.S. (Volden and Wiseman 2014) allows us to test whether the same mechanisms extend to the design of legislation. In addition, comparative literature identifies that other countries reference U.S. legislation (Ramirez-Ruiz and Senninger 2026), meaning that these designs serve as global reference points. In methodological terms, the U.S. is both an extreme case on the independent variable and a most-likely case for the theorized mechanisms as a separated-powers constitution makes drafting choices about scope, precision, and delegation particularly consequential.

The study of U.S. legislative design has been shaped by the distinctive features of the lawmaking process. Separation of powers produces a delegation problem with no direct equivalent in parliamentary systems. Because the legislature and the executive are independently elected and may be controlled by opposing parties, the question of how much discretion a statute grants is inherently politicized (Epstein and O'Halloran 1999; Huber and Shipan 2002). Consequently, legislators design laws to constrain potentially-hostile (current or future) administrations (Moe 1989). Institutional constraints extend beyond legislative-executive relations, where the fragmented committee system, Senate filibuster, and presidential veto all create opportunities for text to be modified, broadened, or diluted as it moves through the legislative process (Sinclair 2011). After legislation passes, the ability of the bureaucracy to interpret vague statutes has been a contentious political issue, requiring the intervention of the Supreme Court (*Chevron v. NRDC* 1984; *Loper Bright v. Raimondo* 2024).

In historical perspective, scholars have traced components of U.S. legislative design from the relatively brief, framework-style statutes of the nineteenth century—with extensive delegation to courts and state governments (Skowronek 1982)—toward the more detailed, programmatic legislation of the New Deal and Great Society eras (Arnold 1979), and more recently, to the massive omnibus packages that characterize contemporary lawmaking (Curry and Lee 2020; Krutz 2001). Yet, these observations have remained largely descriptive rather than systematically identifying how legislative design varies across institutional configurations, time, or policy domains.

How Party Conflict Might Shape Legislative Design

Party conflict is a central feature of the legislative process, altering the incentives, bargaining dynamics, and pathways through which legislation is both passed and implemented (Strøm, Müller, and Bergman 2003). In the U.S., the partisan composition of institutions determines which bills reach the floor, how amendments are managed, and what compromises are necessary to pass legislation (Cox and McCubbins 2005; Smith 2007). Party conflict constrains the policy space where legislation can overcome institutional veto points and thereby determines the range of possible outcomes (Brady and Volden 2006; Krehbiel 1998). In other words, partisan conflict can shape not only the boundaries of this policy space, but also how that space is ultimately filled. We argue that this second effect operates through drafting itself; conflict raises the stakes when legislators make choices about how broadly to draw a law's provisions and how precisely to specify them, so the consequences of conflict appear in the design of legislation. This can have competing implications for the versatility and precision of legislation.

Two mechanisms give opposing expectations for versatility. *Omnibus bundling* predicts that conflict increases the breadth of legislation. When opportunities to legislate are scarce, legislators maximize the policy content of each law that can pass, packaging diverse provisions into broad bills so that each legislator gains something it values in exchange for tolerating provisions it dislikes (Binder 1999; Krutz 2001; Sinclair 2011). Omnibus bundling therefore applies the classic logic of logrolling to legislative provisions. *Narrowing winset* predicts the opposite. As conflict rises the set of policies capable of passing contracts, and broader legislation risks activating cleavages that fracture the coalition a bill needs to pass, so legislators write narrow provisions (Krehbiel 1998; Tsebelis 2002). Instead of exchanging votes or provisions, legislators search for the lowest common denominator.

The same oppositional mechanisms structure our expectations for precision. *Strategic ambiguity* predicts that conflict reduces precision, because specifying provisions is costly when every detail is a potential point of dispute, and uncertainty about future partisan control of implementation discourages both sides from writing precise delegations (Eisenberg 1984; Farhang and Yaver 2016;

Stasavage 2004). Faced with higher conflict, legislators choose between precise statutes that may fail entirely or vague language—including broad exemptions and permissive delegations—that defers disagreement downstream to the bureaucracy and the courts and thereby attracts enough votes to pass. *Statutory constraint* predicts the opposite. Conflict breeds distrust, and neither party is willing to leave interpretation to ideological adversaries, so legislators demand clear and detailed statutes that limit discretionary authority and prevent “bureaucratic drift” (Epstein and O’Halloran 1999; Huber and Shipan 2002; Invernizzi and Ting 2024; McCubbins, Noll, and Weingast 1987). Precise statutory language ensures that legislative intent survives implementation by actors who do not share the enacting coalition’s preferences. These four mechanisms are summarized in Table 1.

Table 1: Mechanisms and Expectations

Mechanism	Expectation
Omnibus Bundling	+ Versatility
Narrowing Winset	– Versatility
Strategic Ambiguity	– Precision
Statutory Constraint	+ Precision

We expect that each mechanism carries a domain-level analogue. Domain party conflict captures the fact that legislative design and party conflict are not uniform across the political agenda, where the intensity of conflict or positional distance may be issue-specific or vary based on the domain (Hooghe and Marks 2018; Otjes and van der Veer 2016). Omnibus bundling expects broader laws in polarized domains, where legislators see fewer future openings to act in that area and bundle when the opportunity arises; narrowing winset expects narrower ones, since the cross-party coalition required to legislate on contested topics constrains what can be included. Strategic ambiguity expects vaguer language in contested domains, where precision motivates the other side to block and imprecision shifts conflict downstream to agencies and courts; statutory constraint expects sharper language, since these domains are exactly where legislators most want to restrict bureaucratic drift and determine how policy is applied.

We pre-registered directional hypotheses following the logic of the omnibus bundling and strategic ambiguity mechanisms (see Appendix J), and tested these against their alternatives

empirically.² Both mechanisms in each pair are theoretically specified, and our empirical contribution is the adjudication between them, not the confirmation of a directional prediction. Table 1 summarizes the mechanisms and their expected effects on legislative design.

