

Ruling by Statute

How Uncertainty and Vote Buying Shape Lawmaking

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VOTE BUYING SHAPE LAWMAKING

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3	11	19	27	35	43	51	59	67	75
4	12	20	28	36	44	52	60	69	76
5	13	21	29	37	45	53	61	69	77
6	14	22	30	38	46	54	62	70	78
7	15	23	31	39	47	55	63	71	79
8	16	24	32	40	48	56	64	72	80

SEBASTIÁN M. SAIEGH

CAMBRIDGE

Motivation

In most contemporary democracies chief executives play a dominant role in the lawmaking process.

They sponsor a significant proportion of bills, and in some countries they even have the monopoly to introduce legislation on important issues.

Given their proposal powers, chief executives should seldom be defeated.

In practice, however, chief executives experience numerous legislative defeats.

Main Argument

- Legislative defeats are associated with situations where legislators' voting behavior cannot be fully predicted.
- The source of the uncertainty is the existence of cross-pressured legislators.
- A government may try to handle the effects of cross-voting with “deep pockets” or “big sticks.”
- But, if the total cost of securing these votes exceeds the value of policy change, it may be better off by conceding defeat.

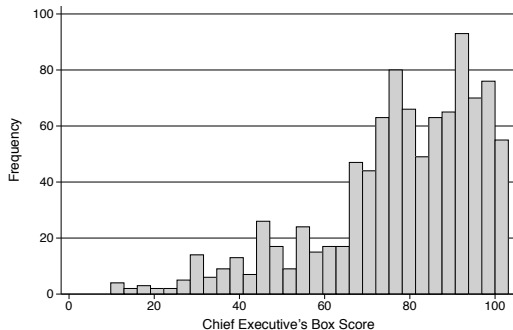
Decisiveness, Bribes, and Voting Coalitions

Vote-buying opportunities depend on the properties of statutes, and the manner in which they are produced.

- Legislation possesses the characteristics of *public goods*.
- The gains (losses) are not confined to those who voted on the winning (losing) side.
- The exception are legislators who can unilaterally change the outcome.

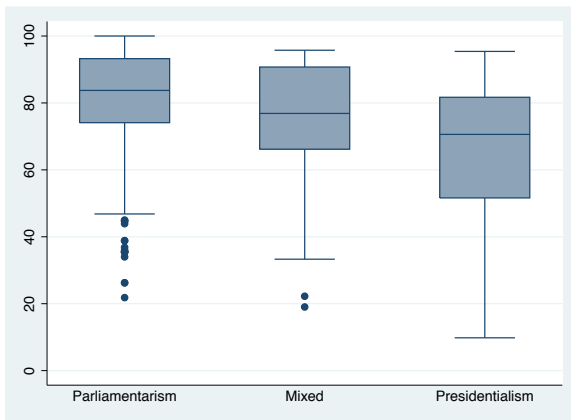
A strategic chief executive should buy enough votes to ensure that no legislator is “decisive” (bribed winning coalitions are either strictly minimal, or they include $(\frac{n+3}{2})$ legislators).

Measuring Chief Executives' Statutory Performance



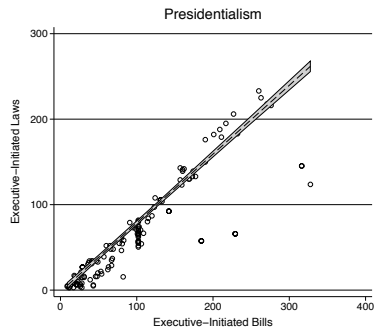
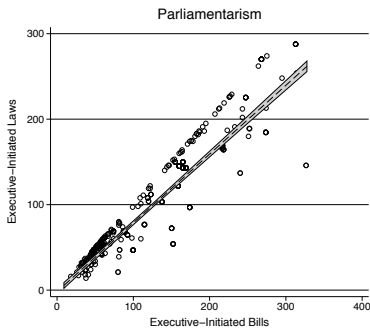
Box Score: the percentage of executive initiatives approved by the legislature (analogous to a batting average)

Empirical Patterns (cont.)



Empirical Patterns (cont.)

Bill Initiation and Statutory Achievements



Legislative Performance: A Sabermetric Approach

Comparative ability of chief executives to rule by statute depends on contextual factors.