Data Construction

We address the empirical gap in the literature by analyzing the design of the 44,346 U.S. Public Laws and Joint Resolutions enacted between 1873 and 2025 (43rd to 118th congresses). The 1873 start point coincides with consolidation of the modern competitive two-party system, after which Democrats and Republicans controlled Congress and the presidency in the recurring patterns of unified and divided government on which our identification strategy depends. This period also represents the extent of available congressional record data (Congressional Record for the 43rd-114th Congresses 2018) and aligns with other research examining similar topics (Chiou and Goplerud 2024).

Building on recent advances in computational text analysis methods, our measurement strategy classifies laws along the dimensions identified by Hurka et al. (2025) using sentence-level indicators (subject, object, instrument, delegation, derogation, dilution) that we aggregate to law-level dimensions (versatility, precision). We therefore advance the field from conceptual typology to empirical measurement at scale. We provide further details in the supplementary material of each step in our workflow, including descriptive statistics (Appendix A), parsing (B), LLM selection (C), prompt (D), validation and aggregation (E), party conflict operationalization (F), domain models (G), control variables (H), robustness checks (I), heterogeneity and extensions (J), pre-registration details (K), and an LLM usage declaration (L).

Using LLMs to Identify Legislative Design

Previous empirical approaches measuring components of legislative design almost-exclusively use rule-based methods such as keyword matching, regular expressions, or dictionary classifiers. These

² We also pre-registered directional hypotheses about divided government, we report null results in Appendix J.

methods rely on the relationship between word patterns and legislative meaning, and may therefore fail to distinguish, for example, between a delegation of rulemaking authority and a cross-reference to an existing delegated power, or between a substantive derogation and a procedural restatement.

Large language models (LLMs) offer a viable alternative to coding political texts, shown to correlate well with expert surveys and votes (Benoit et al. 2026; Heseltine and Clemm von Hohenberg 2024; Le Mens and Gallego 2025). Given examples, “few shot” LLMs outperform supervised machine learning approaches in tasks such as sentiment analysis, document scaling, and topic modeling (Ornstein, Blasingame, and Truscott 2025). Given these advances, we use LLMs to classify legislative design. Identifying the sentence-level indicators requires an understanding of legislative intent rather than pattern matching or token counting that rules-based approaches use.³

We scrape the law PDFs, convert them into structured hierarchical JSON files (Appendix B), and split into sections to prevent context drift (Benoit et al. 2026). We use the LLM to construct “core sentences” (C, D) from the text, a structural component of the legislation that contains a single subject and action. This approach expands previous scholarship using rules-based identification of indicators in this framework, follows the institutional grammar literature (Brandsma et al. 2025; Crawford and Ostrom 1995; Kosti 2024), aligns with methodological best practice of reducing the complexity of text before asking LLMs to classify (Benoit et al. 2026),⁴ and helps address well-known problems of OCR quality in older legislation (Chiou and Goplerud 2024; Clinton and Lapinski 2006). This step produces 2,801,360 core sentences.

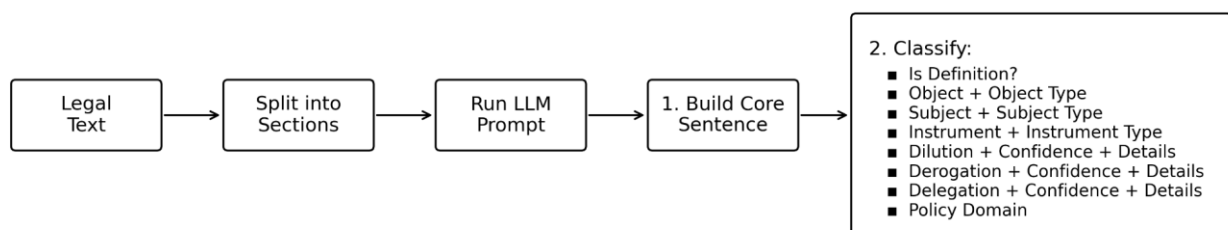
The LLM then classifies each core sentence for the six indicators using a few shot approach with short examples. For the versatility indicators (object, subject, instrument), the model identifies the component and what “type” of object, subject, or instrument it is (Appendix E). For the precision indicators (dilution, derogation, delegation), the model indicates whether the sentence contains the characteristic [0/1], a confidence score, and details (both used for validation only). The model also

³ In the interests of space, we focus solely on our approach to operationalization, for conceptual details see the authors’ original paper; empirical relationship between these dimensions shown in Appendix A.

⁴ Following best practice principles, we validate all classifications against hand-coded benchmarks, report intra- and inter-model agreement rates, and provide our prompts.

provides two further features of the sentence: “is definition”, and “policy domain”. Many sentences in legislative text are simple definitions identifying the meaning of terminology with a distinct form. We therefore ask whether or not the sentence is a definition (0/1), and demonstrate that all results are robust to their exclusion (Table I.11). Given our interest in domain level variation, the model codes the policy domain of the sentence, using the Policy Agendas Project (PAP) (The Policy Agendas Project 2025); with validation of this measure conducted directly with PAP coders (Appendix G). We depict our LLM pipeline visually in Figure 1.

Figure 1: Operationalizing Legislative Design – Data Generation Process



Aggregation

Because we are interested in the design of legislation, we aggregate our sentence-level indicators at the law level to construct the versatility and precision dimensions. For versatility, we calculate Blau indices (Blau 1977) for subjects, objects, and instruments and use the mean. Each Blau index ranges from 0 (all sentences in a single category) to almost 1 (each category unique). For precision, we compute the mean proportion of core sentences containing dilution, derogation, and delegation, inverted so that higher values indicate more precision. Versatility and precision are therefore bounded between 0 and 1 at the law level (details Appendix E; alternative aggregations Appendix I). Consistent with the conceptual framework, which conceives of versatility and precision as distinct dimensions that can vary independently, these dimensions are effectively orthogonal ($r = -0.081$, $r^2 < 0.01$, Appendix A), with variation in one dimension explaining less than one percent of variation in the other.

Selecting which LLM to use was an iterative process (Appendix C). We chose OpenAI’s `gpt-5.2` on the basis of consistency and performance. Of the frontier LLMs we tested, `gpt-5.2` produced the most stable core-sentence counts, consistently within five percent across runs, a critical requirement given that our measures aggregate sentence-level classifications. Manual inspection of the results also suggested that `gpt-5.2` most reliably captured the indicators, aligning with previous scholarship indicating that GPT is a viable model for capturing political text (Heseltine and Clemm von Hohenberg 2024).

To ensure validity, we hand-coded a sample of 500 core sentences for each of the six indicators, with a minimum of two authors coding each sentence (Appendix E). We report human-machine validity (joint accuracy average 0.947, lowest indicator [dilution] 0.862) and inter-coder reliability (average 0.965, lowest indicator [dilution] 0.916). Alongside human validation, we demonstrate reproducibility at a three month interval with the same model (Table E.1), and replicability across a range of frontier LLMs (Table E.2).

Party Conflict

Roll-call measures of party conflict present an obvious endogeneity problem for our research design. Votes are taken on bills, and bills that become laws are the legislation whose design we seek to explain, meaning the measure and outcome are generated by the same process. This problem is compounded by agenda control, where party leaders determine which bills reach the floor, so the set of votes available for scaling is itself a product of partisan strategy (Cox and McCubbins 2005), with control increasing in the modern era (Theriault 2008). Instead, we construct an original measure of party conflict in congressional floor speeches. Unlike voting, speeches are cheap position-taking that legislators control individually (Grimmer 2013; Mayhew 1974). Floor speeches do not directly determine legislative outcomes but are used to communicate identity, signal to constituencies and media, and perform partisan loyalty without the leadership-discipline constraints that bind voting (Maltzman and Sigelman 1996; Theriault 2013). Partisan speech is measurable and distinct from

voting behavior (Gentzkow, Shapiro, and Taddy 2019) and can be measured both across time and between policy domains.

To do so, we downloaded the congressional records for the 43rd to 113th congresses from Stanford’s repository (Congressional Record for the 43rd-114th Congresses 2018). For the five most recent congresses, we used the congressional record scraper (Judd et al. 2017). Because older congresses were scanned from PDFs, they contain OCR errors, and were systematically cleaned (Appendix F). We exclude Extensions of Remarks,⁵ and require a minimum of 100 characters per speech, and ten speeches by a member in a given congress to be included (Appendix F).

Aggregate Party Conflict

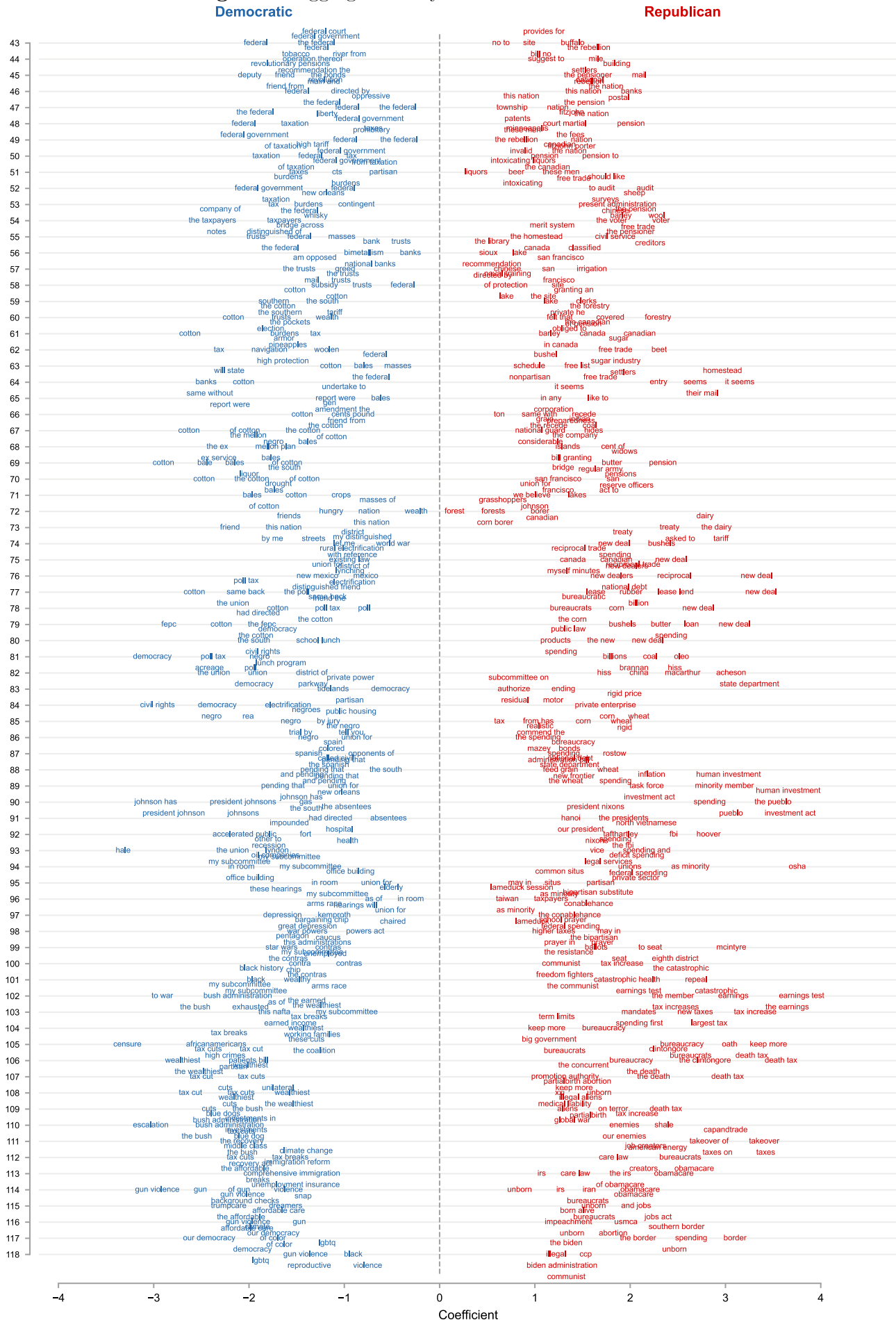
To construct our time-varying measure of party conflict, we measure how readily these classifiers can distinguish Democratic from Republican members based on speech in each two-year congress. We estimate conflict using an L2-regularized logistic (ridge) regression⁶ and build document-feature matrices following our preprocessing steps (Appendix F). Regularization parameters are selected via internal cross-validation across twenty candidate values, then held fixed for all subsequent estimation within that congress. We evaluate classifier performance using repeated stratified ten-fold cross-validation with a 90-10 train-test split, repeated twenty times, producing two hundred held-out folds per congress. On each fold, the classifier is trained on the training partition and its predicted probabilities are evaluated against the true labels on the held-out partition. We construct a separate classifier for each two-year congress (seventy-six classifiers). The classifiers demonstrate high and temporally stable performance across the time series, with an AUC mean of 0.869 and exceeding 0.748 in every congress (Figure F.1), confirming that the partisan signal is reliably extractable from congressional speech across our 152-year period.⁷