- Identify “Overachievers” as well as “Underachievers” . .

Buying Legislators

Records of monetary payments made to members of the legislature in exchange for their support seldom exist.

BUT: England (George III) and Perú (Alberto Fujimori).



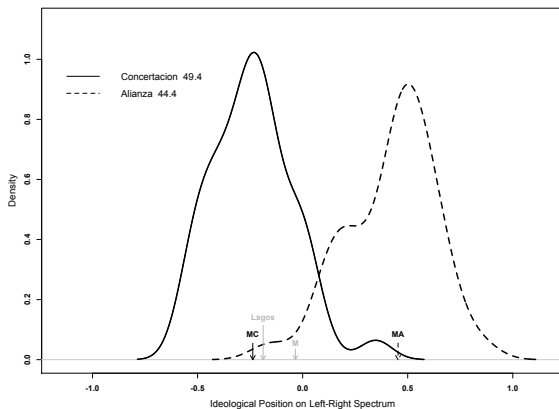
Evidence: (1) bribes not excessively large; (2) winning coalitions not oversized.

Ballot Access and Lawmaking

Governments with institutionalized party systems can employ a variety of institutional tools to obtain party loyalty:

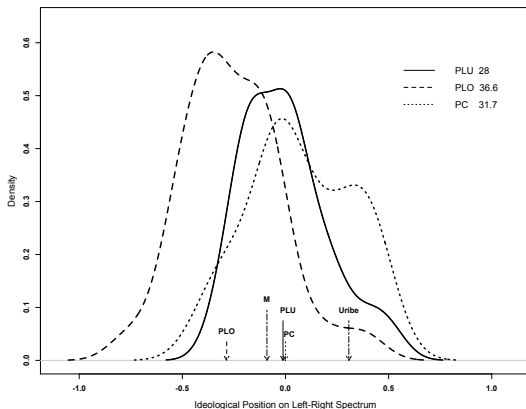
- Party leaders can exert influence on legislators' behaviors by two avenues:
 - (1) the prospect of nomination;
 - (2) ideological screening.

Ballot Access and Lawmaking (cont.)



Ideological Position of Chilean Legislators (2002).

Ballot Access and Lawmaking (cont.)



Ideological Position of Colombian Legislators (2002).

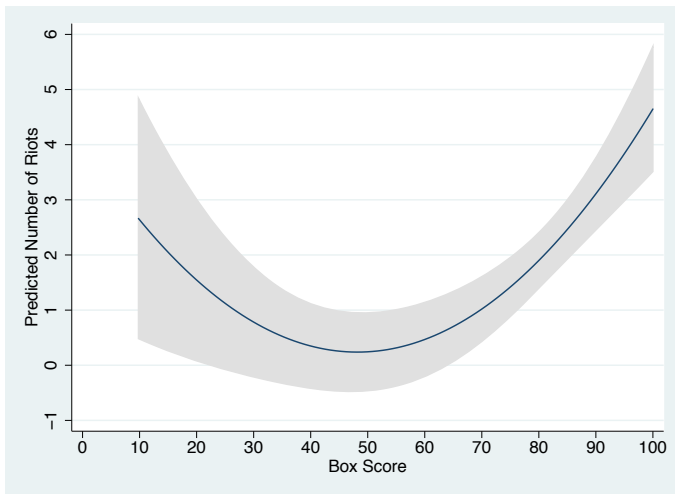
Government Performance and Political Instability

The notorious report to the Trilateral Commission on the “crisis of democracy” linked the notion of governability with the effectiveness of the political system.

- Social conflict and political upheaval can be the product of:
 - (1) government’s incapacity to solve urgent problems; but also
 - (2) unpopular policies.

A non-linear relationship should be observed between a chief executive’s legislative passage rate and social unrest.

Social Turmoil and Passage Rates (Democracies)



The Political Gap

The evidence shows that in terms of *governability*, some intermediate degree of control of the executive by the legislature (i.e. *accountability*) is optimal.

Therefore, as Dahrendorf's sagely put it:

“... A free society does not need a strong government. It may indeed fare better if government is fairly inactive and quiet. But a free society needs an unworried government, and that means one which is effective where necessary and legitimate throughout ...”