⁵ Written insertions into the Congressional Record rather than spoken floor contributions.

⁶ Alternative models, including a Naïve-Bayes approach (Cowburn and Sältzer 2025), shown in Appendix F.

⁷ See Appendix F for further discussion of construct validity.

Figure 2: Aggregate Party Conflict Semantic Validation



Though AUC scores demonstrate the classifiers’ predictive performance, they do not identify which language signals partisanship. Figure 2 therefore presents the words with the largest positive (Republican) and negative (Democratic) classifier coefficients in each congress. Our measure can be said to have semantic validity if these high-weight words align with known party positions and contested policy issues of each period, as Figure 2 confirms.

We operationalize conflict as one minus the log-loss (cross-entropy) of the held-out predictions, which we term *aggregate party conflict*. We prefer this operationalization over classification accuracy because log-loss reflects classifier confidence as opposed to the correctness of the prediction, and because, unlike accuracy, it does not saturate near 1, avoiding ceiling effects that would compress variation at the top of the scale. The point estimate for each congress is the mean across 200 folds, with standard errors computed as the standard deviation divided by the square root of 200.

We prefer our ridge approach over alternative scaling approaches for three reasons. First, unlike unsupervised methods such as Wordfish (Slapin and Proksch 2008), which estimate latent positions from word frequency variation, our supervised approach anchors the classifier to exogenous party labels, ensuring that we measure partisan difference rather than whatever axis of variation happens to dominate. Second, ridge regression produces calibrated predicted probabilities, essential because log-loss is only meaningful as a measure of confidence when probabilities are well calibrated. Third, the L2 penalty distributes coefficient weight across correlated features rather than selecting a sparse subset, appropriate for political text where partisan signal is diffused across a large vocabulary of terms rather than concentrated in a handful of identifying words (Gentzkow, Shapiro, and Taddy 2019).

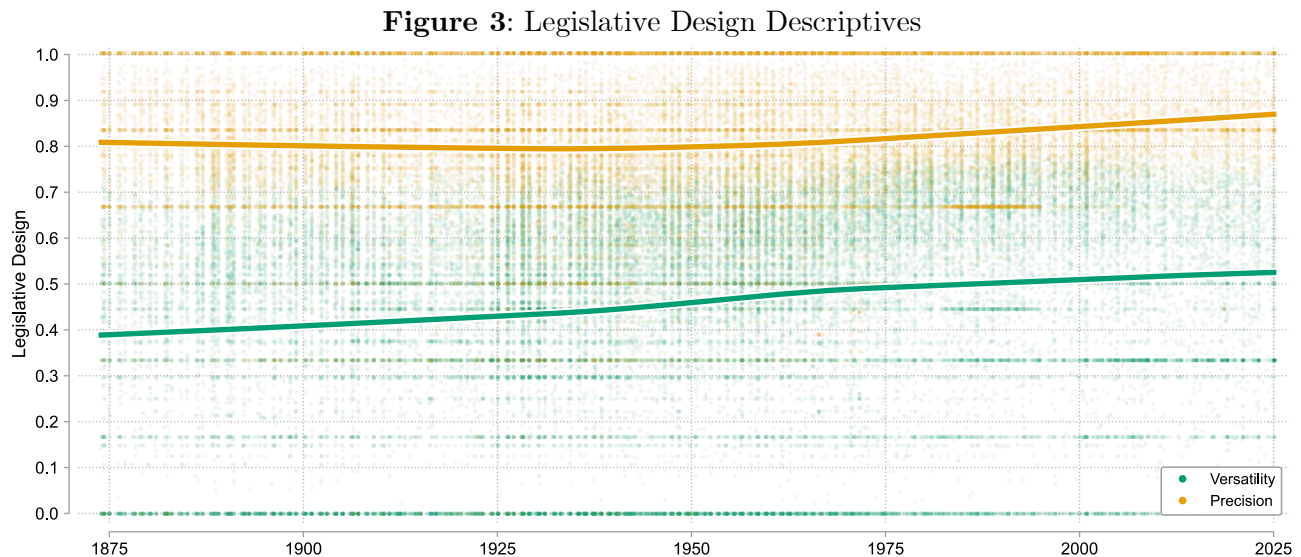
Domain Party Conflict

We identify policy domains in speeches using PAP codes. We follow the periodization in Chiou and Goplerud (2024): Predirect (1873–1914), Postdirect (1915–1946), Textbook (1947–1974), Reform

(1975–1994), and Modern (1995–2025).⁸ We estimate the PAP major policy topic of all speeches using the Babel Machine (Sebők et al. 2025), again validating by working directly with the PAP coders (0.780 accuracy, Appendix G). We operationalize *domain party conflict* in the identical way as aggregate party conflict. Rather than running separate models by congress, we independently scale text from speeches in each domain-period dyad, a total of 100 models. The mean AUC across the 100 domain models is 0.718 (Appendix F, semantic validation also shown).

Descriptive Trends

Figure 3 shows the temporal trends of our legislative design dimensions, with the versatility and precision of each law plotted as a dot and the LOESS of each dimension as a line. For versatility, we observe a small but steady increase across the first hundred years of our analysis, flattening to a much shallower increase in the final fifty years. For precision, we observe a slight decline in the first half of our analysis, with a gradual increase in the second half.

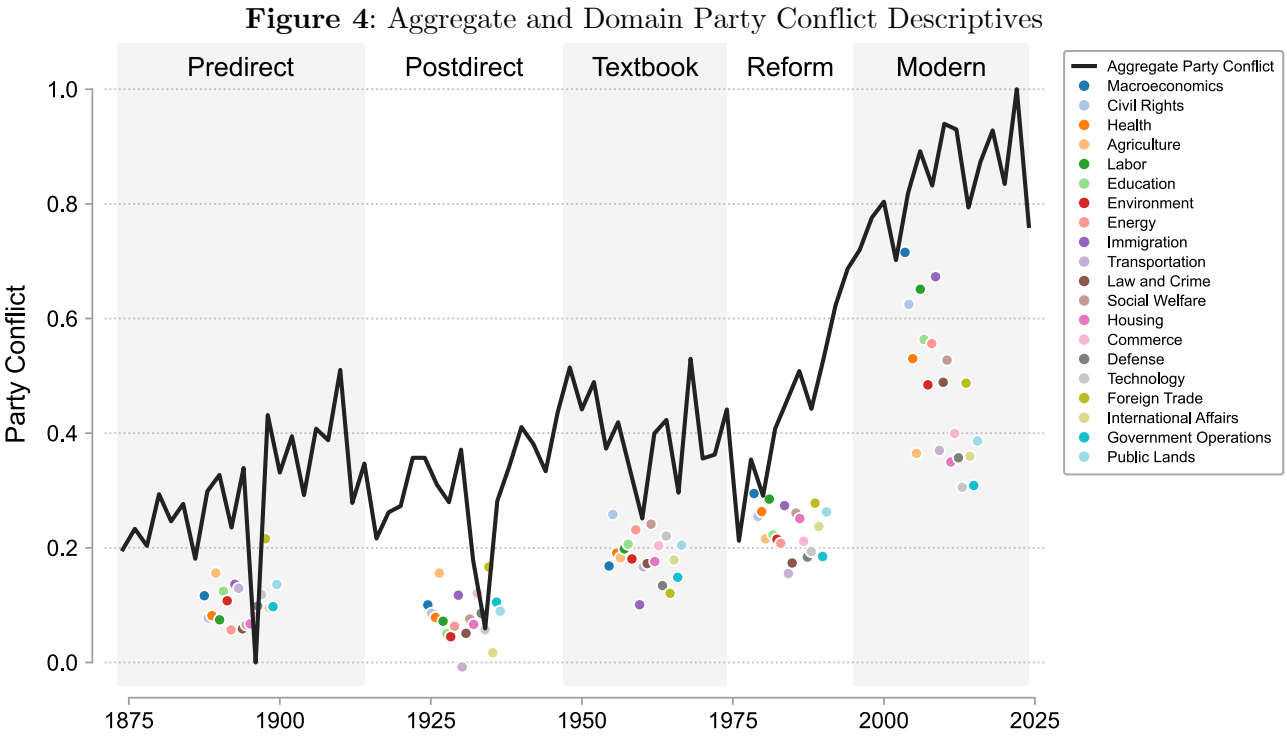


In Figure 4, we plot the descriptive trends of our time-varying independent variables. The aggregate series rises across the period⁹ and the domain estimates track that trajectory. The aggregate is above every domain estimate in every period, a property of the measurement where the aggregate classifier is fitted to all of the speeches in a congress and can separate parties both on what they say

⁸ We also demonstrate the empirical benefit of this periodization in Appendix F.

⁹ Consistent with other classifications of congressional speech (Gentzkow, Shapiro, and Taddy 2019).

within a domain and on the fact that they discuss different domains, making the aggregate an easier classification problem. The domains move closely together until the Modern period and then disperse. Rising aggregate conflict is therefore not a uniform shift, but is accompanied by growing divergence in how contested different policy domains have become.



Analysis

Our analytical strategy maps directly onto the levels-of-analysis differentiation specified in the theory section. The associational tests (Tables 2–3) and must-pass interactions (Table 4) are between-law analyses. The within-law cross-domain analysis (Table 5) holds the law constant, and the event study (Table 6, Figure 5) tests for change at a known institutional inflection point.

All models include the same controls (not shown; operationalization and coefficients in Appendix H); whether a law is an appropriations law, whether it is a joint resolution, a law notability score (Chiou and Goplerud 2024), and a secular time trend. Based on the results of a mediation analysis, we do not control for law length, identified as a downstream channel rather than a confounder (Table I.15). To address concerns about unobserved confounding, we report sensitivity

bounds (Oster 2019) for all coefficients (Table I.16). Given our use of LLMs, we also complete an established reporting checklist (Feuerriegel et al. 2026, Appendix L).

Associational Results

These models provide an overview of the relationships between our independent and dependent variables and establish a baseline for further estimates. For aggregate party conflict, we first estimate OLS regressions with domain fixed effects, presenting our results in Table 2. We see a positive association for the precision dimension only. In a decomposition extension (Table I.26) we demonstrate that the null versatility finding is a product of counteracting omnibus bundling and narrowing winset mechanisms operating simultaneously. We caution against over-interpretation of these descriptive results, which correlates with our time control (0.738), potentially biasing our estimates.¹⁰

Table 2: Aggregate Associational Results

	<i>Versatility</i>	<i>Precision</i>
Aggregate Party Conflict	−0.012 (0.019)	0.072*** (0.015)
N	44,346	44,346
R ²	0.125	0.069
Domain FE	Yes	Yes

Note: OLS regression. Standard errors clustered by congress in parentheses.

* p < 0.10, * p < 0.05, ** p < 0.01, *** p < 0.001.

The domain conflict analysis therefore provides for further identification, empirically disentangling the trend from our time control. Here, we estimate domain-period OLS regressions with congress fixed effects. We present our results in Table 3, observing a slight but non-significant negative association for precision and no relationship for versatility.

Table 3: Domain Associational Results

	<i>Versatility</i>	<i>Precision</i>
Domain Party Conflict	0.169 (0.104)	−0.177* (0.099)
N	44,346	44,346
R ²	0.131	0.050
Congress FE	Yes	Yes

Note: OLS regression. Standard errors clustered by domain-period in parentheses. Domain party conflict assigned via each law’s modal domain. * p < 0.10, * p < 0.05, ** p < 0.01, *** p < 0.001.

¹⁰ Table I.19, I.20, and I.21 for alternative specifications and discussion.

Important Laws

We expect that our associational findings are conditioned by the “importance” of the legislation and therefore pre-registered this analysis as an extension of our main analyses.

Must-Pass and Discretionary Legislation

Must-pass legislation is the set of laws whose failure to enact would trigger immediate institutional consequences, examples include government shutdown, default, expiration of legal authority, or the absence of a required governmental response to an emergency. *Discretionary legislation* is all other laws, whose enactment reflects an affirmative policy choice, including new programs, regulatory reforms, and policy innovations where the alternative to passage is simply the preservation of the status quo (Appendix J). Must-pass legislation differs from discretionary legislation in two ways that directly relate to the mechanisms identified. First, must-pass bills have their policy window set by external constraints (a fiscal deadline, an expiring authorization), altering the bundling calculus and the cleavage-activation problem. Second, must-pass bills typically govern higher-stakes laws (debt ceiling, entitlement renewal), where the demand for coalition bargaining and incentives to restrict bureaucratic drift are highest.

To test this heterogeneity, we built a classifier to identify must-pass legislation [1] and apply it to the titles and first sections of all laws to identify appropriations, continuing resolutions, debt ceiling measures, reconciliation bills, reauthorizations, and emergency legislation; with all remaining public laws classified as discretionary [0] (Appendix J). We therefore estimate specifications in which party conflict, must-pass, and their interaction are entered on the right-hand side to test whether the mechanism depends on must-pass status.

We present these results in Table 4. Here, the precision interaction is negative, indicating that must-pass legislation drafted when aggregate party conflict is high is less precise than its discretionary counterpart. Vague language, permissive exemptions and deference to the bureaucracy therefore help laws that must pass navigate the legislative process. Versatility is negative but non-significant.

Table 4: Must-Pass Interaction

	<i>Versatility</i>	<i>Precision</i>
Must-Pass	0.101*** (0.022)	0.032** (0.010)
Aggregate Party Conflict	-0.014 (0.020)	0.075*** (0.016)
Must-Pass × Aggregate Party Conflict	-0.070 (0.044)	-0.057** (0.018)
N	44,346	44,346
R ²	0.127	0.069
Domain FE	Yes	Yes

Note: Standard errors clustered by congress in parentheses.

* $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Within-Law Cross-Domain Identification

We next exploit within-law variation across the provisions of omnibus legislation. By holding the law constant, this design absorbs all between-law confounders leaving only the cross-domain variation of conflict inside a single bill as the source of identifying variation. Each omnibus law spans multiple policy domains with different levels of party conflict in the same period, so we can test whether provisions covering more-polarized domains differ systematically from provisions in less-polarized domains within the same bill.

To ensure sufficient within-law variation in domain party conflict to estimate law fixed effects, we restrict these analyses to laws containing at least twenty core sentences in each of at least three distinct PAP major policy domains.¹¹ To do so, we aggregate versatility and precision at the domain-law level then regress domain-law versatility and precision on the domain party conflict score, with law fixed effects and standard errors clustered at the law level. Law fixed effects absorb all between-law confounds, including the coalition that passed the statute, the committee that reported it, and the congress in which it was enacted, providing a stronger identification than previous models. Because domain party conflict is measured independently of the laws whose provisions we analyze, our within-law design minimizes the risk that the relationship is driven by reverse causality or shared measurement error.

¹¹ Alternative definitions tested in Table I.12.

Table 5: Omnibus-Only Within-Law Results

	<i>Versatility</i>	<i>Precision</i>
Domain Party Conflict	−0.107*** (0.015)	−0.063*** (0.012)
N	9,097	9,097
Laws	1,997	1,997
R ²	0.521	0.476
Law FE	Yes	Yes

Note: Standard errors clustered at the law level in parentheses. Omnibus laws are defined as 20+ core sentences in three or more domains. * $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$.

Table 5 shows that within-law variation in domain-specific party conflict predicts within-law variation in domain-specific legislative design, in *opposite* directions for our two measures. We confirm that these results are identified by domain-specific party conflict rather than general conflict using a domain-placebo falsification test that replaces each law’s domain party conflict with a score from a domain the law does not touch, reporting placebo coefficients at or near zero (Table I.17). A robustness check (Table I.24) restricts the within-law analysis to the top-quartile of the notability score using a relaxed omnibus definition (10+ core sentences per domain, 2+ domains). Both models retain significance under this alternative “importance” specification, confirming that the mode-of-conflict finding is not an artifact of the omnibus subset.

Event Study

The law-level associations establish basic correlations, the cross-domain regressions identify off within-period variation across policy domains, and the within-law regressions identify off cross-domain variation in a single omnibus statute. Each absorbs a different set of confounders, but secular shifts in the procedural environment may affect both party conflict and design choices. We address this concern with an event study around the career progression of Newt Gingrich. Doing so gives additional leverage over the secular time trend by testing whether we can detect a change in the relationship between party conflict and legislative design (slope) and in the absolute levels of our legislative design variables.

The 101st Congress marks an institutional turning point. Gingrich’s election as Minority Whip in March 1989 placed a reactionary faction of the House Republican Party in formal leadership for the first time (Cowburn and Theriault 2025; Theriault 2003), and the ethics complaint he pursued

against Jim Wright forced the first resignation of a Speaker three months later. The Budget Enforcement Act of 1990 then imposed pay-as-you-go budget requirements and discretionary spending caps, bearing directly on legislative design as offset requirements and caps change how much discretion Congress delegates and how precisely it writes spending authority. Empirically, we assess the choice of break formally with an Andrews (1993) sup-Wald structural-break search across the post-WWII corpus (Figure I.5, Table I.25), the 101st Congress is the data-driven maximum.

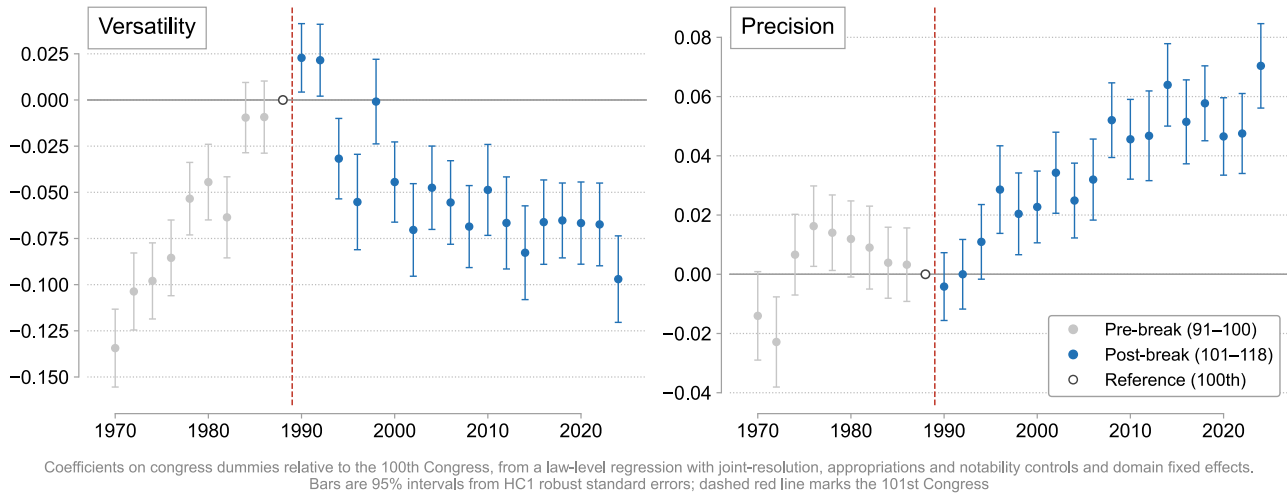
We estimate this relationship using laws enacted in the ten congresses before and all congresses since the 101st (91st–118th congresses, 13,803 laws). For each model, we fit interactions on the measure $\times$ post (101st congress or later). The time trend removes secular change so the pre slope (conflict coefficient), post slope (conflict plus the conflict-by-post interaction), and their difference are net of trend. Because conflict is measured at the congress level, we report wild cluster bootstrap p-values for the difference. The slope-break test is reported in Table 6, with Figure 5 showing the change in the *levels* of legislative design, plotting the coefficients on congress dummies relative to the 100th Congress with controls and domain fixed effects.

Table 6: Event Study (Slope)

	<i>Versatility</i>	<i>Precision</i>
Pre slope (91–100)	0.046 ⁺ (0.023)	−0.020 ^{**} (0.006)
Post slope (101–118)	−0.058 [*] (0.025)	0.004 (0.005)
Difference (post − pre)	−0.104 [*] (0.025)	0.023 ^{**} (0.006)
N (laws)	13,803	13,803
Congress clusters	28	28
Domain FE	Yes	Yes

Note: Law-level pooled OLS on public laws in congresses 91–118, party conflict is standardized so slopes are per standard deviation. Standard errors clustered by congress in parentheses. Significance stars on the difference use a wild cluster bootstrap (Rademacher weights, null imposed, B = 1,999) which conventional cluster-robust errors would understate. ⁺ p < 0.10, ^{*} p < 0.05, ^{**} p < 0.01, ^{***} p < 0.001.

Figure 5: Event Study (Levels)



As shown in Table 6, higher party conflict is associated with lower precision before the break and, more weakly, with greater versatility. Afterwards, both associations reverse. The negative precision association disappears, and versatility turns significantly negative. Party conflict ceases to be associated with broader, less precisely drafted statutes and becomes associated with narrower ones, indicating a change in posture toward the executive alongside a narrowing of the substantive breadth of legislation once Newt Gingrich becomes minority whip.

Figure 5 shows that the two outcomes shift with a delay. In absolute levels, versatility peaks in the 101st Congress, having risen steadily across the preceding decade. After the 102nd Congress, versatility declined. Precision rises consistently from the 104th Congress onwards. The 104th Congress was the first with Gingrich as speaker following the 1994 midterms, with the Contract with America serving as a mechanism for party cohesion, and an expanded use of restrictive special rules from the Rules Committee. Though the relationship between party conflict and legislative design changes once Gingrich holds formal leadership (minority whip), the change in absolute levels emerges only when his party wins the majority and he assumes the speakership, with the agenda-setting powers that accompany it. Taken together, these results are consistent with a shift in how Congress writes law when party conflict is highest, with narrower laws that bind implementation precisely to statutory text.

Discussion & Conclusion

Party conflict shapes how legislation is written. Our analyses demonstrate that the logic that connects party conflict to legislative design varies by the importance of the law. In the aggregate, party conflict leads legislators to craft more precise statutes which bind the other side through clear language, tightly specified exemptions and little bureaucratic discretion. This is underlined by our finding that conflict is significantly more associated with precision after Newt Gingrich became minority whip. When salience and time-pressure increase, however, legislators find it expedient to use less-precisely-worded statutes to facilitate the passage of the law. Specifically, among must-pass laws and in the contested domains of omnibus legislation, party conflict aligns with vaguer provisions, potentially allowing legislators to obfuscate differences that would otherwise prevent agreement and passage. Those same contested domains are also drawn more narrowly to avoiding activating cleavages that could sink a bill. Outside them, versatility is unrelated to conflict.

How legislation is designed has major implications for the distribution of power across the policymaking process. Imprecise laws shift the locus of power downstream to the agencies and courts that interpret them, increasing the risk of “regulatory capture” by organized interests (Carpenter and Moss 2013). The increasing precision of laws may therefore represent Congress attempting to increase its power against a backdrop of (a perceived) weakening of the first branch of government in the modern period. Since *Loper Bright Enterprises v. Raimondo* (2024) overturned *Chevron* deference (*Chevron v. NRDC* 1984), courts no longer defer to agency interpretations of ambiguous language, making the precision of legislative text more consequential because ambiguity now invites litigation rather than administrative resolution. Our evidence of increased precision in the modern era suggests that Congress retains the capacity to shape inter-branch disputes through statutory text, consistent with scholarship suggesting that Congress continues to function (Craig 2023). Reforms aimed at reducing partisan conflict—such as non-partisan primaries (see e.g., Cowburn 2024)—rarely consider their effect on legislative design, yet our results suggest that they may produce less precise legislation.

Our results also speak to a long-standing literature on “unorthodox lawmaking” (Sinclair 2011); the displacement of textbook legislative procedure by omnibus packaging, post-committee adjustment, summit negotiation among party leaders, and routine bypassing of standing committees (Bendix 2016; Curry and Lee 2020), often characterized as a procedural response to heightened partisan conflict (Hanson 2014). Our event study result is consistent with this account, suggesting that the institutional changes that consolidated party-leader control over the legislative agenda intensified the design consequences of partisan conflict. Our approach of scaling legislative text therefore complements procedural accounts of unorthodox lawmaking by examining the output, not merely how legislators operate.

Yet, we also caution that, in the U.S., policy outcomes are increasingly the result of extra-legislative processes, with Congress sidelined through direct presidential actions such as Executive Orders (Rudalevige 2010), and a judicial branch willing to grant policymaking power to the executive (Shane 2016). This trend highlights one limitation of our focus on legislative text. A second limitation is that we capture the text of laws as written but not the politics of implementation that follows. A precisely worded statute may be implemented loosely, and a vague one may be given operational definition by agency rulemaking or judicial interpretation. The relationships we identify between partisan conflict and statutory text therefore do not answer how partisan conflict affects policy *outcomes* (Rueß 2026). A third limitation is that our measures cannot identify upstream processes such as bargaining dynamics, committee negotiations, amendments, or conference adjustments through which partisan conflict shapes design choices. Our quantitative study establishes *that* party conflict is associated with legislative design; qualitative research such as process-tracing individual bills through markup, amendment, and conference would better clarify *how*.

Methodologically, this is the first study we are aware of to scale U.S. legislative text computationally at the sentence level across such a long period. Doing so required us to build cleaned, hierarchically-structured, machine-readable versions of every law; a resource we expect to be of great value to the research community. In doing so, we show that LLMs can reliably identify sentence-level characteristics of laws, enabling granular analysis while preserving interpretability at a scale

not previously feasible. Decomposing legislation into core operational sentences and classifying their properties offers a replicable template for establishing what laws actually *do*. For public policy scholars, we empirically categorize how laws are structured using a framework that synthesizes the discretion, instrument, complexity, and drafting literatures. In the party politics literature, we identify a legislative consequence of party conflict beyond a binary of gridlock and action.

These findings suggest that the design of legislation deserves greater attention in the fields of legislative politics and party politics. The mechanisms through which partisan conflict structures the breadth and specificity of legal provisions are likely not unique to the U.S. case. Future comparative research would help determine which dynamics are general and which are specific to the U.S. institutional arrangement. Because the executive controls the legislative agenda, and coalition agreements often structure policy negotiations, parliamentary systems may display different relationships between party conflict and legislative design. Where legislation is the result of multi-level negotiation and compromise, such as in supranational bodies such as the European Union, these mechanisms may also operate differently. Another natural extension would be to merge our design indicators with longitudinal records of legislative survival to test whether design predicts durability (Whyman 2016).

Our findings reframe the consequences of partisan conflict for legislative outcomes. A question in the study of legislative politics has been *whether* legislation is produced when institutions are polarized. We show that conflict is also associated with *how* legislation is designed, structuring the breadth of laws and the precision with which actors responsible for implementation are constrained. Party conflict therefore relates not only to the *amount* of governance but also its *form*.

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